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THOMAS KULA

the deponent herein, having first
been duly sworn on oath, was
examined and testified as follows:

DIRECT EXAMINATION

BY MR. BOSTIC:

Q. Are you settled?

A. I think so.

Q. Good afternoon. Would you state
your name again for the record, sir?

A. Yes. It's Thomas F. Kula.

Q. Sir, are you employed?

A. Yes, I am.

Q. How are you employed?

A. I am a marine claims manager with
International Marina Underwriters.

Q. What's your educational
background, sir?

A. High school, college degree in
sciences, and a master of arts in marine
affairs.

Q. And for the record, do you know
David Matusiewicz?

A. Yes, I do.

Q. Do you know Lenore Matusiewicz?

H' Rudy + Erin -
The devotional readings that I send via email are from the book, "He Whispers Your Name" by Cherie Hill. I would love to send you a copy. It is amazing. Also the book about "The Kennel" others are promoting everyone in the free world to read because it is very eye opening + accurate.

Thank you for sending it to me to read + pass to others to read as well. This is a must for everyone.
Praying visitation gets approved.
God bless you!
Thank you for everything!
Peace, Blessings + love, Amy
P.S. No more snakes. Lol ->

1 A. Yes, I do.

2 Q. Do you know Amy Gonzalez?

3 A. Yes, I do.

4 Q. Can you tell the ladies and the
5 gentlemen of the jury how you know them?

6 A. Lenore is my sister and David and
7 Amy are her children, my niece and nephew.

8 Q. Now, I want to turn your attention
9 to the latter part of 2012.

10 A. Okay.

11 Q. Do you remember that time period?

12 A. Yes.

13 Q. Okay. Did there come a point in
14 time when you received correspondence from David
15 Matusiewicz?

16 A. Yes, I did, an E-mail.

17 Q. And what was that E-mail about?

18 A. He was just indicating that he
19 hoped to come up to visit the family later in
20 the year, and would it be all right if he could
21 stay with us.

22 Q. And did you have an understanding
23 as to why he was seeking to come visit the
24 family?

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A. At that point I just knew he was visiting, he had been away for many years and had not seen the family.

Q. When you say many years, would it be fair to say that he had been away and not seen the family since 2007?

A. Yes, that's correct.

Q. And so five years later he sent you that request to stay with you?

A. Yes.

Q. Okay. Now, when you say the family, where is this family located?

A. Well, the family in New Jersey, myself, my wife and my children live in Bayville, New Jersey. And my late mother and sister, Gloria, is David's aunt, who lived in Manahawkin.

Q. You said your late mother?

A. Yes.

Q. So that communicates to me that your mother is no longer with us?

A. That's correct.

Q. When did she pass, sir?

A. Last Friday.

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Verifying David just wanting to see the family because he hasn't seen them since 2007 - 5 years. Not some master plan to get to Christine to stalk her.

my grandmother, mom's mother died of a massive stroke during our trial.

1 Q. Let me offer my condolences to
2 you.

3 Let me show you what's been marked
4 as Defense Exhibit 128. The government and
5 counsel have a copy, and you need a copy.

6 THE COURT: If that's the
7 photograph, I have seen it.

8 MR. BOSTIC: You saw it, Your
9 Honor? Thank you. If I may approach?

10 THE COURT: You may.

11 BY MR. BOSTIC:

12 Q. I want to show you what's marked
13 as Defense Exhibit 128. Do you recognize the
14 person depicted in that photograph?

15 A. Yes, I do.

16 Q. Who is that person?

17 A. That's my late mother.

18 MR. BOSTIC: Permission to publish
19 it?

20 THE COURT: Hearing no objection,
21 you may.

22 BY MR. BOSTIC:

23 Q. So the lady in the photograph is
24 your late mother?

1 A. Yes.

2 Q. Do you recall about when that
3 photograph was taken?

4 A. Within the last few -- within the
5 last two months.

6 Q. Let me go back and ask you this.
7 At the time in 2012 when David made the request
8 to come visit the family in New Jersey, how old
9 was your mother then?

10 A. She was then ninety-one.

11 Q. And between the time that David
12 Matusiewicz was gone in 2007 and 2012 when he
13 made the request, were there any changes in the
14 health of your mother during that time period?

15 A. I don't believe there were any
16 medical changes during that period. But clearly
17 there had been other stress factors that
18 impacted her.

19 Q. Was there an issue with her with
20 respect during that time period regarding a
21 stroke that she suffered, or am I incorrect
22 about that?

