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Lead

afternoon

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1 been duly sworn on oath, was
2 examined and testified as follows:

3 MR. WEEDE: If I may, Your Honor.

4 The Court: You may.

5 DIRECT EXAMINATION

6 BY MR. WEEDE:

7 Q. Ms. Bender, is there a microphone
8 there that's close to you?

9 A. Yes.

10 Q. Could you please introduce
11 yourself to the members of the jury?

12 A. My name is Cindy Bender.

13 Q. Ms. Bender, where do you currently
14 live?

15 A. Morgantown, West Virginia.

16 Q. Did you always live in Morgantown,
17 West, Virginia?

18 A. No.

19 Q. Did you used to live in New
20 Jersey?

21 A. Yes.

22 Q. You went to high school there;
23 right?

24 A. Yes.

Cindy Bender #1

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Q. Do you know the defendant, David Matusiewicz?

A. Yes.

Q. And how do you know the defendant, David Matusiewicz?

A. We went to school together.

Q. When you say school, what do you mean?

A. High school.

Q. High school. All right. And when did you graduate, what time are we talking about?

A. 1985 we graduated.

Q. And when you were in high school, what was your relationship with David Matusiewicz?

A. We dated.

Q. You dated. Okay. What happened after high school?

A. We went our separate ways after high school. We weren't together for very long, about three years -- well, about three years, maybe. And then he went 'off to college and we went our separate ways.

Q. Just to be clear, so the time period when you were in high school, that was three years you were together?

A. Yeah. On and off, yeah.

Q. On and off. So you graduate?

A. Uh-huh.

Q. And after you graduate, there comes a point where you move down to West Virginia; right?

A. Yes.

Q. Did you ever see David Matusiewicz again after that?

A. After I moved?

Q. Yes.

A. Yes.

Q. If you could briefly describe the context to the members of the jury of how that happened?

A. Okay. When I moved to West Virginia, I can't remember the exact dates, me and David, we lost touch for a little while, and then somehow we got in touch again. And the last time I can remember seeing him was he had contacted my mother, she also moved to West

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1 Virginia. I was across the parking lot from
2 her. He had contacted my mother and said that
3 he was in town on business and that he wanted to
4 connect again and talk and, you know, to catch
5 up. So that's how we got in contact again.

6 Q. Okay.

7 A. That I remember.

8 Q. And I don't know if you said, but
9 this is roughly in the late '90s, early 2000?

10 A. Yeah, I'm guessing around then,
11 yeah.

12 Q. And you're married at the time?

13 A. Yes.

14 Q. All right. And as a result of
15 that meeting, do you start to engage in what
16 I'll call an E-mail or text relationship?

17 A. Yes.

18 Q. Because at the time you're down in
19 where?

20 A. West Virginia.

21 Q. To your knowledge, David was
22 where?

23 A. I believe here, possibly.

24 Q. Do you know?

1 A. Not real sure, but I think could
2 have been Delaware.

3 Q. But he wasn't in West Virginia, is
4 that fair to say?

5 A. No.

6 Q. And, ma'am, I don't want to go
7 into a lot of detail about this, but what was
8 the nature of that E-mail/texting relationship?

9 A. We had a sexual relationship,
10 online.

11 Q. Okay. And what I mean by online
12 is that it wasn't -- you weren't in physical
13 contact with him?

14 A. Right. No, it was just online.

15 Q. And did he have a word for what he
16 called that type of behavior?

17 A. Playing.

18 Q. Okay. So this goes on for about
19 how long?

20 A. Years.

21 Q. And there comes a time when the
text messages stop; is that right?

A. Yes.

Q. And that in fact was -- you

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1 discovered after that that David had left the
2 country with his girls?

3 A. Yes.

4 Q. And at that point in time, did you
5 come into contact with Christine Belford?

6 A. Yes.

7 Q. Could you please explain to the
8 members of the jury how that happened?

9 A. I came in contact with Christine,
10 actually on a website, once I heard about David
11 taking the kids. I was looking online and
12 Googled his story and I came across a website
13 where you could leave comments and pictures, and
14 you know, I couldn't believe it actually was
15 happening, you know.

