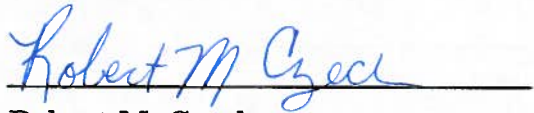


Re: Frank J. Russo

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
SEPTEMBER 17, 2014

A handwritten signature in blue ink that reads "Robert M. Czech". The signature is written in a cursive style and is positioned above a solid horizontal line.

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P. O. Box 312
Trenton, New Jersey 08625-0312

attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 7619-13

AGENCY DKT. NO. 2013-3119

**IN THE MATTER OF
FRANK J. RUSSO,
OCEAN COUNTY, DEPARTMENT OF
BUILDINGS AND GROUNDS.**

James N. Butler, Jr., Esq., for appellant

Robert D. Budesza, Esq., for respondent

Record Closed: May 12, 2014

Decided: August 11, 2014

BEFORE LISA JAMES-BEAVERS, ALJ:

STATEMENT OF THE CASE

Appellant Frank J. Russo (Russo) appeals from a determination of respondent Ocean County Department of Buildings and Grounds (the County) removing him from his position of maintenance repairer on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause, specifically, failure to follow work instructions.

PROCEDURAL HISTORY

On September 15, 2011, Russo was suspended without pay pending the outcome of a criminal charge involving an offense that occurred while he was on duty on County property. On September 19, 2011, Ocean County issued a Preliminary Notice of Disciplinary Action indefinitely suspending him pending criminal charges effective September 16, 2011. On October 7, 2011, the County issued a Final Notice of Disciplinary Action indefinitely suspending Russo from his position on charges of violation of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12),¹ other sufficient cause. On April 15, 2013, Russo was found guilty of theft by unlawful taking or disposition. The County issued a Preliminary Notice of Disciplinary Action on April 16, 2013, removing him from his position effective September 16, 2011. On May 3, 2013, the County issued a Final Notice of Disciplinary Action removing him effective September 16, 2011. The specifications set forth:

Mr. Russo was arrested on September 15, 2011 and charged with a criminal offense which occurred while on duty, and on County property. Mr. Russo was suspended without pay, pending this criminal charge. On April 15, 2011, Mr. Russo was found guilty of theft by unlawful taking for [sic] disposition. Mr. Russo's position provides for a broad level of access to County property and equipment. After careful review of the entire record, I concluded that Mr. Russo's continued presence in the workforce and employment would be contrary to public service.

On May 16, 2013, Russo filed this appeal. Russo's criminal conviction was overturned on appeal.

STIPULATIONS OF FACT

1. Appellant, Frank J. Russo, became a probationary employee in the position of building maintenance worker as of August 21, 2006.

¹ The notices of disciplinary action reference N.J.A.C. 4A:2-2.3(a)(11), other sufficient cause; effective March 5, 2012, former (a)(11) was recodified as (a)(12).

2. On September 18, 2008, the appellant was promoted to maintenance repairer LPL (low pressure license) in the Building and Grounds Department and successfully passed through a ninety-day probationary period and was retained at that level.

3. In his position as maintenance repairer LPL in the Building and Grounds Department, the appellant has access to all areas of County buildings that comprise the courthouse and administrative offices.

4. On or about September 15, 2011, the appellant was charged with taking possession of a camera which was not his own in the Ocean County courthouse on August 27, 2011, and a Preliminary Notice of Disciplinary Action (31-A) dated September 19, 2011, was prepared. Appellant was suspended from work as of September 16, 2011.

