

TAPED INTERVIEW  
OF  
POLICE OFFICER MARK BIONDOLINO, DSN 4868  
DATED  
MARCH 12, 2007

SGT. PEARSON: This is Sgt. Sheila Pearson, investigator of Internal Affairs Division. Today is Monday, March 12, 2007 and the time is approximately 11:10 a.m. This interview is being conducted in the office of the Internal Affairs. Conducting the interview will be Deputy Commander of the Internal Affairs, Lt. Jack Huelsmann. Um also in the room is myself and Sgt. Sue McClain of the Internal Affairs Division, Officer Mark Biondolino, DSN 4868.

P.O. BIONDOLINO: Yes ma'am.

SGT. PEARSON: And his attorney Brian William. This interview is being conducted regarding an allegation of conduct unbecoming stemming from an arrest made during the ticket scalping detail throughout the St. Louis Cardinals World-Series in October of 2006. Um, Officer Bion, Biondolino, um I see you've signed the Advise of Rights Form. Did your attorney advise you of what the form means at this point?

P.O. BIONDOLINO: Yes he did.

SGT. PEARSON: Ok and did you understand that if you refuse to answer any questions or if you give any false responses or misleading answers uh that could lead to departmental charges and dismissal, including up to dismissal?

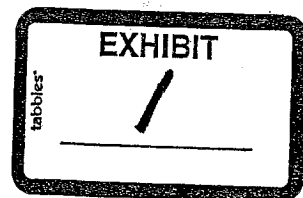
P.O. BIONDOLINO: Yes I'm aware.

SGT. PEARSON: So first we're gonna draw your attention to the first arrest that you took part in, which occurred on October 25.

LT. HUELSMANN: Let me put on the record uh to detective that uh I mentioned this to uh one other detective earlier, not to the very first detective we talked to today, but I just wanted to uh put you on notice that I expect you to tell the truth today. That there's a police manual rule governing false reporting that I want you to be aware of that I expect you to tell us the truth. You understand?

P.O. BIONDOLINO: Yes sir.

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SGT. PEARSON: Ok. So we're first talking about an arrest made on October 25, 2006 and its bearing complaint number 06088325, correction, complaint number 06088352. And you were the assist on it and Officer Steven Schwerb was actually the arresting. Can you give us a brief summary of that arrest?

P.O. BIONDOLINO: Um (clears throat) without actually referring to the re, to the report, I mean I know it was I assisted Steve on the arrest. I don't know the exact location per the report. During the scalping detail, uh, I arrested an individual for selling tickets, resale tickets too high. This incident was from 400 Clark.

LT. HUELSMANN: And for the record this detective is looking at a copy of the police report.

SGT. PEARSON: Ok and....

LT. HUELSMANN: I'm sorry did, did you have a chance uh Det. Biondolino to look at these police reports before you came in here today?

P.O. BIONDOLINO: I reviewed them but not this morning, but I reviewed them prior to this.

LT. HUELSMANN: Sometime in the recent past?

P.O. BIONDOLINO: Yes.

LT. HUELSMANN: Alright, go ahead.

SGT. PEARSON: And so from this was an arrest made?

P.O. BIONDOLINO: Yes.

SGT. PEARSON: And uh the person, the suspect involved is uh Kenneth Simpson?

P.O. BIONDOLINO: Yes.

SGT. PEARSON: Is that correct?

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P.O. BIONDOLINO: Yes ma'am

SGT. PEARSON: And what happened with that arrest?

P.O. BIONDOLINO: The individual, uh, who approached Det. Schwerb they offered to sell him tickets as listed in the report and uh he offers to sell him tickets above the resale value, uh, Det. Schwerb identified himself and then placed him under arrest for the resale tickets to high. States here I, and I don't recall I mean I've reviewed this report before and I'm reviewing it here as being interviewed and I can't recall exactly if I'm standing right next to him when this is occurring or where I'm at when he is mirandizing him or when the individual refuses to make any statements regarding this. I know I was with him as an assist, but I mean I don't how close we were in proximity of each other during this arrest. I know during the arrest I've been with him but, just to clarify that.

SGT. PEARSON: Ok so you don't recall if you were right um next to him with the arrest or if you were in the general area? Is that what you're saying?

P.O. BIONDOLINO: Well and I just generalizing uh as the U/C would go up and someone would go to make a, make a transaction with them. I probably wouldn't have been standing. I would have been in the proximity of the detective not right with him. Uh, so not to alert the person he's a attempting to conduct the transaction with.

