

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

1
2
3 UNITED STATES OF AMERICA :
4 vs. : Civil Action No. 90-22 Erie
5 ROBERT BRACE and ROBERT :
6 BRACE FARMS, INC., a :
PENNSYLVANIA CORPORATION :

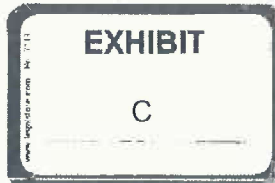
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9 Deposition of ADRIAN SHARPE, taken before
10 and by Janis L. Ferguson, Notary Public in and
11 for the State of Pennsylvania, on Tuesday, March
12 17th, 1992, commencing at 2:00 p.m., at the
13 Econo Lodge, Route 19 and I-90, Erie, Pa.

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16
17 APPEARANCES:

18 DAVID A. DANA, ESQUIRE, Department of Justice,
19 Environment and Natural Resources Division,
Environmental Defense Section, Room 7119, Washington,
D.C., attorney for the United States of America.

20 JOHN D. WARD, ESQUIRE, Vartan Parc, 30 North Third
21 Street, Eighth Floor, Harrisburg, Pennsylvania,
22 attorney for the Defendants.

23
24 REPORTED BY: JANIS L. FERGUSON
25 REGISTERED PROFESSIONAL REPORTER



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TESTIMONY OF ADRIAN SHARPE

Direct examination by Mr. Ward	1
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EXHIBITS:

Defendant's Exhibit A - Page 21

1 MR. WARD: This is the deposition of Adrian
2 Sharp. Notice of this deposition was
3 submitted on behalf of the Defendant with
4 copies to the U.S. Attorney. And it's in the
5 matter of U.S. v. Robert Brace and Robert
6 Brace Farms, Inc., in the Western District of
7 the U.S. District Court of Pennsylvania.

8 MR. DANA: We obviously don't have any
9 objection to the deposition, but that doesn't
10 waive any objection we might have to the use
11 of the deposition at trial in lieu of actual
12 testimony.

13
14 A D R I A N S H A R P E, first having
15 been duly sworn, testified as follows:

16
17 DIRECT EXAMINATION
18

19 BY MR. WARD:

20
21 Q. Will you please state your name.

22 A. Adrian Sharpe.

23 Q. And where do you live, Mr. Sharpe?

24 A. 2200 Quance, Waterford, Pa.

25 Q. Waterford, Pa. And that is in Erie County?

1 A. Yeah.

2 Q. And how long have you been living at that
3 address?

4 A. About twenty years now. But I lived across the
5 road for about fifty years.

6 (Discussion held off the record.)

7 Q. Would you please repeat your address?

8 A. 2200 Quance, Q-U-A-N-C-E, Road.

9 Q. And how long have you lived at that address?

10 A. About twenty years now.

11 Q. And for the record, what is your age, sir?

12 A. My age?

13 Q. Yes.

14 A. Eighty-five.

15 Q. And do you drive?

16 A. Nope.

17 Q. And prior to living on the Quance Road address,
18 where did you live?

19 A. Just across the street. It was R.D. 4,
20 Waterford.

21 Q. Would that be in the same --

22 A. Same area, yes.

23 Q. -- same area? And for how long did you live
24 there?

25 A. All my life. Within the area. With the

1 exception of one year my folks lived in Erie.

2 Q. So all your life -- When were you born then?

3 A. November 8th, 1906.

4 Q. So since 1906 you've lived generally in -- right
5 in the Quance Road area and South Hill Road. Tell us
6 something about what kind of work you've done from the early
7 ages on.

8 A. Farm work of all kinds. Milk cows and helped
9 harvest the corn, grain. Just kind of a community affair.

10 Q. Did you operate your own farm?

11 A. Yes.

12 Q. And what years was that?

13 A. Oh, I think from 1949 I bought the farm from my
14 dad.

15 Q. 1949?

16 A. Yeah.

17 Q. And how long did you operate that farm?

18 A. Until 1971.

19 Q. And how large of an operation was it in terms of
20 acreage?

21 A. We had a hundred and fifty-seven acres.

22 Q. And was that for crop?

23 A. Yes. And pasture land.

24 Q. For beef cattle or --

25 A. Dairy cattle.

1 Q. Dairy cattle, all right. And then what happened
2 to that farm?

3 A. About twenty years ago, neither my wife and I was
4 very good, and we sold it. We couldn't take care of it the
5 way it ought to have been, and we sold it.

6 Q. Now, where was this farm located?

7 A. Right across the road from the place -- the
8 trailer I live in now.

9 Q. Which is on Quance Road?

10 A. It bordered Quance Road and Sharp Road; Route 86.

11 Q. Are you familiar with the intersection of
12 Greenlee Road and South Hill Road?

13 A. Oh, yes.

14 Q. And how far is your place of -- your address from
15 that intersection?

16 A. Oh, three-quarters of a mile.

17 Q. Now, if we can return to the question on what
18 kind of farm work you yourself did, I believe you testified
19 thrashing machines, helped with cows?

