

1 A. Yes.

2 Q. So when we left we were talking
3 about the videos that were aired at your house
4 that were played on youtube.

5 A. Okay.

6 Q. After the shooting, correct?

7 A. Correct.

8 Q. There were three, right?

9 A. I think so.

10 Q. Okay. One was on or two were on
11 February 21st, 2013, correct?

12 A. I got to go with you on the dates.
13 I don't know.

14 Q. Okay. Well, let me put Government
15 Exhibit 764 up. Okay. See the date?

16 A. Yes.

17 Q. Okay. And who are the two people
18 in Government Exhibit 764?

19 A. The woman on the left is my wife
20 M'Linda and the woman on the right of course is
21 my sister Lee.

22 Q. And this is one of the youtube
23 videos, correct, that was played 10 days after
24 the shooting?

1 A. I guess.

2 Q. Do you not remember?

3 A. I don't know much about the
4 youtube things other than the short time I was
5 there.

6 Q. Okay. This is at your house,
7 right, sir?

8 A. Yes.

9 Q. And that's at your kitchen table,
10 living room table?

11 A. Kitchen table.

12 Q. Okay. And this, this was set up
13 by your wife, correct?

14 MR. BOSTIC: Your Honor, I'm going
15 to object to the question. The witness has
16 indicated he does not know. He just did.

17 THE COURT: Again, this is
18 cross-examination and I think appropriate.

19 BY MR. McCALL:

20 Q. This was set up by your wife,
21 correct?

22 A. Again, between my wife and Doug
23 Milar, so I don't know what you mean.

24 Q. Okay. You don't remember this

1 happening at your house on February 21st?

2 A. I remember this going on, yes.

3 Q. Okay.

4 A. Yeah.

5 Q. So you do remember? I just want
6 to make sure I have it right.

7 A. Oh, yes, yeah.

8 Q. All right. And your wife, Doug
9 Milar is like you hear his voice coming in
10 through the telephone or something, correct?

11 A. That's correct, yeah.

12 Q. So your wife, was she the one that
13 set up the video camera that recorded this, if
14 you know?

15 A. I don't recall.

16 Q. Okay. Who, if you know, was the
17 person that broadcasted on youtube? Was that
18 your wife?

19 A. Again, I don't know.

20 Q. Was there somebody else in the
21 house that was helping your wife?

22 A. There were some other people. I
23 don't know who they were.

24 Q. Were they helping your wife

1 broadcast this video onto youtube?

2 A. To record it?

3 Q. Record it and then upload it or
4 broadcast it to youtube?

5 A. Well, there was definitely someone
6 else doing the actual recording of it.

7 Q. Okay. Now, you actually
8 participated in the second of the three videos,
9 correct?

10 A. I know I participated in one,
11 which one it was, I don't know.

12 Q. Okay. Can we put up Government
13 Exhibit 759, please. That's you on the left,
14 correct, Mr. Kula?

15 A. Yes, it is.

16 Q. That's your sister on the right,
17 correct?

18 A. Correct.

19 Q. The date that it's published was
20 February 21st, 2013, correct, bottom left
21 corner?

22 A. Yes.

23 Q. That's the same day as the one I
24 just showed you a moment ago, correct sir?

1 A. Right.

2 Q. And again, that's at your house,
3 correct?

4 A. Yes, it is.

5 Q. All right. Did your wife help set
6 that up?

7 A. I guess, yeah.

8 Q. You don't remember?

9 A. I don't know when you're saying
10 set it up or help set it up.

11 Q. Who put the recording up?

12 A. There was a -- I believe a young
13 reporter there.

14 Q. Oh, I'm sorry, a reporter?

15 A. I believe so. Someone -- there
16 was a young gentleman, dark hair. I don't have
17 a clear recollection of that.

18 Q. Okay. And did that same person
19 help your wife broadcast the second video onto
20 youtube, if you know?

21 A. If they were done at the same
22 time, I'd have to say yes.

23 Q. And this second video, this was 59
24 minutes long, correct? If you look down near

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1 the pause button in the middle just below your
2 hands.