SGT. PEARSON: So being in the general vicinity of, of this arrest, um where there anything seized from the arrest.

P.O. BIONDOLINO: I believe he seized and I have to refer to this again. He received the two tickets from the game 4 of the World-Series in this section everything is listed in here.

SGT. PEARSON: Ok. So uh....

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LT. HUELSMANN: I'm sorry, detective you're looking at the police report. Do you recall this particular arrest of Mr. Simpson, you know first hand recall or.....

P.O. BIONDOLINO: Prior to looking at my report I don't recall the exact event.

LT. HUELSMANN: Ok.

P.O. BIONDOLINO: I recall being with Steve when we made an arrest. There was quite a few of them. I don't recall this exact incident.

LT. HUELSMANN: Alright.

SGT. PEARSON: So to your recollection do you uh recall what happened um or what was seized at the time of the arrest?

P.O. BIONDOLINO: Uh just the World-Series tickets as far as I know.

SGT. PEARSON: Ok. So those World-Series tickets do you have knowledge of what happened with those tickets?

P.O. BIONDOLINO: No I don't other than them being seized.

SGT. PEARSON: So (clears throat) your official statement is that you have no knowledge what so ever of those tickets?

P.O. BIONDOLINO: At, at the time of this incident and when they were seized no I didn't have no, no knowledge other than them being seized at that time.

SGT. PEARSON: So uh, were you aware that something other than them being placed in the evidence room. Something happened with these tickets.

P.O. BIONDOLINO: Uh I guess when we were first advised of this investigation in regarding the tickets.

SGT. PEARSON: So when you heard that there was an investigation into the World-Series you're saying that was your first indication that something happened with those tickets?

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P.O. BIONDOLINO: Yeah regarding these specific tickets.

SGT. PEARSON: What was it that you heard at the time?

P.O. BIONDOLINO: At that time I was, I was advised that, you know there might have been given to a friend to use.

SGT. PEARSON: May have been?

P.O. BIONDOLINO: Or that they were given to a friend. I don't know who, I mean this is just after this investigation started. Uh and I don't know who they were given to this is just when we were talking regarding the investigation.

SGT. PEARSON: And who made you aware that something had happened with these tickets?

P.O. BIONDOLINO: Det. Schwerb.

SGT. PEARSON: And what exactly did he state?

P.O. BIONDOLINO: I think exactly what he stated was he had given them to a friend to go to the ballgame.

SGT. PEARSON: Ok. So your official statement is that you were uh....aware of this once you found out about the investigation? That was your first knowledge?

P.O. BIONDOLINO: Yeah for the investigation that was the first time I was aware of that from this incident these tickets were used in that manner.

SGT. PEARSON: And he's saying that he gave them to a friend? Um did he indicate in any way um what he received in exchange for the tickets?

P.O. BIONDOLINO: No he didn't, he didn't state he received anything. I think, the way I took it and this was just a casual conversation was that he given them to his friend to go to the game. He didn't receive anything. He uh just basically just gave

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them to his buddy so he could go to this game see the series.

- SGT. PEARSON: And uh how did those arrangements, how did he arrange that with this friend? Did he call his friend and tell him meet me down there?
- P.O. BIONDOLINO: I have no idea.
- SGT. PEARSON: You have no idea?
- P.O. BIONDOLINO: No ma'am.
- SGT. PEARSON: Where you there when his, when he gave the tickets to his friend?
- P.O. BIONDOLINO: I no. Not that I recall. Now I could have been downtown with him when that happened, but I don't recall being there when any tickets were given to anybody.
- LT. HUELSMANN: You're, you're listed on, on uh being as being the assisted officer detectives in all these three cases.
- P.O. BIONDOLINO: Yes sir.
- LT. HUELSMANN: Alright. Was that your, by design that you play some, that you were, you mentioned earlier about being the undercover, that you were not gonna be the undercover being this detail. I mean, I assume that you weren't in uniform you were not wearing a raid jacket. So you potentially could have been approachable, approached by a ticket scalper?
- P.O. BIONDOLINO: During, yeah during the event yes sir.
- LT. HUELSMANN: I mean but by design did you end up not being the arresting officer on any of these papers?
- P.O. BIONDOLINO: Not by design.

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LT. HUELSMANN: Preplanned that I'll do the booking, the summons, or you guys be the arresting officer, the seizing officer?