16 So I left a comment and I believe
17 it was -- it might have been a website Cristine
18 actually had made because she had contacted me
19 right after I had left a comment, and we started
20 e-mailing each other and became close.

21 Q. You and Christine Belford?

22 A. Yes.

23 Q. And at that point, did you tell
24 her what your relationship had been with

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defendant, Dave Matusiewicz?

A. Not at that point, no.

Q. What did you tell her?

A. I told her that -- well, actually once -- she asked me to introduce myself in one of the e-mails, so I told her who I was, and she actually knew who I was, she knew of me, that I had dated Dave in high school, and that we were friends and such.

Q. Now, there comes a point when you find out that Dave Matusiewicz has been arrested?

A. Yes.

Q. And let me ask you this. After he's arrested, did you communicate with David in any way after that?

A. After he was arrested, yes.

Q. So when he's gone, you don't have communications with him; correct?

A. Right. Right.

Q. But when he's back, you do?

A. Right.

Q. Do you remember how that started up?

1 A. He -- well, at first he contacted
2 me through corrlinks, a link through prison.

3 Q. Do you remember what corrlinks or
4 could you tell the jury what corrlinks is?

5 A. It's a prison site that they send
6 you a link that let's you know that a prisoner
7 wants to contact you through E-mail.

8 Q. Okay. So how did that start?

9 A. Well, I had gotten the link and I
10 knew who he was, so I went ahead and got on the
11 site to see, you know, what he wanted, if we
12 could talk or --

13 Q. Okay. So did you talk to him?

14 A. Yes, we talked through e-mail,
15 through the corrlink.

16 Q. Okay. So, you know, I'm assuming
17 you're familiar with the regular e-mail like
18 gmail where you can go onto a site and send
19 e-mails and it goes back and forth. How is it
20 different?

21 A. It's different because you can't
22 directly -- you have to get on the site before
23 you can actually like send the e-mail, not
24 regular e-mail where you type it and send. It's

1 like a whole nother site.

2 Q. All right. Can you send photos
3 through corrlink?

4 A. No.

5 Q. Did there come a point in time
6 when you also spoke with Amy Gonzalez?

7 A. Yes.

8 Q. And did you know Amy from back in
9 the high school days when you were dating Dave?

10 A. Yes.

11 Q. And how did you get in contact
12 with Amy Gonzalez?

13 A. I believe it was the very first
14 time I believe it was phone, phone call.

15 Q. Okay. Do you remember who called
16 who?

17 A. I called her.

18 Q. All right. And why did you call
19 her?

20 A. To see exactly what the story was,
21 what was going on about David and him leaving
22 and taking his kids.

23 Q. All right. Do you remember when
24 this would have been?

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1 A. No.

2 Q. Let me ask you a better question.
3 Would it have been before or after David was
4 arrested?

5 A. I believe I called her once before
6 too to find out, you know, what was going on,
7 where, you know -- because I had read the story
8 and wanted to know if she knew, you know, what
9 was going on.

10 Q. Did she say anything to you about
11 knowing what was going on?

12 A. No.

13 Q. And by knowing what's going on,
14 you're referring to the kidnapping?

15 A. Him leaving. Yeah, no.

16 Q. Is there also a time where you
17 spoke with Amy after David was arrested?

18 A. Mostly through e-mail after he was
19 arrested.

20 Q. Okay. Now, I'm going to -- we're
21 going through a series of e-mails, okay, and
22 you've seen some of these e-mails before,
23 correct?

24 A. Yes.

1 Q. All right. And did there come a
2 time where you were speaking or e-mailing
3 -- actually let me say both, there -- did there
4 come a time where you were e-mailing with
5 Christine Belford?