23 A. No, that was what recently
24 happened.

Q. That was what recently happened?

A. Yes.

Q. Okay. Now, what's the town in which your mother lived, what's the name of that?

A. Manahawkin.

Q. And did there come a time in 2012 that there was an event that had substantial impact on your mother and David's grandmother?

A. Yes, there was, certainly.

Q. And what time frame are we talking about?

A. October 30th, 2012.

Q. And what was that event?

A. Super storm Sandy.

Q. Is that the same super storm Sandy that devastated the East Coast?

A. Yes.

Q. And the impact with respect to your mother in Manahawkin?

A. Yes.

Q. Would you tell the ladies and gentlemen of the jury what that impact was?

A. Well, essentially her home and

The govt's theory was that David concocted things, such as a court hearing, to lure Christine to the courthouse. David also tried to get to the east coast to help our 91 year old grandmother & aunt after super storm sandy hit & demolished the home.

she has lived in for over 50 years. He did not concoct this storm to get to Christine either.

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1 nearly everything she owned was damaged or
2 destroyed by the flooding.

3 Q. Did you actually see the flooding
4 at the home?

5 A. Oh, yes.

6 Q. And let's talk about the flooding,
7 because there is flooding, and there is
8 flooding. How high did the waters, if any
9 height, were in the house?

10 A. The house, the garage and a
11 hallway are on a slab foundation, and then the
12 main part of the house was on a crawl space.
13 There was approximately five to five-and-a-half
14 feet of water in the garage and hallway, and
15 about two-and-a-half to three feet of water
16 through the main floor of the house.

17 MR. BOSTIC: If I may have a
18 moment, Your Honor?

19 THE COURT: You may.

20 MR. BOSTIC: Your Honor, if I may
21 approach the witness and the Court, I have some
22 exhibits.

23 THE COURT: Yes, sir.

24 MR. BOSTIC: The government and

1 other counsel already have a copy.

2 BY MR. BOSTIC:

3 Q. Let me show you what I believe are
4 marked Defense Exhibits 113 through I believe
5 118. Do you have those in front of you?

6 A. Yes, I do.

7 Q. And can you take a look at those
8 photos and tell me whether you recognize the
9 content and what's depicted thereon?

10 A. Yes. These are various stages in
11 the -- I guess you would say attempt to repair
12 and subsequent demolition of my mother's home.

13 Q. So the house was demolished?

14 A. Yes.

15 Q. It couldn't be saved?

16 A. No.

17 MR. BOSTIC: Permission to
18 publish, Your Honor.

19 THE COURT: Granted.

20 MR. BOSTIC: Would you bring up, I
21 think the first one would be Defense Exhibit
22 113.

23 BY MR. BOSTIC:

24 Q. And can you describe what's being

1 shown on the screen at that point?

2 A. Yes. At this point the garage and
3 kitchen and hallway have already been
4 demolished, and they're in process of taking
5 down the main part of the house.

6 Q. Would you go to the next photo,
7 114.

8 A. This would have been an earlier
9 photo showing the garage still there and the
10 sign up basically for the demolition company
11 that was doing the work.

12 Q. Would you go to the next photo,
13 please.

14 A. This is a photo of the front of
15 the house with the siding being removed.

16 Q. And would it be fair to say that
17 at that point in time they thought they could
18 save it, if you recall?

19 A. As best I recall, yes.

20 Q. Would you go to the next photo,
21 please?

22 A. This is the photo of what used to
23 be the living room in the home. Centering on
24 the fireplace, the flooring was all destroyed,

od, this was all tongue-in-groove pine
. The wall, it was finished and it's all
yed.

Q. The next photo, please. Another
f the front of the house with the siding
d?

A. Yes, sir.

Q. And the final one, I believe.

A. Yeah, that's a -- this would have
e old closet under the stairway.
ly part of the floor has been removed.

Q. So now, all of that was torn down
troyed?

A. Yes.

Q. Now, did there come a point in
sequently around late December 2012,
nuary, that you had other communications
id Matusiewicz?

A. Yes. In either December or
I heard from him.

Q. And when you heard from him, could
uss what the topic that he corresponded
about?

A. That one he again said that he

The govt tried
to make it look
like David's
travel request to
NJ was David
trying to get to
Christine instead
of actually going
to help our 91 year
old grandmother who
was now homeless +
could have used his
help.

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1 would be coming up to visit. Obviously the
2 first trip did not occur because of the storm.
3 He indicated I believe at that time that he had
4 a child support hearing in Delaware, and that
5 again, he requested if he could stay with us.