P.O. BIONDOLINO: No I believe I've arrested people during the World-Series.

LT. HUELSMANN: For ticket scalping?

P.O. BIONDOLINO: Yeah.

LT. HUELSMANN: But the cases in question though you were the uh....

P.O. BIONDOLINO: We just alternate. You know whoever, whoever went up did the U/C deal they would write the report. I mean it wasn't designed that I was the....

LT. HUELSMANN: Pre-designated assist?

P.O. BIONDOLINO: I'm sorry.

LT. HUELSMANN: Alright.

SGT. PEARSON: Uh prior to the to October 25, um did you have knowledge of, of people using scalping tickets and giving those to family members and friends?

P.O. BIONDOLINO: I didn't have any specific knowledge of specific tickets or specific incidents, but I, you know you do, you do hear....with the system that they had uh for the World-Series I guess with the new stadium the tickets could be scanned and then, and then placed back into evidence. Yeah I heard that was, that was something that was a possibility now. I didn't have any knowledge of any specific incidents of this happening. I didn't have knowledge that that was something that you know possibly could happen or possibly could be used on.

SGT. PEARSON: So you had broad knowledge of it was this common practice or was this a certain casual attitude towards just taking tickets and giving them to other?

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P.O. BIONDOLINO: I, I couldn't say whether this was common practice or not. Like I said I was unaware until after the investigation of any specific instances of tickets being used or given to other people. I mean, like I said, I was, I was aware of this here throughout the office that that was something that could be done, but I didn't have any details of any specific incidents regarding that.

SGT. PEARSON: You say could be done?

P.O. BIONDOLINO: Yeah they could use the tickets and be placed back into evidence.

SGT. PEARSON: So it would be knowledge that people were doing that?

P.O. BIONDOLINO: No it was knowledge that it could be done. I didn't have any knowledge that it was being done, specifically.

LT. HUELSMANN: How did you come into this knowledge?

P.O. BIONDOLINO: Uh through casual conversation in our office and I don't know even recall who with, but some of the...mentioned tickets being scanned since they don't tear them in half could be placed back in evidence.

SGT. PEARSON: When did you first hear that? When did you first hear that that could be done with tickets?

P.O. BIONDOLINO: I would probably, uh, during when we did...beginning of the World-Series. During the detail of the World-Series.

SGT. PEARSON: Playoffs?

P.O. BIONDOLINO: I don't recall whether it was the playoffs, it may have possibly could have been, but uh...I distinctly remember during the time of the World-Series.

SGT. PEARSON: Um did any of that information, you recall, it ever coming from sergeants?

P.O. BIONDOLINO: No it wasn't coming from the sergeants.

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SGT. PEARSON: Did the sergeants have, were aware of anyone doing that to your knowledge?

P.O. BIONDOLINO: No, absolutely not.

SGT. PEARSON: I understand it was kind of just general information ...

P.O. BIONDOLINO: I was just assuming that the sergeant that I worked for, that if he was aware of anything, you know, my sergeant ...

SGT. PEARSON: And who is that?

P.O. BIONDOLINO: Joseph Morici ... that he would have addressed it immediately, so I just assumed that he was not aware of anything ... I mean ... and I have no knowledge of any of the sergeants being aware of it.

SGT. PEARSON: To your knowledge, was your Lieutenant aware of that?

P.O. BIONDOLINO: No, I don't believe he would have been aware of that.

SGT. PEARSON: So, in this detail specifically, did you have knowledge of others doing that with these tickets?

P.O. BIONDOLINO: I didn't have knowledge of any specific incident until after the internal investigation had started. I guess that I, just through casual conversations, it's something that you heard throughout the office, they could be gone, or the tickets could be used if someone's friend was looking for a ticket, they could have used the ticket and then would be able to put it back into evidence ... you know ... I heard that through casual conversation in this division. There were 20 of us in the office. No one mentioned to me at that time and prior to this investigation that ... hey, they gave tickets to somebody or any specific incident.

SGT. PEARSON: Do you recall anyone speaking of getting anything in return ... money ... um ... free dinner ... anything in return for getting the tickets?

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P.O. BIONDOLINO: No.

SGT. PEARSON: No knowledge of anybody?

P.O. BIONDOLINO: No knowledge.

SGT. PEARSON: Also present in the room is Captain John Hayden, Commander of the Internal Affairs Division. We're gonna move on to the second case that you have been sitting on and there was an arrest made on October 25<sup>th</sup>, also complaint #06-088346. Can you give us a brief ...