6 A. Uh-huh.

7 Q. And at the same time that you were
8 e-mailing with David Matusiewicz?

9 A. Yes.

10 Q. And with Amy Gonzalez?

11 A. Yes.

12 Q. And during this time period, which
13 I'm going to mark as 2010, 2011 and part of
14 2012, did Christine Belford know that you were
15 e-mailing back and forth with David Matusiewicz?

16 A. No.

17 Q. Did Christine Belford know that
18 you're e-mailing back and forth with Amy
19 Gonzalez?

20 A. No.

21 Q. And in terms of -- let me ask you
22 this. And we're going to talk about this in a
23 little bit more detail. Do you have a Facebook
24 account?

1 A. I do.

2 Q. And I'm sure most members of the
3 jury are familiar with it. That's a social
4 networking site?

5 A. Yes.

6 Q. At various points about some of
7 the times we're going to talk about, did
8 Christine Belford also have a Facebook account?

9 A. Yes.

10 Q. And that Facebook account has what
11 on it if you could explain that to the members
12 of the jury?

13 A. It just has like pictures of her
14 and her kids, things that she's done, her
15 statuses, what she's doing through the day.

16 Q. Status is what?

17 A. Status is like you put down what
18 you're doing through the day, you know, like
19 busy doing laundry or going grocery shopping
20 today or you know.

21 Q. Okay. All right. And let's start
22 with this. If I could have Exhibit 370, please.
23 There's a monitor there.

24 A. It's a little blurry.

1 Q. All right. Let's see if we can
2 pull it up. This is a record of --

3 A. Here we go.

4 Q. An e-mail account. Now, up there
5 at the top if we could pull out the e-mail
6 address, please, Special Agent Gordon. All
7 right. So where it reads there, can you read
8 that to the members of the jury, please, the top
9 e-mail address?

10 A. Yes, pookiesmom67.

11 Q. Correct. Whose e-mail is that?

12 A. Mine.

13 Q. All right. Who is Pookie?

14 A. My dog.

15 Q. Your dog. Okay. And with regard
16 to I think it lists their full name as Cindy
17 Bender, Morgantown, West Virginia, that's you?

18 A. Yes.

19 Q. All right. 371, please. All
20 right. Now, if we could blow up the top portion
21 of this, please. All right. So at the top that
22 says from Cindy Bender, pookiesmom67@yahoo.com,
23 that's your e-mail address?

24 A. Yes.

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1 Q. By the way, how are you using
2 e-mail in 2010, 2011 and 2012, are you at a desk
3 computer or do you have like a phone?

4 A. Phone, mostly phone.

5 Q. What kind of phone?

6 A. Blackberry.

7 Q. Blackberry, okay. All right. And
8 so that's to rnaim@aim.com and whose email
9 address did you understand that to be?

10 A. Amy's.

11 Q. And if you could just read that
12 email?

13 A. Hey Amy. Hope all is well with
14 you. I just wanted to tell you I got an e-mail
15 from corrlink from prison. David wanted to add
16 me to the list so we could e-mail. I'm sure you
17 got one. We did I talked with him today and I
18 was very happy to hear from him. Then tonight I
19 got corrlink message saying he wanted to remove
20 me from his list. Could you please find out
21 why? I don't think I said anything wrong or
22 anything to upset him. We didn't even talk
23 about much. I didn't even mention the girls.
24 Not real sure what you can talk about on their

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1 with him, you know? Anyway it really hurt me.

2 Please let me know if you hear anything. Tell

3 him I'm sorry if I said anything wrong.

4 Q. So at this point, is it fair to
5 say you had feelings for Dave?

6 A. Yes, in the beginning, yes.

7 Q. We'll go through in time periods,
8 but right now I want you to focus on I believe
9 the e-mail sales it's February 4th, 2010?

10 A. Yes.

11 Q. All right. There talking about
12 the corrlink system, so apparently something had
13 happened there where you weren't able to contact
14 him?