3 A. Yes, 59:50.

4 Q. Right.

5 A. Yeah.

6 Q. And there was a third video on
7 March 5th, 2013. Do you recall that?

8 A. Yes.

9 Q. Okay. We put up Government
10 Exhibit 760. Again, Lenore Matusiewicz on the
11 left, right?

12 A. Uh-huh.

13 Q. Your wife on the right, correct,
14 sir?

15 A. Yes.

16 Q. And this video is again about 59
17 minutes long, correct?

18 A. Yes.

19 Q. And this is at your house,
20 correct?

21 A. Yes.

22 Q. Now, turning back to the second
23 video, the video that you participated in,
24 right, February 21st, 2013?

1 A. Right.

2 Q. All right. During that video
3 while you were sitting there, Lenore Matusiewicz
4 talked about three personalities that she met
5 from Christine Belford, do you remember?

6 A. No, I don't.

7 Q. Okay. Can we play Government
8 Exhibit 765.

9 (Playing video.)

10 LENORE MATUSIEWICZ: "Okay. As I
11 said, I met at least three personalities; Chris,
12 the loving caring woman who bore David's three
13 wonderful children, Chrissy, the 10-year-old
14 personality who got caught throwing food on the
15 floor for her toddler to eat, and Christine, who
16 knew that the way to hurt David, her husband, my
17 son, was to hurt his children. I don't know
18 how --"

19 BY MR. McCALL:

20 Q. Okay. So that's the portion where
21 Lenore is talking about three personalities of
22 Christine Belford, correct, sir?

23 A. Yes.

24 Q. All right. And there is another

1 portion in the video where Lenore Matusiewicz
2 while you're sitting there, discusses that it's
3 going to be a long time before Christine Belford
4 goes to heaven, correct?

5 A. Again, I don't recall it.

6 Q. Can we play Government Exhibit
7 759, please.

8 (Playing video.)

9 LENORE MATUSIEWICZ: "And the
10 prayer says, forgive us our trespasses and we
11 forgive those who trespass against us. It does
12 not say forget. It says forgive. I don't
13 believe that Christine is going to hell for
14 everything she's done. She was a victim who
15 didn't have the strength to make sure her
16 problem didn't get passed onto her children, but
17 I do believe it will be a long time out before
18 she gets to be with our father. I'd like to get
19 back to Tom."

20 BY MR. McCALL:

21 Q. Okay. So that's the portion where
22 as I indicated, you are sitting there when
23 Lenore Matusiewicz talks about it's going to be
24 a long time before Christine Belford goes to

1 heaven, correct?

2 A. Yes.

3 Q. Now, going back in time, at one
4 point you assisted Lenore Matusiewicz in
5 delivering a letter to a person associated with
6 Laura Matusiewicz, correct?

7 A. That's correct.

8 Q. That person was Laura
9 Matusiewicz's psychologist, correct?

10 A. Yes.

11 Q. Okay. That was Monica Bocanegra?

12 A. I don't recall the name.

13 Q. Okay. But you recall it was the
14 child's psychologist; is that right?

15 A. Yes.

16 Q. And the letter was something that
17 Lenore had given to you, correct?

18 A. Yes.

19 Q. And she wanted you to give the
20 letter to the psychologist, right?

21 A. Yes. She had felt that she was
22 concerned about something about direct contact
23 with the girls.

24 Q. Right. Didn't mean to cut you

1 off.

2 A. So she asked me to mail it to the
3 psychologist.

4 Q. So Lenore was concerned with
5 having direct contact with Laura Matusiewicz,
6 right?

7 A. I believe so, yeah.

8 Q. So as a result, she went through
9 you, she wanted to give the letter to you to
10 give to the psychologist, correct?