LT. HUELSMANN: I'm sorry ... I want to back .... I'm sorry ... I apologize ... I'm gonna back up to the case with Mr. Simpson. Det. Schwerb tells us that he gave the two tickets that he seized from Mr. Simpson to a friend of his who he met outside Busch Stadium, shortly after the arrest. Do you have any first hand knowledge of Det. Schwerb meeting an individual and conversing with them at that point? Now Mr. Simpson, I believe, was given a summons and released. Do you ...

P.O. BIONDOLINO: No, I don't recall him meeting with anybody, I mean it's possible that he did, I don't recall him ... any specific incidents of the detective meeting with anybody and giving any tickets.

LT. HUELSMANN: You didn't see Steve give the World Series tickets to an individual?

P.O. BIONDOLINO: No I did not.

LT. HUELSMANN: Alright, okay, I just wanted to get that in my record.

SGT. PEARSON: So we're gonna move onto the second arrest, and that is again Complaint #06-088346.

LT. HUELSMANN: Involving a guy named Willie Miller.

SGT. PEARSON: You assisted in arresting a Willie Miller on October 25<sup>th</sup> of 2006. Can you give us a brief summary of that arrest?

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- P.O. BIONDOLINO: Sure, I'm gonna reflect to the report again. The location was at 800 Clark. Myself and Det. Somogye were again conducting the World Series Detail. We observed the individual having two tickets out. As Det. Somogye approached him ... and this is referring to the report ... because I wasn't present and close enough to recall the conversation between these two individuals ... and a transaction was completed where the individual went to sell Det. Somogye tickets for over the resale value. They were listed \$190 each and the defendant Willie stated he wanted \$500 each for them to the detective. At this time he was identified ... uh ... he identified himself as a police officer and at that time I would have come in and assisted him with the arrest. The individual was placed under arrest and issued a summons after a computer check revealed no active warrants. It says that the tickets were seized. There were two tickets to Game 4, in Section 351, Row 2, Seats 7 and 8.
- SGT. PEARSON: During this arrest, what do you recall, I know what's on the paper, what do you recall about this arrest?
- P.O. BIONDOLINO: Specifically, I mean, I recall us issuing the gentleman a summons, running him, placing him under arrest, and being there when Joe identified him as someone who was flagging him down holding two tickets and when he conducted the transaction, we placed him under arrest and issued the summons. Other than that, there's nothing that really stood out to me that's not listed.
- SGT. PEARSON: And from that arrest, what was taken as evidence?
- P.O. BIONDOLINO: Just the two tickets that Det. Somogye seized.
- SGT. PEARSON: And after the summons and the release, and you had the two tickets, what was done with those tickets?
- P.O. BIONDOLINO: From that point on they were seized, and I'm assuming they were packaged and marked as evidence. I mean,

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obviously, later, it was determined that's not exactly what happened.

SGT. PEARSON: So, what's your knowledge of what was done with the tickets, first hand knowledge of what was done with the tickets?

P.O. BIONDOLINO: Well, we ... Det. Somogye had recovered the tickets and seized them. We eventually, I don't know if it was immediately after that, but eventually we went back to the office, where we would do our reports, package the evidence and place it in the property room. At that time I was assuming that was what was done with the evidence.

SGT. PEARSON: Do you recall packaging these?

P.O. BIONDOLINO: No I don't. I'm just assuming ... that's what we did with the tickets when we were done.

SGT. PEARSON: Do you have knowledge of these tickets being scanned at all?

P.O. BIONDOLINO: No, I have no knowledge other than since the internal investigation, that's what was identified as those tickets being scanned and used at the ballgame.

SGT. PEARSON: When were you made aware that these tickets had been used?

P.O. BIONDOLINO: When this internal investigation began, and then later, specifically with these, after I spoke with Det. Somogye.

SGT. PEARSON: So you talked to him about these tickets?

P.O. BIONDOLINO: Yeah, when it was listed ... when these tickets were listed as specifically to this incident, then I spoke with Det. Somogye.

SGT. PEARSON: And what did he tell you?