TESTIMONY

Detective Peter Glass testified that he was an investigating officer in the Ocean County Sheriff's Office for approximately seven years. In September 2011 he was assigned to the courts division, which provided security in the courthouse. He first became involved with the present matter involving Russo on September 1, 2011. A visitor to the courthouse, April Bolton, reported that her camera had been held by security, and she was returning to the courthouse to pick it up. However, the staff was unable to locate the camera. She had brought it with her to the courthouse on August 27, 2011, but was unable to take it into the courtroom, so security had held it for her, but she left without it. Detective Glass was assigned to investigate what happened to the camera. It had been held at the checkpoint area near a desk that is located by the metal screening apparatus. A visitor to the courthouse who brings something that cannot be taken into the courtroom can either put the item back in their car or have it stored in a box under the security desk. The box is square, and approximately one and

a half foot long on all sides, and six inches deep. The visitor is given a ticket to retrieve the item upon leaving the courthouse.

Detective Glass viewed courthouse security tapes for August 27, 2011, and saw Ms. Bolton come in with her daughter. He saw one of the security officers take Ms. Bolton's camera and place it in the storage area. She had given Detective Glass a description of what she looked like so he was able to find that scene on the video. He and three other officers watched the video from the night of August 27, 2011, and saw Russo remove the camera from the screening area. He recognized Russo, but he did not know his name. He secured the evidence on the DVD from the security camera. (R-3.) He also secured a DVD of Russo walking away carrying the camera bag. Ms. Bolton had described the carrier for her camera as a black camera bag. Detective Glass showed pictures of both the bag and the camera. (R-5; R-6.) After the items were located, Ms. Bolton was able to return to the courthouse and identify them and pick them up. On September 15, 2011, Detective Glass and sheriff's officer Erik Sain went to talk to Russo. They did not tell him why they were interviewing him, but they read him his Miranda rights using the Miranda form. Detective Glass read each sentence and asked if Russo understood and he said, "yes." Detective Glass asked Russo to read them over, and asked again if he understood. Russo initialed next to each of the rights on the form. However, when asked if he was waiving those rights, Russo said he did not understand the word "waive." Russo said, "I know what this is about." Detective Glass asked again if he wanted to waive his rights, and Russo again said he did not understand the word. However, Russo signed the waiver and Detective Glass proceeded with the interview.

Detective Glass introduced himself and said they were doing an investigation. The interview was sound-recorded. (R-7.) Detective Glass played the recording, and on it, Russo said he did not know the meaning of "waiver." Detective Glass asked if he needed an attorney, and Russo said, "no." On the tape, Russo explained that he takes care of boiler rooms, problems in the courthouse, air conditioning, floods and cleaning up messes. He works from Wednesdays to Sundays every week. He mostly works in the Justice Complex between the hours of 7:00 a.m. and 3:30 p.m. Russo recalled

working on Saturday, August 27, 2011. Russo said he recalled going to the screening area at approximately 8:50 a.m. looking for hand sanitizer. Usually it is under the cabinet. There he saw the camera, and he used it to take pictures of his grandchildren. He took pictures outside during a parade, and during a festival on another day. On the tape, Russo said, "I knew it was wrong. I figured it was a lost-and-found thing." He is heard on the tape saying he has a camera at home and did not need it, and kept it downstairs at work. He described the camera as a GE camera with a USB wire with cover and case. Russo said he did not take it home, and said, "It was a mistake." The camera had been in the boiler room since that day. Russo said he never asked anybody if anyone was looking for it. Russo said he had it in a plastic bag downstairs, and he was told it was okay to go get it. It was not under lock or seal. Detective Glass told him that the owner had been calling and he wanted to give it back to her. Russo said that he had forgotten to bring it back upstairs, but that he was going to do so. He did not see a ticket with it. When asked why he was at the security desk for six minutes, he said he was looking for hand sanitizer. He explained that he wanted the hand sanitizer because he did not want to get sick. Russo has had a liver transplant and is afraid of disease. He said he knew that cameras were filming the screening area. He explained how he took pictures of his grandkids outside because his wife had forgotten the camera that day. They were riding bikes around the street. The interview ended with Russo telling the officers to accompany him downstairs and he would give them the camera.