11 A. Correct.

12 Q. And you did that, right?

13 A. Right. Although the letter, it
14 was actually metals that she wanted Laura to
15 have for her first communion.

16 Q. Also, but it also included a note
17 from you, sir, correct?

18 A. Yes, I think to that effect.

19 Q. And a letter that Lenore -- a
20 typed letter that Lenore had prepared; is that
21 correct?

22 A. Yes.

23 Q. I'll tell you what. Let me pull
24 up Government Exhibit 273, okay?

1 MR. BOSTIC: Your Honor, he's
2 answered yes to the question.

3 THE COURT: I'll allow it.

4 BY MR. McCALL:

5 Q. I'm now showing Government Exhibit
6 273, which is already into evidence in this
7 case. The name on the top left corner is Monica
8 Bocanegra, PhD, correct, sir?

9 A. Yes.

10 Q. All right. Can you turn to page
11 2. That's your handwriting, correct, sir?

12 A. Yes.

13 Q. And that's your signature at the
14 bottom, bottom right corner?

15 A. Yes.

16 Q. Okay. And what does this
17 indicate? Can you read it, please?

18 A. Oh, yes. Enclosed is for Laura
19 Matusiewicz. I understand that you can see to
20 it that she receives it. If you have any
21 questions, please call me, cell number
22 ~~XXXXXXXXXX~~. Thank you.

23 Q. Could you please turn to page 3.
24 And this was the note or typewritten note that

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1 you provided by Lenore Matusiewicz to turn over,
2 correct or put -- accompanying the letter to
3 give to, as it indicated, Doctor Bocanegra?

4 A. I'm sorry. This letter is to the
5 doctor?

6 Q. This was the letter that was given
7 to you by Lenore that you then sent to
8 Dr. Bocanagra; correct?

9 A. I guess so.

10 Q. You don't remember?

11 A. I remember seeing this at some
12 point, but I don't know if I saw it when mailing
13 it. This was -- in fact, I had forgotten this
14 incident and Ms. Wolf brought it up at the grand
15 jury and showed this to me and as I said, I
16 remember seeing this.

17 Q. We talked about it when you
18 testified in front of the grand jury; correct?

19 A. Right.

20 Q. You talked about how you sent this
21 letter to Dr. Bocanagra with your letter as the
22 cover page, if you will?

23 A. Okay. Maybe my recollection was
24 better then, but, yeah.

1 Q. Can you please highlight the
2 portion that says The Secret. Can you please
3 read that, Mr. Kula?

4 A. Yes.

5 "The secret she has with mommy
6 that she thinks will send mommy to jail hurts
7 Laura, mommy, Leigh, Karen, dad, Granmom, pop
8 pop, Cioci, Amy, you Uncle Juan, Tatiana, Aunt
9 M'Linda, Uncle Tom, Diana, Franklin, Michael, et
10 cetera, et cetera, our whole family, even pop
11 pop scruffy and Katy.

12 Q. You're Uncle Tom; correct?

13 A. Yeah.

14 Q. And when you turned this letter
15 over to the psychiatrist -- excuse me, the
16 psychologist, you weren't concerned that Lenore
17 Matusiewicz might be violating her no contact
18 order by you acting as the go between; correct?

19 A. That was my understanding, yeah.
20 And it was to the psychologist, at least the
21 whole envelope was to the psychologist, not to
22 the girls.

23 Q. With the intention of turning it
24 over to the child, though; correct?

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1 A. My understanding was they wanted
2 the medals turned over to Laura. This, I'm not
3 at all aware of what their intent was.

4 Q. I want to turn back to February
5 2013. Okay, Mr. Kula?

6 A. Okay.

7 Q. I'm sorry, February 2011. My
8 apologies. No, actually February, 2013.

9 A. Okay.

10 Q. The time that David Matusiewicz,
11 Lenore Matusiewicz and Thomas Matusiewicz
12 visited you at your house?

13 A. Okay.

14 Q. I apologize. During the weekend
15 when they arrived, David Matusiewicz, he had a
16 laptop computer with him; is that correct?

17 A. Yes, he did.

18 Q. And you saw him using that laptop
19 computer?

20 A. Yes, occasionally.

21 Q. Now, at the conclusion of their
22 trip with you, Mr. Kula, you were talking to Tom
23 Matusiewicz, that's your testimony today;
24 correct?