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- P.O. BIONDOLINO: I believe he stated he gave the tickets to his wife and his kids for the ballgame.
- SGT. PEARSON: So that was when you found out about the investigation and that's when he gave you the answer as to what he did with the tickets.
- P.O. BIONDOLINO: Yeah, and prior to ... I think the investigation started and then there was another memo sent out where the specific tickets and games were listed ... prior to that memo, that's when I was aware that, you know, Det. Somogye and other individuals had used tickets. Then when the second memo came out and listed these specific tickets and this specific incident, that's when I talked to Joe, Det. Somogye, and he identified that he gave these particular tickets to his wife, or the tickets he had used in the other case, also I believe he gave to his wife.
- SGT. PEARSON: That leads us to the third arrest that you assisted on, and that also happened on October 25<sup>th</sup> and Officer Somogye was the arresting officer and you the assist. That complaint number is 06-088629. You kind of just made reference to them, but what's your knowledge of these tickets?
- P.O. BIONDOLINO: As regarding the tickets, I mean I know the incident was ... Joe was able to conduct a transaction with an individual. He was arrested and summonsed for reselling tickets too high. Basically, the same scenario, the tickets were seized, or Joe recovered the tickets, and eventually during the evening we responded back to the area station, or not the area station, but the narcotics office. Later I was advised that these were tickets that Joe had given to his family after this investigation had started, prior to them being placed in the evidence room.
- SGT. PEARSON: When were you first made aware of what happened with the tickets?
- P.O. BIONDOLINO: When the investigation originally started.

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SGT. PEARSON: Had you discussed what he was gonna do with the tickets, any of these tickets, prior to the game ... prior to the detail?

P.O. BIONDOLINO: Not with me, no ma'am.

SGT. PEARSON: Lieutenant, do you have anything?

LT. HUELSMANN: No.

SGT. PEARSON: Captain?

SGT. PEARSON: This concludes ... actually ... I have one more question. After this detail, you mentioned about going back to the office and ... where were the tickets you had seized?

P.O. BIONDOLINO: The tickets were marked, packaged ... the tickets that I done ... seized ... and I was assuming that other tickets that anybody had were marked, packaged and placed in evidence ... were gonna be placed in our property ... locked property closet, but it's a wire cage.

SGT. PEARSON: And how did you get into that wire cage?

P.O. BIONDOLINO: Key... there was a key ... one of the sergeants and the watch commanders had a key.

SGT. PEARSON: So, specifically, who holds the key to that property room?

P.O. BIONDOLINO: I mean ... I don't know exactly ... I think the sergeants had a key, the watch commander had a key, and there might be a key in a specific area, I'm not sure if there's a common key that's left hanging so if someone's not there, so they, all the detectives, can get into the property room.

SGT. PEARSON: How many sergeants were there?

P.O. BIONDOLINO: During the detail?

SGT. PEARSON: Or at any time? How many sergeants have access to the property room?

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P.O. BIONDOLINO: I believe all of them, I'm not sure, I never ...

SGT. PEARSON: How many is all of them?

P.O. BIONDOLINO: Let's see ... there's four sergeants ... and then there's a sergeant that works in the office during the day ... that's five ... five sergeants are in that office at any given time.

SGT. PEARSON: Does the lieutenant have a key?

P.O. BIONDOLINO: I believe so, yeah.

SGT. PEARSON: And then there's a common key?

P.O. BIONDOLINO: ... eh ... I'm not sure ... I don't know if there's a common key that's hung around or if they keep that in the sergeant's office and have to contact them to get in.

SGT. PEARSON: So ... potentially ... there's seven keys there?

P.O. BIONDOLINO: And I don't know if they ... if the Lieutenant gives the key to someone or if everyone has individual keys. I don't know how many keys there are off hand.

SGT. PEARSON: So, generally, if you want to place something in that room, what do you do?

P.O. BIONDOLINO: I go and contact the sergeant to get the key.

SGT. PEARSON: Is it ever just left open?

P.O. BIONDOLINO: The locker?

SGT. PEARSON: Uh ha

P.O. BIONDOLINO: No ma'am, not to my knowledge, I've never seen it left open.

SGT. PEARSON: You don't recall ever that locker just being kept open, especially when you talk about (inaudible)

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P.O. BIONDOLINO: The only time I've ever seen it open is when someone was placing evidence in there or logging property in the property book, you know, at the very most, for them to go walk over to the copier which is right behind in the back, otherwise, to my knowledge, it's always locked when you're done with it, the chain of custody of the evidence is in there.

SGT. PEARSON: Okay, this concludes the interview. It is 11:38.

END OF INTERVIEW

DH/5118  
RP/5074