20 A. Um-hum. We raised corn and oats and hay for the
21 cattle and harvested it.

22 Q. And after 1971 when you sold your farm, did you
23 then hire out to the various farms in the area?

24 A. No.

25 Q. Who did you work for?

1 A. Nobody. I worked for myself. I had a real
2 estate license.

3 Q. I see. All right. And when did you start that?

4 A. Oh, about 1973.

5 Q. But living in the same area?

6 A. Yes. I've lived there all my life.

7 Q. And how long did you work in the real estate
8 business?

9 A. Till 1981. My wife got very ill, and I had to
10 look after her, and I put my license in escrow. And I've
11 never taken it out.

12 Q. But prior to going into the real estate business
13 in 1973, your work experience was in farming, either for
14 yourself or for others?

15 A. Yes.

16 Q. Do you know a Robert Brace who is here with us
17 today?

18 A. Oh, I've known him all his life.

19 Q. And how long is that?

20 A. I don't know how old he is.

21 Q. You've known him since he was born?

22 A. Sure.

23 Q. Did you know Mr. Brace's father?

24 A. Yes.

25 Q. And how about Mr. Brace's grandfather?

1 A. I knew him too.

2 Q. Did you work at any time for either Mr. Brace's
3 father or his grandfather?

4 A. For his grandfather. The neighborhood had a
5 thrashing machine and a silo filler in together, in a
6 cooperative venture. And I helped him fill silo there for
7 several years with grain.

8 Q. Now, you say this was a cooperative?

9 A. Kind of, yes. It was a neighborhood cooperative
10 venture.

11 Q. Now, obviously you are familiar with the area.
12 And would you -- Your testimony is you are familiar with the
13 farming practices in the general area?

14 A. Oh, sure.

15 Q. And that would include crop farming and pasture
16 farming?

17 A. Sure.

18 MR. DANA: There's an objection as to -- You
19 can obviously use the word "farming" as the
20 witness understands it. But we may adopt a
21 different definition of farming. For just
22 general purposes. You might just want to --
23 I just want it noted for the record.

24 MR. WARD: What other word would you use?

25 MR. DANA: Just to differentiate crop farming

1 from pasture or cattle farming.

2 MR. WARD: So down the road your argument is
3 going to be that cattle -- raising beef or
4 livestock is not agricultural?

5 MR. DANA: No, no. I'm not saying what our
6 argument is. I just want it to be clear as
7 to what the witness is saying when he uses
8 the word "farming".

9 BY MR. WARD:

10 Q. Mr. Sharpe, when we use the term "farming", what
11 does that mean to you?

12 A. Till the soil, take care of it, plant the crops,
13 and harvest them.

14 Q. And --

15 A. It's a livelihood for people.

16 Q. All right.

17 A. Milk the cows.

18 Q. So there would be livestock?

19 A. Yeah.

20 Q. Now, Mr. Sharpe, I'm going to point out to a map
21 here we've brought along. It's a map prepared by the United
22 States Geologic Surveyor, the Department of Interior, and I
23 believe it's the Cambridge Springs quadrangle.

24 MR. WARD: Do you need any other

25 identification, David? It's seven point five

1 minute series.

2 MR. DANA: The only thing I'd ask is at some
3 point we get a copy of it.

4 MR. WARD: Oh, sure.

5 Q. Now, Mr. Sharpe, I'm going to give you some time
6 here to orient yourself as to the various roads with which
7 you're familiar and ask you to approximate if your house --
8 where you live would be shown on this map. If you can show
9 us. Take your time, sir.

10 A. Well, I believe the -- it's right in here
11 (indicating). Don't show it there. There's Sharp's
12 Corners.

13 Q. Sharp's Corners is what he's pointing to.

14 A. This is what was 86. Here's Phelps Corners. I
15 lived on the farm right here for many years (indicating).

16 Q. Can you just mark that with an "X"?

17 A. (Witness complies.)

18 MR. WARD: Let the record indicate that Mr.
19 Sharpe has marked an "X" on the map
20 immediately south of an area designated as
21 Sharp's Corners.

22 A. It would be north, wouldn't it? Yeah. Here's
23 north. Here it is (indicating).

24 Q. I'm sorry. All right.

25 A. Here's a --

1 Q. This is Stancliff Road.
2 A. Bagdad Road.
3 Q. Stancliff.
4 A. Stancliff Road, sure.
5 Q. Here's Quance Road here (indicating).
6 A. Oh, yeah. That's where I live on. The farm
7 (indicating).
8 Q. Approximately there?
9 A. Yeah. I live right about here (indicating) right
10 now.
11 Q. Can you make that a little darker?
12 A. (Witness complies.)
13 Q. There you go. That's fine. That's all we need.
14 You say you are familiar with the area at the intersection
15 of Greenlee Road and South Hill Road?
16 A. Sure.
17 Q. Can you find where that is on the map, if you
18 will?
19 A. This is South Hill Road (indicating).
20 Q. Right.
21 A. And here's Greenlee Road here (indicating).
22 Q. What does the map show immediately south of the
23 South Hill Road there? It's got -- Can you read that?
24 Gravel --
25 A. Gravel pit; yes, sir.