1 A. Yes.

2 Q. And --

3 A. You mean just before they left?

4 Q. Yes, just before the exchange that
5 you have described.

6 A. Okay.

7 Q. And that was a conversation that
8 was outside; is that right?

9 A. That's right.

10 Q. And it's at that time that Tom
11 Matusiewicz pulled out a firearm; is that right?

12 A. Yes.

13 Q. And he handed that gun to you;
14 correct?

15 A. Yes.

16 Q. And it was actually a Glock .45
17 caliber handgun; isn't that right?

18 A. I remember it was a Glock. That's
19 all I can tell you about it.

20 Q. When he pulled it out, he pulled
21 the slide of it back to show that you the
22 firearm was empty, right?

23 A. Yes. Yes, he did.

24 Q. And then he handed you the gun;

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1 correct?

2 A. He put everything back in the case
3 and then handed, wrapped it up and then handed
4 it back to me, yes.

5 Q. He provided you -- he provided you
6 in addition to the firearm, two clips of
7 ammunition; correct?

8 A. I remember one clip and I remember
9 a box of ammunition. There may have been a
10 second one.

11 Q. So one clip, maybe a second clip;
12 correct?

13 A. Yes.

14 Q. Both at least one clip, maybe the
15 second clip filled with ammunition; correct?

16 A. Right.

17 Q. And then on top of that is a box
18 of ammunition; correct?

19 A. Correct.

20 Q. And Tom Matusiewicz according to
21 you asked you to hold it for him; is that right?

22 A. Yes.

23 Q. And you asked him why; correct?

24 A. Yes.

1 Q. And he told you that he was tired
2 of pulling out the paperwork to show that the
3 firearm was legal; correct?

4 A. That's right.

5 Q. Okay. Did you know that the
6 firearm was purchased by David Matusiewicz when
7 you received it from Tom Matusiewicz?

8 A. No, I found that out much later.

9 Q. Did you ask for the paperwork that
10 he was talking about to show that the gun was
11 legal?

12 A. No.

13 Q. And you took possession of the
14 firearm; correct, Mr. Kula?

15 A. Yes.

16 Q. And Mr. Kula, you took possession
17 of both of the loaded clips that were provided
18 to you by Tom Matusiewicz; correct?

19 A. Correct.

20 Q. And you took possession of the box
21 of ammunition that was provided to you by Thomas
22 Matusiewicz; correct?

23 A. Correct.

24 Q. But you didn't ask Thomas

This is a gun David purchased back in 1996 or 1997 that Dad didn't turn over to police back in 2000 after the PFA

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1 Matusiewicz why he was giving you ammunition
2 along with the firearm; correct?

3 A. No, it didn't occur to me.

4 Q. And you didn't ask him how long
5 you would be holding on to the Glock for him;
6 correct?

7 A. Probably not.

8 Q. Probably not, sir, or you did not
9 ask him?

10 A. Well, I don't recall asking that.

11 Q. And you didn't ask him what he
12 meant when he told you that he was giving you
13 the gun, the clips, and the ammo because he was
14 tired of pulling out paperwork to show that the
15 gun was legal; correct?

16 A. Could you repeat that?

17 Q. You didn't ask him what he meant
18 when he handed you the gun and told you the
19 reason he was giving you the gun was because he
20 was tired of pulling out paperwork to show to
21 someone that the gun was legal; correct?

22 A. I'm sorry, I lost that. I think
23 you're asking, I didn't ask him the reason,
24 that's correct.

1 Q. You didn't ask, you just accepted
2 the reason; right?

3 A. It didn't make any sense to me,
4 but as I said, my first question was why are you
5 asking me to hold this. And before he even
6 answered, I'm thinking about it saying I know my
7 sister had asked him not to bring his gun, and
8 I'm thinking, okay, he's giving me his gun, he's
9 not going to have his gun, so this is --

10 Q. He's not just giving you a gun,
11 though, he's giving you a gun and ammunition?

12 A. That's correct.

13 Q. Again, when you asked him why, you
14 just accepted the answer that he provided you;
15 correct?

16 A. Yes, I didn't question him any
17 further.

18 Q. You didn't say who are you talking
19 about that you have to pull out paperwork to
20 show this gun is legal to; correct?