6 Q. And how was that initial
7 correspondence with you, was it telephonic, was
8 it a letter, what was it?

9 A. E-mail.

10 MR. BOSTIC: If I may approach,
11 Your Honor?

12 THE COURT: You may.

13 MR. BOSTIC: Exhibit 990, Defense
14 Exhibit 990 for the Court.

15 BY MR. BOSTIC:

16 Q. Mr. Kula, I show you what's been
17 marked as Defense Exhibit 990. Would you take a
18 look at it, please?

19 A. Yes.

20 Q. Is it a two-page document?

21 A. Yes, it is.

22 Q. Okay. And can you tell us what
23 that document is?

24 A. Yes. This is the E-mail from

1 David saying that he was required to be in
2 Delaware on February 11th for a hearing
3 regarding child support, and --

4 Q. Let me do it this way. That is
5 the E-mail that you received; right?

6 A. Yes.

7 MR. BOSTIC: Permission to publish
8 it.

9 THE COURT: Hearing no objection,
10 you may.

11 MR. BOSTIC: If I may, one moment,
12 please, Your Honor.

13 BY MR. BOSTIC:

14 Q. So we can fix the who and from and
15 the date, Mr. Merritt, would you pull out the
16 top of the E-mail.

17 And can you tell us the date that
18 that E-mail was sent to you?

19 A. Yes. This is January 14th.

20 Q. Okay. And in that E-mail, January
21 14th, if you can pull up the body of the E-mail.
22 The first page, I'm required to be -- I'm sorry,
23 the E-mail from David at I think it's 2:38 p.m.,
24 the bottom half. Right. And highlight the

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1 second paragraph, I'm required, please. And
2 would you read that into the record for me as to
3 the request by David Matusiewicz?

4 A. "I'm required to be in Delaware on
5 2/11 for a hearing regarding child support for
6 Laura, Leigh and Karen. Is it possible that I
7 could stay with you for a few days? I had
8 planned to come up for Thanksgiving and stay at
9 grandma's, but Sandy got in the way of my travel
10 plans."

11 Q. Let me go back to the second
12 sentence that the paragraph. Can you pull that
13 out. "Is it possible." Just, "Is it possible,"
14 can you do that, or is that asking too much?
15 Thank you.

16 Can you read that into the record
17 for me?

18 A. "Is it possible that I could stay
19 with you for a few days?"

20 Q. Now, at the time you received this
21 E-mail from David Matusiewicz, what was your
22 understanding as to who, if anyone, was seeking
23 to come stay a few days with you?

24 A. At that time just David.

Q. Now, did there come a point in time subsequent to January 14, 2013 -- I'm sorry, January 13, 2013, that you got additional information as to whether others would be coming or seeking to come?

A. Yes, that would have been by telephone or David called again to confirm and said that his mother and father would be with him and would that be all right for them to stay with us as well.

Q. Okay. Now, so that trip happened; is that right?

A. Yes.

Q. Okay. And I'm going to move you forward then to February 2013. Do you recall when it was that David and his parents got to your house?

A. They arrived on Thursday, February 7th, sometime in the afternoon or, I would say late afternoon.

Q. Okay. And were you at home at the time they arrived?

A. No, I was at work.

Q. And when you got home -- let me

violation of probation because David's original plan was to travel to the east coast alone changed to mom + dad wanting to go with him to visit our family. David did not disclose on the request to travel mom + dad traveling with him.

1 ask you generally, how long did they stay with
2 you?

3 A. The entire stay?

4 Q. Yeah, yes.

5 A. From Thursday afternoon until
6 Sunday afternoon.

7 Q. Okay. And with respect to -- from
8 Thursday to Sunday, do you recall with respect
to Sunday whether -- we talked about Sandy
before, whether, what the weather forecast was
like?

A. Yes. On Sunday there were
predictions for severe winter storm in the, at
least in the Delaware or Wilmington Delaware
area.

Q. Okay. Now, let's talk about the
17 weekend generally. Those several days rather.
18 What was the nature of the visit? What did you
19 guys do over that several days?

20 A. It was very pleasant visit. We
21 did a lot of reminiscing, stories about our
22 ~~X~~ kids, about, you know, our parents, things like
23 that. We did some planning -- Tom had advanced
24 an offer for my daughter and son to visit them

The predicted storm is the reason David, Lee & Tom stayed the night before court at the Mitchell residence when the offer was made. violation of probation for this as well.

1 in Texas. I think both me and Tom caught on
2 quickly that we were not going to let the kids
3 go to Texas without us, so they extended the
4 invitation to all of us.