15 A. Yeah, I think it was because he
16 was moving or something and they took it off and
17 brought it back and --

18 Q. Got it. And if we could go to
19 372, please. And just the bottom e-mail or both
20 of them together is fine. And so at the bottom
it says from Cindy Bender to rnaim@aim.com and
who do you understand that to be?

A. Amy.

Q. All right. And there you ask Amy

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1 what on May 7th, 2010?

2 A. Do you have any somewhat recent
3 pics of Dave?

4 Q. And Amy says I do but I do not
5 know how to send them through the computer, only
6 ~~*~~ by regular mail. I am not real great with the
7 computer yet. Love ya, Amy. So at this point
8 you're just trying to get photos of Dave; is
9 that right?

10 A. Yeah, uh-huh.

11 Q. All right. Now, 374, please,
12 starting on the second page and if we could
13 blowup the top portion. All right. So now
14 looking at the bottom, Cindy Bender to R-N-A-I-M
15 and again, I'm just going to use Amy.

16 A. Okay.

17 Q. For the R-N-A-I-M e-mail address
18 and there you say what on June 23rd, 2010?

19 A. Hey lady, so what happened? Did
20 you have the mediation today? E-mail me soon.
21 Hugs. Cindy.

22 Q. And you receive a response back
23 from Amy to your e-mail address, June 23rd,
24 2010.

1 MR. WEEDE: With the Court's
2 permission, I'll just read in the Amy section.

3 The Court: All right. You may.

4 MR. WEEDE: Keeping in mind that
5 obviously the documents is what controls here.
6 Mediation lasted 10 minutes only. Chris does
7 not want me to see the kids. It is going to go
8 to court. She's only hurting her own children
9 by keeping them away from the family that loves
10 them. That is such a selfish act. I was told
11 that nothing would come of the mediation today
12 and that we would have to go to court and that
13 is exactly what happened. No surprise, just
14 more or Chris showing her ass. Love ya, Amy.

15 Q. And you respond, could you read in
16 your response, that's the same day, back to Amy?

17 A. "Damn girl, I was praying for you
18 ya. I'm so sorry things didn't work out. Yep,
19 it's the kids that will be hurting. Don't give
20 up. Keep fighting. Love Cindy."

21 Q. Next portion. This is Amy writing
22 back to you. I will --

23 MR. IBRAHIM: Your Honor, unless I
24 get to cross-examine Mr. Weede, I ask that the

1 witness be the one that reads in the record.

2 The Court: I guess to prevent any
3 inflection, that's best. We'll ask you also to
4 read what you received from Ms. Gonzalez. All
5 right?

6 THE WITNESS: Okay. So I read
7 this?

8 The Court: Please do.

9 THE WITNESS: "Chris is also
10 trying to have Dave's parental rights
11 terminated. Isn't she a real sweetheart? This
12 has been going on for a while. Sorry I forgot
13 to tell you that. If his rights do get
14 terminated then I will no longer be an aunt and
15 my dad will no longer be a grandfather. Evil as
16 they come. Love you Amy."

17 Q. And the next E-mail up, please.
18 That's you responding back to Amy?

19 A. "I don't think she can do that.
20 He didn't hurt them in any way. I really don't
21 think that's going to work. Remember no matter
22 what she does, the truth is you will always be
23 their family. You can't take their blood out of
24 them. Keep your head up. Love you, Cindy."

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1 Q. And last, this is Amy back to you?

2 A. "I am but that is what I was told
3 during the mediation meeting. If David gets his
4 parental rights revoked, then basically all of
5 our rights as relatives are revoked as well.
6 Sucks, doesn't it. I can't even image not being
7 able to see my girls again. I just want Tati to
8 be able to play with her cousins again. Love
9 you, Amy."

10 Q. And that's June 24th, 2010.

11 375, please. This is an E-mail
12 from you to rnaim@aol.com, dated September 30th,
13 2010, subject line girls. Can you could read
14 that in, please?