21 A. That didn't occur to me until
22 later on.

23 MR. McCALL: May I have one
24 moment?

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1 THE COURT: You may.

2 MR. McCALL: Thank you, Your
3 Honor.

4 Judge, thank you. I have no more
5 questions.

6 THE COURT: The way we'll proceed
7 is see if Mr. Bostic has any redirect and then
8 after that, we'll move to other counsel.

9 Mr. Bostic.

10 MR. BOSTIC: I do, Your Honor.
11 Thank you.

12 REDIRECT EXAMINATION

13 BY MR. BOSTIC:

14 Q. Mr. Kula, first would it be fair
15 to say that everything you said here today to
16 the best of your recollection you have told --
17 you said in front of the grand jury; is that
18 correct?

19 A. Yes.


20 Q. Okay. And would it be fair to
21 say, and I just heard you say this, that you
22 have an understanding as to perhaps why Tom was
23 giving you the gun? You talked about knowing
24 that he was asked not bring a weapon?

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1 A. Correct.

2 Q. Tell me, because I don't want to
3 put my words on it, but say that so I understand
4 exactly your thought process in taking this
5 weapon at the time?

6 A. Well, at the time -- I said my
7 sister had told me that, you know, Tom always
8 carries a handgun. And she had asked him not to
9 bring it because of concerns about possible
10 violation of David's supervised release. So he
11 told her he would not bring a gun. So I was 
12 quite surprised when he pulled it out and asked
13 me to hold it. I questioned him at first and
14 said why, and I said wait a minute, why am I
15 even asking this? Let me take a gun and put it
16 away and then he will not have his gun with him.

17 Q. Would it be fair to say that you
18 of your own volition contacted or told the state
19 police that Tom had given you this weapon; is
20 that correct?

21 A. That is correct.

22 Q. And you told that to the grand
23 jury, also?

24 A. Yes.

1 Q. And would it be fair to say that
2 it was Tom Matusiewicz who dug into the back of
3 the RV, pulled out the bag, went inside that
4 bag, pulled out the green bag, went inside the
5 green bag, pull out a box in which he had this
6 weapon?

7 A. Yes.

8 Q. And it would be fair to say that
9 it was Tom Matusiewicz who gave you that weapon
10 and the box --

11 MR. McCALL: Objection. Leading.

12 MR. BOSTIC: This is cross. I'm
13 sorry.

14 THE COURT: It's redirect, so it
15 is leading, but I think we have been over this
16 ground by both counsel.

17 MR. BOSTIC: Okay. My last --
18 okay.

19 BY MR. BOSTIC:

20 Q. Now, sir, other than the incident
21 that you were present on the YouTube video for,
22 did you have any involvement in arranging for
23 those YouTube sessions? You said there was a
24 camera person there?

1 A. I believe there was a camera
2 person. I know someone had to be there.

3 Q. Did you have any involvement in
4 setting those up?

5 A. No, I did not.

6 Q. And the government mentioned a
7 date of, I think one was on March 5th, 2013, and
8 I believe that was a Wednesday or Thursday.

9 A. Right.

10 Q. Let me ask you this. Do you
11 recall whether you were -- are you generally
12 home Wednesdays and Thursdays?

13 A. No, I'm not.

14 Q. You talk about where you -- that
15 you are employed. How long is your day in terms
16 of traveling from your home?

17 MR. McCALL: Objection.

18 Relevance.

19 THE COURT: I'll allow it. I'm
20 not sure as to the relevance, but I'll allow it,
21 Mr. Bostic.

22 BY MR. BOSTIC:

23 Q. In terms of your day traveling
24 from home to your workplace, putting in your

1 eight hours at the work, how long is your day,
2 sir?

3 A. My workday is about
4 thirteen-and-a-half to fourteen hours including
5 commute.

6 Q. How long do you have to travel to
7 get to work?

8 A. Two hours to two-and-a-half hours
9 each way.

10 Q. Now, the government asked you
11 about truth, I think that was one of the things
12 that I circled here. Sir, I called you as a
13 witness in this case; is that right?

