

INTERVIEW OF JOHN DAVID MONTGOMERY

RM: Ramona Maldonado

JM: John David Montgomery

RM: This is a recorded interview from Telecon area code 863 - 646-9742 on July 3, 2001, at approximately 11:11 a.m. Eastern time. Will you please state your full name, John?

JM: My full name is John David Montgomery.

RM: Can you spell your last name.

JM: M-O-N-T-G-O-M-E-R-Y.

RM: Okay, what about your middle initial again?

JM: D as in David.

RM: Okay, uh, John, are you aware that I am recording this interview?

JM: Yes.

RM: Do I have your permission?

JM: Yes.

RM: Uh, John, let me verify the information that we have from you. Ah, your last name, we had it incorrect, we had it McGomery. It is how the police report had it, so, it is Montgomery, M-O-N-T-G-O-M-E-R-Y?

JM: Yes.

RM: Correct?

JM: Yes.

RM: I have your address as 955 Caldwell, New York, New York 10456.

JM: You want to know if that is correct?

RM: Yes.

JM: No, that is not correct.

RM: Okay, well let's correct the address we have.

JM: It's 955

RM: Uh, hah.

JM: Caldwell. And it's in Bronx, New York.

RM: Bronx, okay, no New York, Bronx, \_\_\_\_\_?

JM: Correct.

RM: Okay, and the zip code is 10456.

JM: Yeah.

RM: Is that correct?

JM: Hm, hmm.

RM: And your home phone number is area code 718-542-5798? Is that correct?

JM: Yes.

RM: And you are a self-employee and you work out of your house?

JM: Yes.

RM: Okay, so this is also your business phone number?

JM: Yes.

RM: And your age is 38? And your date of birth is November 9 of 1962?

JM: Yeah.

RM: Okay, um. Could you provide me with your social security number?

JM: Not at this time.

RM: Okay, or you prefer not to. That is fine. John, did you witness an accident that occurred, give

me just one minute, let me correct your last name. Okay, did you witness an accident that occurred on March 11, 2001 on \_\_\_\_\_ Florida at or near Miami-Dade County?

JM: Yes.

RM: Okay. Do you recall what street that was that the accident happened?

JM: The name of the street?

RM: Hm, hmm.

JM: Ah, no but my cousin lives on that particular block. That is the reason why I was there.

RM: Okay, let me see if it sounds familiar the street location according to the police report. I have Harding Avenue and 79<sup>th</sup> Street. Any of these names sound familiar to you? Harding Avenue or State Road A1A?

JM: State Road A1A.

RM: It sounds familiar?

JM: Yeah.

RM: Okay.

JM: And 79<sup>th</sup> Street.

RM: Okay, and that is where the accident happened on State Road A1A?

JM: I do believe that is what they call that particular street.

RM: Okay. That is also called Harding Avenue.

JM: Oh, okay.

RM: Okay, now on, at what time approximately this accident happen what time, during the day, the night, what time?

JM: It was in the morning cause we just go through eating breakfast. I think it was right before noon if anything that was the latest.

RM: Okay, so it was, it was in the morning. 10:30? 10 in the morning sounds okay?

JM: Ah, yeah, possibly.

RM: Okay. And can you, this, how many vehicles this accident involved? One or two or more than one vehicle?

JM: Uh, the accident itself was one vehicle and one pedestrian.

RM: One vehicle and one pedestrian, okay. Do you recall what kind of vehicle was it?

JM: Ah, BMW.

RM: A BMW. What color?

JM: Black.

RM: Okay. Okay, and, ah, do you recall how does State Road A1A runs? North, south, east or west?

JM: Um, north and south.

RM: North and south. And is that a two-way street or only one way?

JM: Ah, I am on the phone. Ah, and on this particular street that we were on, it is a one way street.

RM: One way street. And do you recall how many lanes that street has?

JM: Um, cars park on both sides of the street.

RM: Uh, huh.

JM: And I do believe it's either two or three.

RM: Two or three lanes?

JM: Right.

RM: Okay, and the car was traveling north or south?

JM: Oh, the car was traveling south.

RM: So, and which of the three lanes?

JM: Um, it started at the right lane and went to the left lane.

RM: Okay.

JM: It was weaving in between traffic.