Detective Glass continued testifying that they then escorted Russo to the boiler room. The camera was on top of a filing cabinet in a plastic bag. They opened the bag and found the GE camera inside with a dollar and a USB cord. They issued a summons the same day for theft by unlawful taking, a 2C violation.² Detective Glass took the memory card and had the pictures developed by the criminalistics/investigation unit (CIU). There were twenty-two pictures in all, five of which were entered into evidence. (R-8.) There were no pictures of the Justice Complex. There was one of Russo outside, and one that was taken in a home, in what appears to be a kitchen. Detective Glass testified that Russo's duties do not require him to be in the access area

² N.J.S.A. 2C is the title of the criminal code in the State of New Jersey.

out front in the Justice Complex. As a sheriff's officer, Detective Glass is aware of the secured areas. He noted that there are no heating or air-conditioning units where Russo was. Detective Glass also testified that Russo has universal access to all buildings and courtrooms. Once Russo swiped his card to get into the building, he was able to go anywhere within the courthouse.

Detective Glass continued testifying on cross-examination that he was not working on August 27, 2011, when Hurricane Irene hit. He could not testify to what the weather was that day. He had no knowledge of whether a red ticket was actually given to Ms. Bolton for the purpose of retrieving her camera before she left the courthouse, but Ms. Bolton said she was given a ticket. He agreed that the camera would not fit inside of the box in which visitors' items taken by the security staff are kept. There was a gap between his seeing the tape and his contacting Russo, because he had gone on vacation. Detective Glass did not ask if Russo had a medical condition or if he was on medication. He has asked that question in the past, but did not ask Russo because Russo had been at work, and he assumed that if he was working at the time, he was capable of working. Detective Glass did not know that Russo had liver cancer or lymphoma until much later. Because Russo was working in boiler rooms, he assumed he was not on medication. Detective Glass could not explain the imprint on the pictures indicating that they were taken on March 11, 2011. Detective Glass was also shown the log book that is kept in the boiler room, which showed an entry for August 25, 2011, "borrowed sheriff's camera to take pics of possible damage from storm." (A-2.) Detective Glass did not know anything about the log book in August 2011. The supplemental report indicates that they got the log book on October 20, 2011. Russo was not allowed back in the building after September 15, 2011. Officer Glass added that the value of the camera was approximately \$200.

Keith Goetting testified that he is the director of employee relations for Ocean County. He testified that Russo is a maintenance repairer LPL who possesses a black-seal license to operate large-scale boiler equipment. As such, he has access to all buildings and keys to every lock and every door. He has unfettered access to each building from the basement to the roof. After viewing the video surveillance and the

criminal charge, Goetting immediately brought action to separate Russo from employment. He served a Preliminary Notice of Disciplinary Action proposing removal, but Russo obtained counsel and the disciplinary action was changed to an indefinite suspension pending the outcome of the criminal proceeding. When Russo pled guilty, the County terminated him. The plea was then dismissed, and Russo was placed on an indefinite suspension. Once Russo's plea was dismissed, Russo was tried and then convicted. His attorney then said he was appealing. Goetting prepared the Final Notice of Disciplinary Action. It did not matter whether Russo succeeded on his appeal. Goetting testified that the County cannot have someone work there in whom they have lost confidence serving in such a trusted capacity. Goetting admitted that Russo's evaluations were good. He received all "4s" and "5s." Goetting further testified that there is no discipline for theft other than termination. He explained the neglect-of-duty charge by saying that they do not pay maintenance workers to steal while on duty. He did not identify any conduct or procedural violation in support of the last charge of other sufficient cause.

Frank Russo testified that he has been employed by the County in building maintenance since August 2006. His duties are to take care of four buildings: Administration, Justice Complex, the old courthouse and Building 105. He agreed that he takes care of everything from the basement to the roof. He recalled that August 27, 2011, was the Saturday that Hurricane Irene hit. He generally works from Wednesday to Sunday each week. He is in at 6:45 every morning. He got in at 6:45 a.m. on August 27, 2011. He took his medication before leaving home. Upon his arrival he saw that the back of the boiler room had flooded. Russo explained that waste from the jail comes down and fills the boiler room, and he had to clean it up. Russo said he went to the front of the Justice Complex to get hand sanitizer after cleaning the flood. He uses it on a regular basis because of his immune system's difficulties and the medication that he takes. He usually gets it from behind the desk, but it was not there. He straightened up the drawer while he was there, but he did not find the hand sanitizer. The camera was next to metal detector 1.