5 Q. Now, let me ask you this. First,
6 the children to whom the offer was extended, can
7 you identify those for the record?

8 A. Yes. That's my daughter, Dianna.

9 Q. How old is Dianna?

10 A. She is now 20.

11 Q. So at the time she was --

12 A. 17.

13 Q. 17.

14 A. And my son Franklin, who is now
15 25, so he was about 21, I believe 21 at that
16 time.

17 Q. Okay. Now, you said that an offer
18 was extended to them to go visit. And visit
19 where?

20 A. To visit their home in South
21 Texas.

22 Q. Okay. And do you recall who
23 amounts -- you mentioned two people, Lenore
24 Matusiewicz and Tom Matusiewicz. Do you recall

1 who first extended that offer?

2 A. That was Tom.

3 Q. Okay. And would it be fair to say
4 that there was much discussion that weekend with
5 respect to the proposed trip to Texas?

6 A. On and off. A number of -- in our
7 household there's always multiple conversations
8 going on at the same time, and yes, it was
9 discussed several times.

10 Q. Do you recall any conversation or
11 any statements from Tom Matusiewicz with respect
12 to the actual plans for the proposed trip?

13 A. Yes. Tom always loved animals,
14 horses in particular. And he was looking
15 forward to showing the children the animals that
16 they had on their small farm, the horse, the
17 cows, the dogs. He was particularly interested
18 in teaching my daughter to ride a horse. She's
19 never done so.

20 Q. Let me make certain it's clear.
21 You said he was particularly interested in doing
22 these things, is it fair to say that Tom said
23 those are things he wanted to do with your
24 daughter and son?

1 A. Yes.

2 Q. That he wanted to teach her how to
3 ride a horse?

4 A. Yes.

5 Q. And he wanted to introduce her to
6 the farm animals?

7 A. Yes.

8 Q. Did he also talk about another
9 activity that he wanted to do with your daughter
10 and son in particular during the course of that
11 projected trip?

12 A. Well, I think more with the entire
13 family. He was very impressed with the, I think
14 they are called the San Padre lands on the coast
15 of Texas. And he wanted to take the whole
16 family there so we could see it. He felt it was
17 a beautiful place and wanted us to see that.

South Padre
Island -
It is the
last place
I spent
with my
dad flying
kites on the
beach on
2/2/13

18 Q. Let me shift gears a bit and I
19 forgot to do this and I keep talking about old
20 age, but you told me of your relationship to
21 David Matusiewicz, Amy Gonzalez and Lenore
22 Matusiewicz. I don't know if I asked you, are
23 you married, sir?

24 A. Yes, I am.

1 Q. So Mr. Kula, would you telling the
2 ladies and gentlemen of the jury to whom your
3 married?

4 A. My wife is M'Linda Kula.

5 Q. And are you aware of an activity
6 that you were involved in with Ms. Kula, Mrs.
7 Kula and Lenore Matusiewicz after the shooting
8 at the courthouse in Delaware?

9 A. By activity.

10 Q. Let me ask you this way. Did
11 you -- were you present or participated in a
12 youtube presentation?

13 A. Yes. At least part of it.

14 Q. Okay. Did you speak in that
15 presentation, if you recall?

16 A. I think I was asked one question,
17 but I don't remember.

18 Q. And why were you present in that
19 youtube presentation?

20 A. Essentially just to support my
21 sister, my wife had asked me to be in it and I
22 sat there.

23 Q. What's the saying, happy wife,
24 happy life?

1 MR. McCALL: Objection.

2 MR. BOSTIC: I'll withdraw it.

3 I'll leave that for me.

4 BY MR. BOSTIC:

5 Q. In any event, taking you back to
6 the days that Tom Matusiewicz, David Matusiewicz
7 and Lenore Matusiewicz were present in your
8 home, did there come a point in time that there
9 was a trip taken to the home in Manahawkin New
10 Jersey. I know it's an odd way of asking it,
11 but did you guys happen to go to Manahawkin, New
12 Jersey where your mother was living at the time?

13 A. My own family, my wife and
14 children and I did not, but Lee -- Lenore, Tom
15 and David did.

16 Q. So David got to visit with his
17 grandmother?

18 A. Yes.

19 Q. Okay. Now, with respect to --
20 moving forward, the departure from the home.
21 You told me there was a storm expected?

22 A. Yes.

23 Q. Okay. And were you present at the
24 home at the time that they packed up to leave?

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A. Yes.