RM: It was, was that the only car around or were there regular traffic, was other traffic there?

JM: Well, the reason why that particular accident stood out with me is because he cut me off and a bus almost hit me when he cut me off, so that's what got my attention and...

RM: You were, you were traveling on the road. You were driving or you were a passenger?

JM: I was driving.

RM: You were driving another car?

JM: Hm, hmm.

RM: And you said that the car, that well what lane were you in? On the right, center, or left hand lane?

JM: Um, I was in the right hand lane.

RM: The right hand lane. And he cut you off into the right?

JM: Ah, yeah, in between a bus and the curb.

RM: In between a bus and the curb.

JM: Hm, hmm.

RM: Okay, and what you say that the, you have to \_\_\_\_ the bus almost hit you; where was the bus in relationship with you?

JM: It was in the bus stop and it was proceeding out of the bus stop and that's when me and the bus almost collided.

RM: Okay, um, so after he cut you, what happened?

JM: Ah, say that one more time. I didn't hear you.

RM: After he cut you off, what happened? HE continued going in the same lane?

JM: Yeah.

RM: Changed lanes? What happened?

JM: He continued south and he swerved in between two or three other cars and I was like, man, he's driving kind of fast.

RM: Hm, hmm.

JM: For this particular street.

RM: Hm, hmm.

JM: And the next thing I know, I thought he had ran into like a truck or something like that, that was carrying packages or whatever.

RM: Hm, hmm.

JM: I seen packages and looked like clothes or material go up in the air.

RM: Hm, hmm.

JM: And when I got to where this particular incident was at, we found out he had struck a pedestrian.

RM: You actually didn't see the pedestrian? You only saw the things flying out?

JM: Well, because he was in front of me, so I couldn't see the person cause he was in front of the person.

RM: Okay.

JM: He was in front of the person.

RM: Ah, hah.

JM: And then when the person landed on the ground, that's when I realized it was a person.

RM: Okay, and initially when he hit the person, the person was on the right hand lane?

JM: Ah, ho, the person was on the left hand lane. Ah, he hit the person.

RM: Ah, hah.

JM: And she landed on the right hand side of the...

RM: Ah, hah. So the person was crossing the street from the left?

JM: Yes.

RM: From the left of the vehicle so she had crossed how many lanes of the road has she crossed?

JM: Uh,

RM: Had the person crossed ?

JM: To be honest with you, I, she was in the cross walk. She may have been in the first or maybe even in the middle lane, in between the two.

RM: Okay, so the initial impact between the car and the pedestrian occurred at, ah, just entered, at the crosswalk to the intersection?

JM: Yeah.

RM: Okay. And she had a crosswalk?

JM: Yeah.

RM: The pedestrian had a crosswalk?

JM: Yes.

RM: Is there any traffic light, stop signs, or anything there?

JM: No.

RM: Just a pedestrian's crossing?

JM: Yes.

RM: Marked, and uh, hit the pedestrian and what happened after that?

JM: Ah, she went up in the air, and uh, packages, bags, clothes, everything was, it just, it looked like you know, it was like a garbage can, when you run into a garbage can everything just gets thrown up into the air..

RM: Ah, ha.

JM: But you didn't know what it was until it actually landed on the ground. And then, when she

landed on the ground, that's when we realized it was a pedestrian.

RM: Okay. Did the car stop, continue, or hesitate?

JM: Uh,

RM: Or what happened?

JM: He, uh, hesitated and by that time he hesitated, I had caught up with him and then when I realized there was a pedestrian, he took off and I proceeded after him and tried to catch him but the car was too fast and I couldn't keep up with him.

RM: Did you take a tag number or partial tag number or somehow identify the car?

JM: Uh, no I, uh no. The only thing I know was that it was a Series 3 BMW, ah, 3 series or maybe a 5 series, one of the two, but I was under the impression that it was a 3 series.

RM: 3 series or 5 series? I have no idea what you are talking about, about series 3 or 5 series BMW, okay.

JM: Well, you know like BMW makes a 3 series what they call 320, 325.

RM: Okay. I, 500, 300 or 500 okay.

JM: Right.

RM: Glad you can explain that and you follow the BMW for a, for a little while, the vehicle went straight, made a turn, what?