15 A. "Hi, girl. Thanks for e-mails.

16 Wanted you to know I heard from the girls. They
17 seem to be doing well and they are excited about
18 Halloween. They are all three going as witches.
19 They now have a puppy and they will be taking it
20 with them and it's going as a devil. Ha ha. So
21 cute. They promised me pics of them in costume
22 so if I do get them I will send them along so
23 you can see them and maybe copy them to show
24 Dave. I e-mailed him and told him as well. I

Cindy offered to send these pictures. we didn't ask for them.

1 have also started x-mas shopping for them. LOL.
2 I love doing it and want to make sure they get
3 alot from me. I know you guys can't send them
4 things so like Dave said, he will live through
5 me. LOL. And so they will be getting a lot
6 secretly from all of us. Tell mom and dad hello
7 for me and I love them. Hope mom does well with
8 the drivers test (sure she will) Can't wait to
9 hear from her. Hope you and your family are
10 doing good also. All is good here.

11 Q. So when you were referring there
12 to girls, whose girls are you referring to?

13 A. Christine's.

14 Q. So where are you getting the
15 information that you're relying over E-mail
16 here?

17 A. Christine.

18 Q. And when you say Christine, you're
19 just referring to Christine Belford; is that
20 right?

21 A. Yes.

22 Q. And again, at this point in time,
23 does Ms. Belford know that you're passing this
24 information to Amy Gonzalez?

1 A. No.

2 Q. And that portion there where you
3 said, where you wrote, if you pull that up
4 again, Special Agent Gordon, please, so like
5 Dave said, he will live through me, what did you
6 mean by that?

7 A. It means he couldn't send them
8 things so I would send it for him.

9 Q. Go up to the next, please, if you
10 could just read in the first three sentences, I
11 take it this is a response?

12 A. Hey there, I am glad that they
13 sound all right. I would love to see pictures
14 of them in their Halloween costumes along with
15 their puppy. How cute. Thanks for all of your
16 help and keeping updated."

17 Q. You don't need to read that part.
18 Thank you.

19 Now, 376, please. What are we
20 looking at here?

21 A. This is a picture of Laura.

22 Q. Okay. If you could read in --
23 first of all, that's from you and that's to
24 whom?

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would, I
did not
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receiving
them either.

1 A. RNAIM.

2 Q. And what's the date?

3 A. 11/22/2010.

4 Q. And what does it say there?

5 A. Laura eight years old, 2010.

6 Please let me know if you got these. Copy and
7 show Dave.

8 Q. Now, if you could do 377. Another
9 E-mail from you to RNAIM@aol.com?

10 A. Yes.

11 Q. What's this E-mail?

12 A. It's a picture of Karen.

13 Q. Who is Karen?

14 A. Christine's daughter.

15 Q. I'm sorry. I'm not sure I was
16 clear on this. Who was Laura from the prior
17 exhibit?

18 A. Excuse me?

19 Q. Laura was also Christine's
20 daughter from the prior exhibit?

21 A. Yes.

22 Q. And then now, 378, please. I take
23 it there was another, it says Leigh, seven years
24 old, 2010, if we look, there is a photo?

A. Yes.

Q. Ma'am, where did you get these photos?

A. Christine.

Q. 379, please. What are we looking at here?

A. A picture of Karen.

Q. Okay. And that's in an E-mail from you to what E-mail address?

A. Amy.

Q. All right. And what's the date?

A. 12/14/2010.

Q. Where did you get this photo?

A. Christine.

Q. 380, please. And this is a photo of whom?

A. Laura.

Q. And again, this is from you to Amy?

A. Yes.

Q. 12/14/2010?

A. Yes.

Q. This came from Christine?

A. Yes.

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- 1 Q. 381. This is a photo of who?
- 2 A. Leigh.
- 3 Q. From you to Amy?
- 4 A. Yes.
- 5 Q. 12/14/2010?
- 6 A. Yes.
- 7 Q. And that photo came from?
- 8 A. Christine.
- 9 Q. All right. 382, please. Just
- 10 focus on the bottom one first, please. This is
- 11 another E-mail from you to Amy, and what's the
- 12 date on that E-mail?
- 13 A. January 9th, 2011.
- 14 Q. And it's fair to say this is an
- 15 update of information you received from Chris.
- 16 Read it to yourself, please.
- 17 A. Yes.
- 18 Q. Is that accurate?
- 19 A. Yes.
- 20 Q. And, again, where are you getting
- 21 the information from Chris?
- 22 A. Yes.
- 23 Q. Where are you getting the
- 24 information from Chris?