14 A. Yes.

15 Q. Okay. Would it be fair to say
16 that your testimony here today would have been
17 the same?

18 MR. McCALL: Objection.

19 THE COURT: Finish the question,
20 Mr. Bostic and then I'll rule.

21 BY MR. BOSTIC:

22 Q. In terms of truth, would have been
23 the same for me as it would have been for the
24 Government, you would have said the same thing

1 that you said today?

2 A. Certainly.

3 Q. And are you telling the truth to
4 the best of your ability to recall these
5 incidents?

6 A. Yes, I am.

7 MR. BOSTIC: Thank you. I have
8 nothing else.

9 THE COURT: No recross, Mr.
10 McCall?

11 MR. McCALL: No, Your Honor.

12 THE COURT: Mr. Edelin, anything?

13 MR. EDELIN: Your Honor, very,
14 very briefly.

15 BY MR. EDELIN:

16 Q. Sir, good afternoon. Good
17 afternoon.

18 A. Oh, good afternoon.

19 Q. Sir, the only thing that is
20 unclear in my mind concerns the trip that you
21 all were planning to go down to Texas to the
22 farm.

23 A. Right.

24 Q. When was that trip supposed to

1 take place? I know you said next summer, was
2 that summer of 2013 or summer of 2014?

3 A. It would have been the summer of
4 2013.

5 Q. Okay. And that trip was to
6 include you, your wife and your two children?

7 A. Tentatively, yeah.

8 Q. Okay. And everybody or whoever
9 could go was to come down to Texas, meet the
10 cows, meet the horses, meet the dogs, learn how
11 to ride horses, that type of thing?

12 A. Right.

13 Q. And this was the plans and the
14 details that were worked out between you, Tom,
15 Lenore, the kids, Ms. M'Linda?

16 A. Really -- well, for myself, it was
17 with Tom.

18 Q. Okay.

19 A. That's about it.

20 MR. EDELIN: All right. Thank
21 you, Your Honor.

22 THE COURT: Mr. McCall, no cross?

23 MR. McCALL: No, Your Honor.

24 Thank you.

1 THE COURT: Mr. Ibrahim?

2 BY MR. IBRAHIM:

3 Q. Good afternoon, Mr. Kula. How are
4 you?

5 A. Good. And yourself?

6 Q. Good. You and I have never met,
7 correct?

8 A. No, but I've seen you in court.

9 Q. Oh. How do I look?

10 A. You look like a lawyer. No
11 offense.

12 THE COURT: Could have done worse.

13 MR. IBRAHIM: I have done worse.

14 BY MR. IBRAHIM:

15 Q. Sir, just a couple of questions.
16 Do you recall after the shooting that you had
17 some e-mail discussion with your niece Amy about
18 an apology? *

19 A. Yes.

20 Q. And it's correct to say that she
21 e-mailed you trying to get your input because
22 she was crafting an e-mail to the people of
23 Delaware that she wanted to send to the
24 newspaper or the media? *

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1 A. Yes.

2 Q. And is it correct to say that in
3 that apology --

4 MR. McCALL: Objection. Calls for
5 hearsay.

6 THE COURT: I think if you get
7 into the substance of it, Mr. Ibrahim, we run
8 into the hearsay issue we debated I think at
9 another point.

10 MR. IBRAHIM: I forgot about that
11 debate, Judge. I'll have no more questions. He
12 spoke about receiving the e-mail.

13 THE COURT: All right. Thank you.

14 MR. IBRAHIM: Thank you, sir.

15 THE COURT: Is the witness
16 excused, Mr. McCall?

17 MR. McCALL: Yes. Thank you.

18 THE COURT: Mr. Bostic?

19 MR. BOSTIC: Yes, Your Honor.

20 THE COURT: And Mr. Ibrahim, you
21 have another witness ready to go? Please
22 proceed as Mr. Kula is excused.

23 GREGORY J. AULD,

24 the deponent herein, having first