Q. Okay. I want to take your attention to that time. You remember the vehicle that was present at your home?

A. Yes.

Q. What was it? Would you tell the ladies and gentlemen of the jury?

A. It was a white Honda CRV.

Q. Okay. And you were present when it was packed up to leave, right?

A. Yes.

Q. Okay. And did there come a point in time that you had an encounter with Tom Matusiewicz during the packing process of that vehicle?

A. Yes.

Q. Okay. I want you to tell me -- tell the ladies and gentlemen of the jury about that and how it occurred?

A. Okay. I guess it actually, the vehicle was already packed and Tom had shuffled around some things to make room for things to fit, closed the back of the vehicle and we were -- we continued talking. We were standing

1 behind the vehicle in the driveway by ourselves. *

2 Q. Let me stop you there. What I
3 heard you saying, they were packing up the
4 vehicle, people were coming and going, right, at
5 some point?

6 A. Yes.

7 Q. Okay. Now, when this conversation
8 happened with you and Tom at the back of the
9 vehicle, was anyone else present?

10 A. No.

11 Q. Okay. So tell the ladies and
12 gentlemen of the jury what occurred?

13 A. We had been talking further about
14 the anticipated trip to Texas. He was hoping we
15 could do it the following summer. And then he
16 reopened the back of the CRV and began to fuss
17 with a bag that was in there and he said I
18 wanted to ask you to hold onto this for me. He
19 opened, it was like a zipper compartment in a
20 black bag, pulled out a blue bag. It was
21 wrapped. He unrolled the blue bag and pulled
22 out a plastic rectangular case and, you know, as
23 I said at that point he had said I was going to
24 ask you to hold onto this for me. He opened the

This is to show you how concealed my dad had any weapons, etc packed in the vehicle.

1 case and I saw it was a handgun.

2 Q. Okay. What was your initial
3 reaction?

4 A. Initial reaction, I still wonder
5 about it, because I said why, why do you want me
6 to hold this?

7 Q. Okay. Let me hold you right
8 there.

9 MR. BOSTIC: Your Honor, I would
10 like, I think it was marked as an exhibit, I
11 don't have control of the Government exhibits,
12 but that bag that Mr. Kula described, I'd like
13 to have access to it.

14 THE COURT: Government, is it
15 available in the Court?

16 MR. McCALL: It's not in the
17 Court. I'm not sure what bag we're talking
18 about.

19 BY MR. BOSTIC:

20 Q. Let me go back. Would you
21 describe again the bag that Tom Matusiewicz gave
22 you or pulled out from another bag and handed to
23 you? Would you describe it again?

24 A. Oh, yes. It was a blue, sort of

1 fabric type shopping bag, with cloth handles, it
2 was all I guess cloth. I don't remember the
3 name of any store or anything on it, though.

4 Q. Were you ever shown that bag at
5 any time previously?

6 A. No.

7 Q. Okay. Did you ever have a
8 discussion with the Government at any hearing
9 previously describing that bag and what you're
10 telling the jury here today?

11 A. I'm sorry, could you --

12 Q. Let me ask it this way. Did you
13 ever testify in a manner connected to this case
14 in which you gave the same description of the
15 bag and that incident with Tom Matusiewicz?

16 A. Yes.

17 Q. And that was at --

18 MR. McCALL: Objection.

19 THE COURT: Is it a privilege
20 issue?

21 MR. McCALL: It's -- I'm not sure
22 if it's hearsay, impeaching the witness or
23 offering prior consistent statement. I'm not
24 sure what, but --

1 THE COURT: I think he's trying to
2 describe chain of custody.

3 MR. BOSTIC: Your Honor, may I
4 proceed?

5 THE COURT: I think I'll overrule
6 the objection and see where it goes.

7 THE WITNESS: Again, yes.

8 BY MR. BOSTIC:

9 Q. And that was grand jury
10 procedures; is that right?

11 A. Primarily, yes, if I may, the day
12 of the shootings.

13 Q. I'll get to that.

14 A. Okay.

15 Q. I was not there at those grand
16 jury proceedings, would that be fair to say?

17 A. That's true.

18 Q. Just the Government, you and the
19 grand jury; is that right?

20 A. Yes.

21 Q. Okay. Now, with respect to the,
22 the bag that was given to you, the conversation
23 that you had with Tom in which you said you were
24 shocked?

1 A. Uh-huh.

2 Q. Did there come a point in time
3 when any other individuals came out to the car
4 while you had possession of the bag?