Russo explained the procedure that is used when items are held for visitors to the Justice Complex. A ticket system is used, whereby half of the ticket is held with the item and the other half is given to the visitor. Russo said he did not see a ticket on the camera case or on the camera. He thought the camera belonged to the County Sheriff's Office. Russo said that he removed the camera from the area because, during his rounds, if he found a problem, he would get the camera and take a picture of it. He did not find damage after getting the camera that day, so he did not take any pictures. He took a picture when he was walking with the camera, and it said it had no memory. He took it down to the boiler room, where he has his computer and he has memory cards in his computer case. He took his memory card and put it in the camera. He took a shot of the floor, but deleted that picture. There are lockers in the boiler room, but he did not put the camera in a locker. He put it on top of the file cabinet behind his lunch bag. He recalled getting a call from his wife, who said that the people in his town of Brick were being evacuated due to the hurricane. He got ready to go, and wrote in the log book (A-2) that he borrowed the sheriff's camera to take pictures of possible storm damage. He thought he was writing on the right date, but he wrote it on the page for August 25, 2011. After he put the camera up on the file cabinet, he forgot it was up there. He never noticed it. On September 15, 2011, he took his medication before he left for work. He usually takes it again at lunch time. He had just taken his medication when Detective Glass came to him. He never did eat his lunch that day. Detective Glass took him upstairs to a room. He had a folder in his hands, and Russo saw the picture of the camera and said, "Oh crap." He knew there was a picture of the camera. He understood his rights, but he did not understand the word "waiver." It was never explained to him. He testified that he told Detective Glass that he had taken pictures of his grandchildren, but in fact he took no pictures that day, and never went outside of the building with the camera. He was confused, and was thinking about the pictures of him that were on the camera. The pictures were from his memory card. They were not taken on August 27, 2011. With two officers in front of him and being on medication, nothing made sense to him. A day or two later when he told his union representative, the representative suggested that he get the log book. He did not know why he told Detective Glass that he took pictures of his grandkids that day, except that he was on medication and usually eats right after taking the medication, but did not that day.

On cross-examination, Russo testified that he did not note in the log book that he had cleaned up a flood, because it happens all the time. He said he usually brings hand sanitizer to work with him, but did not on the morning in question. He headed to the desk right after cleaning up the flooding. He usually tells the next shift what he did verbally, rather than recording his tasks in the log. He tried to explain the six minutes he was observed at the cabinet in the screening area by saying that he could not find the hand sanitizer, so he straightened up the cabinet and put like things together. He believed it was part of his job requirements. His primary job, though, is to make sure the boilers are working properly. He decided to take the camera because there was no tag on it. Russo believes he is permitted to borrow from the sheriff on the weekends. There is no one to ask for permission to take it. He would not have risked taking it if it had a tag. He made an assumption that the camera belonged to the County. He then said that he took the camera in the morning, made his rounds, and then took the camera to the boiler room. He did not immediately write in the log book that he took the camera. He waited until the end of the day. His writing looks rushed because he was leaving. He never told Detective Glass that he thought the camera belonged to the Sheriff's Office, and he never told Detective Glass that he took it to document damage from the storm. He also never said anything while talking to the officers about medication giving him problems.