JM: Uh, he went down to, I think it was, ah, two or three blocks down, made a right turn and went one more block, made a left turn and by the time I made the left turn behind him, it was completely gone. I didn't even see him, but it, there was people on the side of the street pointing, telling me that he had went that way, but wasn't no sense of me trying to follow him, if he wasn't in visual sight, I couldn't.

RM: Hm, hmm. So, okay, you followed him for two or three blocks, made a right turn, then one block and made a left turn, and then you lost it?

JM: Right.

RM: Okay. Do you, had you any opportunity to visualize the driver?

JM: Ah, it was a fairly young person. I mean, I know the person was white, but I couldn't tell you

or describe the actual person because I saw the person when we got cut off between the bus but it wasn't like I...

RM: Uh, huh. So you recognize, did, the driver was a fairly young, white male?

JM: Uh, from my recog...yes, from my recognition, yes. I can't say that he was an old person, but no because I remember when I used to drive like that too when I was young so...

RM: Fairly young white male. Do you recall the color of the hair or any, any detail, any other detail?

JM: No, ma'am.

RM: Okay, that is fine. Now, did you return to the scene of the accident?

JM: Yes, I did. That's when I gave the police officer that was on site at the time my information if they needed to know anything or if they had found the car, I could probably identify the car.

RM: Okay, uh, any, what type of day was it? Was it dry, \_\_\_\_\_, or dry? Was it raining? What it was?

JM: It, no, it was a dry, sunny morning.

RM: Ah, hah.

JM: Um, the sun wasn't in my eyes going southbound cause the sun goes from east to west.

RM: Ah, hah.

JM: And the buildings were in between blocking the sunlight so it was, no impaired vision, no raininess, no, you know.

RM: Okay, by the way, you share, unfortunately, you share the same last name with the person that was hit. I have that Mary Montgomery was the pedestrian. Are you related in any way?

JM: No.

RM: Okay.

JM: Not at all.

RM: Okay. I presume you are not related to the driver or the owner of the BMW?

JM: No.

RM: Okay, and you have no idea who this person is?

JM: No, I heard his name being called the next day on the news. That was about it, but I still don't know who he is.

RM: Okay, uh.

JM: That was my first time in Miami, anyways, so

RM: Was there other witnesses for this accident?

JM: The passenger that was with me.

RM: Ah, hah.

JM: I was driving her car so she saw everything also.

RM: Okay, so who is, tell me her name.

JM: Celeste Baker.

RM: Celeste Baker. I don't have her even listed on the police report. Do you mind to give me her, do you have a phone number or an address that I can contact Celeste Baker?

JM: To be honest with you, I don't have my phone book in front of me.

RM: Okay.

JM: And I don't. I have to be honest with you I was just in Miami last week. I went all the way down there and didn't realize it, I didn't have my phone book so I couldn't call her and let her know I was there.

RM: Okay, ah, do you mind later on when, at the first opportunity, you get into your phone book and you find Celeste's phone, you like to provide, call me and provide me with a phone number that I can contact or give her my information that she can contact me?

JM: Okay.

RM: Is there any more, in your honest opinion, who do you think is the cause of this accident?

JM: The driver.

RM: The driver of the car?

JM: Yes.

RM: Do you notice or do you have any idea if there was any alcohol or any drugs involved in this accident?

JM: I have no idea.

RM: Okay. Ah, is there anything other than \_\_\_\_? Do you have any other passenger in the back?

JM: No, just me and her.

RM: Okay. Do you exchange information or comments with any other witness involved in this accident?

JM: No.

RM: Okay, so is there anything you wish to add?

JM: No.

RM: Okay, then we are going to conclude this recorded interview. Have you understood all my questions?

JM: Yes, I have.

RM: Are your answers true and correct to the best of your knowledge?

JM: Yes, they are.

RM: Has this recording been made with your knowledge and consent?

JM: Yes.

RM: Can you state your full name again?

JM: John David Montgomery

RM: This is Ramona Maldonado concluding a recorded interview with the witness John David Montgomery on July 3, 2001 at approximately 7:28, I apologize, at approximately 11:28 eastern time. With your permission, I am going to stop the recording now.

JM: Okay.

RM: Thank you.

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