5 A. While I had possession, yes.

6 Q. Yes?

7 A. Yes.

8 Q. And where did you have that bag
9 when the others came out?

10 A. At that point it was tucked under
11 my left arm.

12 Q. Okay. And that bag from which the
13 weapon was pulled from another bag and then
14 pulled out of there and given to you by Tom
15 Matusiewicz, did you ever see David Matusiewicz
16 with that bag at any time during the days that
17 he was at your home?

18 A. No, I did not.

19 Q. Okay. Did you ever see anyone
20 else with that bag?

21 A. No.

22 Q. And would it be fair to say the
23 first time you saw that bag, which was a shock
24 to you, was when Tom Matusiewicz rifled through

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1 the car, pulled out another bag and pulled that
2 bag out and then went into it and showed you the
3 weapon?

4 A. Yes, that's correct.

5 Q. Okay. Now, what happened to that
6 green bag and the weapon?

7 A. Sorry, it was blue.

8 Q. Blue. I'm sorry. Old age again.
9 What happened to that blue bag and the weapon?

10 A. I took it upstairs, put it away
11 and then when the investigator came, I told them
12 about it. They went through the legal steps to
13 take possession of the gun.

14 Q. And did it -- did they take
15 possession of the bag as well? Did they take
16 possession of everything that you had?

17 A. Yes, everything.

18 Q. So the blue bag and the gun and
19 its contents, law authorities took that?

20 A. Yes.

21 Q. Do you remember whether there were
22 State Police from New Jersey, Delaware, FBI or a
23 combination of all of the above, if you recall?

24 A. I believe those were state police

1 from Delaware.

2 Q. From Delaware?

3 A. From Delaware.

4 Q. Now, did you -- were you ever
5 subpoenaed to be a witness in this case?

6 A. Yes, I was.

7 Q. And was that by the government?

8 A. Yes.

9 Q. Did you ever come to this
10 courthouse during the course of this case to
11 present that testimony?

12 A. Yes, I did.

13 Q. And what happened, sir?

14 A. I waited in the federal witness
15 room last Friday until they came in and told me
16 they would not reach my testimony that day, so I
17 could go home. And I asked should I come back
18 Monday, and they said we'll call you.

19 Q. You said last Friday?

20 A. Yes.

21 Q. When did you receive the call

22 to --

23 MR. McCALL: Objection, relevance.

24 THE COURT: Yes, I think we can

*It was the
same Fri,
his mother,
my grand-
mother
was dying
in the
hospital.*

1 move on.

2 MR. BOSTIC: I'll move on, Your
3 Honor.

4 BY MR. BOSTIC:

5 Q. Sir, Mr. Kula, did there come a
6 point in time after the bag was received from
7 you by -- from Tom Matusiewicz that you had a
8 conversation with Lenore Matusiewicz regarding
9 that bag?

10 A. Yes, I did.

11 Q. And the testimony that you give
12 previously, did you describe that conversation
13 regarding what, if anything, Lenore
14 Matusiewicz --

15 MR. McCALL: Objection.

16 THE COURT: I'm sustain the
17 objection because I think it's buttressing
18 former testimony when there is no challenge, so
19 the objection is sustained.

20 BY MR. BOSTIC:

21 Q. Finally, let me ask you this.
22 With respect to the discussion and the
23 invitation from Tom Matusiewicz to your
24 children, and then ultimately to you and your

1 wife to visit Texas, when was that visit slate
2 had to happen?

3 A. Again, he was hoping we could come
4 down the following summer when the kids were not
5 in school.

6 Q. And during the discussions that
7 took place over the weekend with Tom
8 Matusiewicz, how would you describe his mood?

9 A. Tom, all of his life he was a very
10 jovial person, always pleasant, always polite.
11 You know, he was in a very good mood. We all
12 were -- we enjoyed the visit, like I said, a lot
13 of reminiscing, a lot of joking and looking
14 forward to that trip.

15 MR. BOSTIC: Thank you. I have
16 nothing else, Your Honor.

17 THE COURT: All right. In keeping
18 with the procedure we agreed to follow, we will
19 allow the government to cross and see if any of
20 defense counsel have questions. Wait for
21 Mr. Bostic, and Mr. McCall, you may proceed.