Russo clarified that he does not bring hand sanitizer from home, but rather keeps it in the boiler room. Although he previously said he did not have medication on him that morning, he did have it in his pockets. The detective made him empty his pockets and took inventory of everything. He had \$2,880 in his pockets because he was going to the bank that day.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The County charged Russo with: N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause. An appointing authority bears the burden of proving

facts upon which its disciplinary charges are based and must prove facts essential to its charges by the preponderance (greater weight) of the competent and credible evidence. N.J.S.A. 11A:2-6(a)(2), -21; N.J.S.A. 52:14B-10(c); N.J.A.C. 1:1-2.1; N.J.A.C. 4A:2-1.4.

As a threshold evidentiary matter, Russo sought to exclude the statement that he made to Detective Glass that he knew his conduct was wrong on the grounds that it was found to have been illegally obtained when used in his criminal trial. However, the New Jersey Supreme Court refused to extend the exclusionary rule into the administrative arena. Delguidice v. N.J. Racing Comm'n, 100 N.J. 79, 87 (1985). In Delguidice, New Jersey State Police obtained evidence in a “sting” operation against a jockey who appeared willing to lose a race for money. Criminal charges were dismissed against the jockey since the “sting” operation amounted to entrapment. However, the Racing Commission intended to use the evidence to revoke the jockey’s license. The jockey argued that since the evidence was illegally obtained, it could not be used in a subsequent civil proceeding. Additionally, the jockey contended that the Racing Commission and State Police were the same sovereign, thus application of the exclusionary rule was warranted. In finding for the Racing Commission, the Supreme Court of New Jersey acknowledged the “tremendous social cost of excluding the challenged evidence,” and noted that since the police and not the Racing Commission obtained the evidence, the exclusion of the evidence in a regulatory proceeding would have little deterrent effect on future actions of the police department. Id. at 87–89. Accordingly, the exclusionary rule does not apply to administrative proceedings where the evidence illegally obtained in a criminal proceeding is introduced in a subsequent civil proceeding.

The first charge against Russo is “conduct unbecoming a public employee,” which is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)).

It is undisputed that Russo took a camera from the front desk that did not belong to him. It is further undisputed that he neither told anyone that he took the camera, nor returned it before being confronted with the fact that a member of the public that he serves was looking for it. Russo admitted to Detective Glass that he "knew it was wrong" to take the camera. That statement is the most credible one he made. Otherwise, his explanation for his conduct is unworthy of belief. Russo said that he thought it was a "lost-and-found" item and no one would come back for it. This statement strains credulity. Even if it were a lost-and-found item, Russo would have no right to take it. He later said that he thought it belonged to the Sheriff's Office, yet he made no attempt to tell any sheriff's officer that he had it. Russo also said that for the six minutes he was going through the drawer at the front desk, he was straightening it. Again, this explanation lacks credibility, because it was not his job to straighten the drawer. Further, the drawer was not so large that it would take six minutes to straighten it. Russo's statement that there was no tag or ticket on the camera is also suspect, because Russo and Detective Glass testified that it is customary for anyone leaving an item to get a tag, half of which is placed on the item itself. However, only the uncorroborated hearsay reported by the owner of the camera contradicted Russo's statement, and therefore I cannot find as fact that there was a tag or ticket on the camera. N.J.A.C. 1:1-15.5. In addition, Russo testified that he took the camera to document damage in the courthouse, but I **FIND** that Russo took no such pictures of damage in the courthouse while he had the camera in his possession. I further **FIND** that the camera he took remained in his possession for more than two weeks, during which time he wrote in the log book that he had taken the camera, but never revealed his action to any member of the Sheriff's Office. I **FIND** that Russo's conduct in taking a camera that belonged to a member of the public who left it there for safekeeping was conduct that has a tendency to destroy public trust and respect in the delivery of governmental services. As such, I **CONCLUDE** that the County met its burden of proving that Russo engaged in conduct unbecoming a public employee pursuant to N.J.A.C. 4A:2-2.3(a)(6).