22 CROSS-EXAMINATION

23 BY MR. McCALL:

24 Q. Mr. Kula, good afternoon, sir.

1 How are you?

2 A. I'm as well as can be expected
3 right now.

4 Q. Understood. Understood.

5 So you are Lenore Matusiewicz's
6 brother; is that right, sir?

7 A. Yes.

8 Q. And I think you mentioned this
9 earlier, your wife is Melinda Kula; is that
10 correct?

11 A. Yes.

12 Q. And Lenore Matusiewicz and your
13 wife Melinda, they have a fairly close
14 relationship, is that accurate?

15 A. Friendly relationship.

16 Q. They have been sister-in-law's; is
17 that right?

18 A. Yes.

19 Q. For a long time?

20 A. Yes, they have.

21 Q. How long about?

22 A. My wife and I have been married
23 twenty-eight years, I believe.

24 Q. So they have known each other that

1 entire time; correct?

2 A. Yes.

3 Q. And Lenore Matusiewicz has spoken
4 to you previously about allegations of sexual
5 abuse as it relates to Christine Belford; is
6 that correct? *

7 A. That's correct.

8 Q. Now, your wife, Melinda Kula, she
9 operates a website; is that correct, sir?

10 A. I don't know if operates would be
11 a fair word, but she owns the name.

12 Q. All right. She owns the name, is
13 that fair?

14 A. Yes.

15 Q. And that's the website I think
16 that's entitled Jon Benet True History.com?

17 A. True case history.

18 Q. Sorry. And on that website is A
19 Grandmother's Impossible Choice web page;
20 correct?

21 A. That's my understanding.

22 Q. You have visited it, haven't you?

23 A. No. I haven't seen that website
24 in many, many years, the only thing on it was

1 Jon Benet at the time.

2 Q. Let me ask you again, you've been
3 to the web page; correct, A Grandmother's
4 Impossible Choice?

5 A. I don't think so. I have seen
6 hard copies.

7 Q. Sure. If I provided you anything
8 to refresh your memory, would that help, like
9 maybe your grand jury testimony?

10 MR. BOSTIC: Your Honor, I'm going
11 to object, beyond the scope of direct.

12 THE COURT: I think it goes to the
13 relationship of the witness to one or more of
14 the defendants if I'm not mistaken. I'll allow
15 it on that basis.

16 BY MR. McCALL:

17 Q. Mr. Kula, if I provided your grand
18 testimony sir, might that refresh your
19 recollection as to whether or not you have
20 visited the website?

21 A. It may, yeah.

22 Q. Okay.

23 MR. McCALL: Judge, may I
24 approach?

1 THE COURT: You may.

2 MR. McCALL: Thank you, sir.

3 MR. BOSTIC: What page, counsel?

4 MR. McCALL: Sorry. It's page 70,

5 Bates stamp 70.

6 BY MR. McCALL:

7 Q. Mr. Kula, I have provided you your
8 grand jury testimony. Tell me if you recognize
9 it?

10 A. Yes, I do.

11 Q. And please, if I could direct your
12 attention to page 70, lines 11 through 24.

13 A. Okay.

14 Q. Does having read that, does that
15 refresh your memory as to whether you have been
16 to the website and have knowledge of its
17 contents?

18 A. Being to the website and having
19 knowledge of the contents, it's two different
20 things. I mean, I heard a lot about it. I
21 didn't generally visit it.

22 Q. Okay. What was the nature of the
23 website?

24 A. Well, it started with my wife

1 trying to get out information about what she
2 believed happened to Jon Benet Ramsey.

3 Q. I'm sorry, my apologies, I meant
4 the grandmother's impossible choice web page.
5 That had to do with Christine Belford; correct?

6 A. Yes. Yes.

7 Q. And it had to do with Laura
8 Matusiewicz; correct?

9 A. Yes.

10 Q. And Karen Matusiewicz; correct?

11 MR. BOSTIC: Your Honor, just so
12 I'm clear, I think the witness answered that he
13 didn't go to the website and the time he went to
14 the website it had Jon Benet Ramsey information,
15 and I don't believe that the refresher did
16 anything to change that initial testimony.

17 THE COURT: It's
18 cross-examination, I'll allow it to continue.

19 BY MR. McCALL:

20 Q. So the web page, Grandmother's
21 Impossible Choice, it also had to do with Leigh
22 Matusiewicz as well, correct, Christine
23 Belford's and David Matusiewicz's three
24 children; is that right?

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A. Yes.

Q. And it contained a series of accusations against Christine Belford; correct?

A. I think that would be fair to say. To me they're more, you know, pleas for help, but I think would have included some of the things that they had experienced.

Q. So one of the accusations, for example, and you may characterize it as a plea for help, included Christine Belford threatening to sell her three blonde white American girls for \$50,000; is that right?

A. I believe so.

Q. And another plea for help as you might characterize it would be that Christine Belford trained her daughter, Leigh, to eat independently by throwing food on a filthy rug?

A. Yeah.

Q. The website also talked about things like what prescription medications Christine Belford was taking; is that right?

A. That I'm not sure.

Q. Can we pull up Government Exhibit 326. And again, Mr. Kula, what we're looking at

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1 here is the web page for a grandmother's
2 impossible choice; correct?

3 A. Yes, it is, yeah.

4 Q. And can you go to page four. And
5 so just look at number nine, this talks about
6 Christine drinking alcohol at the age of twelve;
7 correct?

8 A. Yes.

9 Q. And then it talks about various
10 medications that she was taking according to the
11 website; correct?

12 A. Yes, I see a list of prescriptions
13 here.

14 Q. And the website also talked about
15 Laura Matusiewicz, it suggested that she was
16 being sexually molested by Christine; correct?

17 A. Yes, I think so.

18 Q. Now, the web page, right, this is
19 what was run by your wife; correct?

20 A. Okay.

21 Q. I need --

22 A. Yeah, correct.

23 Q. I'm not trying to -- that's
24 correct; right?

1 A. I don't mean to parse, but I mean,
2 I accept in a general sense, yes, this is the
3 page you meant. My wife is as computer
4 illiterate as I am, so yes, I think that's the
5 answer you need.

6 Q. Well, I only need the truth,
7 actually.

8 A. Well, yeah. I said she owns the
9 website. And if this was on it, that's part of
10 what she did, yeah.

11 Q. And I think you mentioned a moment
12 ago that your wife, I think you said she wasn't
13 so computer savvy?

14 A. Correct.

15 Q. But she operated or run, excuse
16 me, she ran the Jon Benet True Case History
17 website; correct?

18 A. Yes.

19 Q. And this was part of that; right?

20 A. I believe so, yeah.

21 Q. So somehow she figured out how to
22 set up a website, get the domain name, so on and
23 so forth; correct?

24 A. I don't think she did it. She got

1 the domain name herself, but I think she had
2 friends help her with actually setting up the
3 site.

4 Q. Now, we know that on February
5 11th, 2013, that's the day Christine Belford was
6 shot by Thomas Matusiewicz; correct?

7 A. Correct.

8 Q. And in the days and weeks after
9 that, your wife hosted a series of YouTube
10 videos; correct? I'm sorry, YouTube -- put it
11 this way, interviews from your house that were
12 broadcast on YouTube?

13 A. Yes.

14 Excuse me, one point. I think
15 that was actually, when you say hosted, I think
16 that was Douglas Millar who actually hosted.

17 Q. Right. What I meant by hosted was
18 they were at your house?

19 A. That they were, yes.

20 Q. Thank you for that.

21 What you're referring to is that
22 they were -- the YouTube videos were done in
23 connection with a group called Unit for Justice;
24 is that right?

1 A. Yes.

2 Q. And that's a group that your wife
3 belonged to; correct?

4 A. Yes.

5 Q. And that was a group who was
6 involved in the Jon Benet True Case History
7 website; is that right? They took interest in
8 cases like that?

9 A. Yes.

10 Q. And Doug Millar was part of that
11 group?

12 A. Yes.

13 Q. And you had met Doug Millar
14 previously; is that right?

15 A. Yes, I had.

16 Q. Now, the first video, that occurs
17 on February 21st, 2013; correct?

18 A. I don't know.

19 MR. McCALL: Judge, I don't think
20 this has been entered.

21 Judge, I think maybe a short break
22 might be in order based on my conversations with
23 counsel.

24 THE COURT: How short a break? Is

1 this our mid afternoon break?

2 MR. McCALL: I think so, Your
3 Honor.

4 MR. EDELIN: Yes, Your Honor.

5 THE COURT: All right. Ladies and
6 Gentleman, we'll take our afternoon break now.
7 All rise in respect for the jury.

8 MR. McCALL: Mr. Edelin just
9 indicated that one of the Defendants --

10 THE COURT: Okay. All right. We
11 stand adjourned?

12 MR. EDELIN: Yes, Your Honor.
13 Thank you.

14 (Short recess.)

15 THE COURT: Why doesn't everybody
16 be seated. Mr. Edelin will be with us shortly.
17 We're going to have to wait just one second.

18 (Jury enters.)

19 THE COURT: Mr. McCall, you may
20 continue with cross-examination.

21 MR. McCALL: Thank you, Your
22 Honor.

23 BY MR. McCALL:

24 Q. Mr. Kula.