According to Goetting, the basis for the neglect-of-duty charge is that maintenance workers are not paid to steal while on duty. One could add that there are no boilers or air-conditioning units by the front desk, where Russo remained for approximately six minutes. Russo testified that he went there looking for hand sanitizer and ended up with a camera. He testified that he spent the six minutes straightening the drawer that held the camera, but other than his testimony, there is no indication that straightening the drawer by the front door is related to his job duties. I **FIND** that Russo had a duty to leave the camera in its place, or, if he used it, to tell the Sheriff's Office that he had taken the camera, and to return the camera.

Russo's job, as he explained, was to take care of boiler rooms, problems in the courthouse, air conditioning, floods and cleaning up messes. His job did not encompass straightening the drawer at the front desk, the contents of which were not visible to the public, in any event. If he had been looking for hand sanitizer, his time at the front desk should have ended when he looked in the drawer and did not see any. It should not have resulted in his taking a camera that did not belong to him. For the foregoing reasons, I **CONCLUDE** that the County proved by a preponderance of the credible evidence in the record that the above-described actions that Russo took and/or failed to take constitute neglect of duty pursuant to N.J.A.C. 4A:2-2.3(a)(7).

There was no testimony as to how Russo violated the "other sufficient cause" charge against him, N.J.A.C. 4A:2-2.3(a)(12). Therefore, I **CONCLUDE** that the County did not meet its burden of proving this charge and it should be dismissed.

PENALTY

Russo stresses that he has been a good employee since 2006. He received mostly "4s" and "5s" on his performance reviews and has one disciplinary action. He received a written reprimand with verbal counseling regarding after-hours building access in July 2011. Russo also seeks a mitigated penalty because he never intended to take the camera home; he just forgot to tell anyone about it. Although progressive discipline is a recognized and accepted principle, judicial decisions have recognized

that progressive discipline is not a necessary consideration when reviewing an agency head's choice of penalty when the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest. In re Herrmann, 192 N.J. 19 (2007) (a Division of Youth and Family Services worker was removed after snapping a lighter in front of a five-year-old child with oxygen tanks present). Russo had a position that gave him unfettered access to the courthouse and three other buildings. He had keys to every room of those buildings, including the judges' chambers. He had access on weekends when no one was present to watch him. Thus, he was in a position of great trust. Russo betrayed that trust by taking a camera that did not belong to him and not revealing that he did so. Russo's conduct has rendered him unsuitable for continuation in the position. Also, given his position of trust in the courthouse, applying progressive discipline would be contrary to the public interest. The County cannot tolerate dishonesty from unsupervised employees. For these reasons, I **CONCLUDE** that the County's penalty of removal was justified.

ORDER

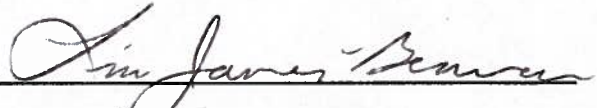
For the foregoing reasons, I **ORDER** that the action of Ocean County removing Russo on the charges of violating N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee, and N.J.A.C. 4A:2-2.3(a)(7), neglect of duty, are **AFFIRMED**. The charge of violating N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, is **DISMISSED**.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

August 11, 2014
DATE


LISA JAMES-BEAVERS, ALJ

Date Received at Agency:

8-11-14

Date Mailed to Parties:

8-11-14

APPENDIX

WITNESSES

For Appellant:

Frank Russo

For Respondent:

Peter Glass

Keith Goetting

EXHIBITS

Joint:

J-1, Exhibit A—Stipulation of Facts with Employee Performance Reviews

J-1, Exhibit B—Disciplinary History of Russo

For Appellant:

A-1 Order granting appeal

A-2 Copy of log book

For Respondent:

R-1 Final Notice of Disciplinary Action dated May 3, 2013

R-2 Arrest Report of Russo dated September 21, 2011

R-3 Surveillance footage on DVD

R-4 Surveillance footage on DVD

R-5 Picture of the camera case

R-6 Picture of the camera

R-7 Audio CD of interview of Russo conducted on September 15, 2011

R-8 Sample of pictures removed from the camera

R-9 Supplemental report of Detective Glass dated September 23, 2011