1 A. She would E-mail me or -- I'm
2 trying to see what it says. Chris would E-mail
3 me and, you know, tell me things that she was
4 doing.

5 Q. If you go to the top portion of
6 this E-mail, please. Now, where it says to, do
7 you know whose E-mail address is A1BBQ@juno.com?

8 A. No.

9 Q. Do you know the E-mail address
10 LenoreMatusiewicz@yahoo.com?

11 A. No, I don't.

12 Q. Are you copied on this E-mail?

13 A. Yes.

14 Q. You are?

15 A. Message from Cindy.

16 Q. Right. But do you see your E-mail
17 address in the top where it says "To"?

18 A. I don't see my E-mail, no.

19 Q. So what does that message say?

20 A. Message from Cindy, no need to
21 reply, I already did. Love Ya.

22 Q. 383, please. If we could blow the
23 bottom portion up, please. This is another
24 E-mail from RNAIM@aol.com. And there is an

1 indication there, could you read that bottom
2 line into the record there?

3 A. "Just wanted to update you all as
4 to what happened so far in court today."

5 Q. And then there is a second
6 E-mail -- sorry, there is the middle one there,
7 please, can we blow that up. Now, this is an
8 E-mail from RNAIM@aol.com to pookiesmom67,
9 again, to reorient the jury, that's your E-mail
10 address?

11 A. Yes.

12 Q. What does the E-mail say?

13 A. Keep praying, please. We need as
14 many prayers and gods help. We will die if we
15 can't see the girls if David loses his rights.
16 Thanks. Love Ya, Amy.

17 Q. And if you could go up to the top
18 E-mail, please. And this is you responding?

19 A. Yes.

20 Q. And what do you write back?

21 A. Oh, my God, Amy. I don't even
22 know what the hell to say. That is just awful.
23 I don't know how the awful stuff can be said
24 about David. I know one thing, these girls,

1 when these girls are old enough to listen and
2 understand what happened to them and David they
3 will hate Chris for what she's done to them and
4 their father, and that's what I told Dave, also.
5 In the end she will be sorry she has done this
6 to them because she will be the loser. I
7 couldn't stop praying and all of you stay strong
8 and you friends and family who need all of you.
9 Love you, Cindy.

10 Q. What's the date on this E-mail?

11 A. 6/24/2011.

12 Q. Ma'am, it's fair to say you didn't
13 tell Ms. Belford that you were communicating
14 with Amy or David at this point in time;
15 correct?

16 A. Right.

17 Q. 384, please.

18 This is another E-mail from Cindy
19 Bender to RNAIM@aol.com. And what's the date on
20 this?

21 A. 8/18/2011.

22 Q. Read this into the record, please.

23 A. Please let me know you got this
24 and remember they didn't come from me. LOL.

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A2365

1 Shhhhh.

2 Q. Why did you write LOL, Shhhhh?

3 A. So she wouldn't tell anyone that I
4 sent her the pictures.

5 Q. And why were you concerned about
6 that?

7 A. Because I didn't want Chris to
8 find out.

9 Q. And then 385, I'm sorry, 3 -- 384,
10 please. And 385. And this is another picture,
11 this one is of Leigh, fair to say?

12 A. Yes.

13 Q. And then 386. I apologize, if you
14 go back to 384, I believe there is several pages
15 in that one; is that correct? Can we go through
16 384, please. So that's Leigh. There is another
17 one, this is one where it's again Cindy Bender,
18 that's you, to RNAIM@aol.com, August 18, 2011
19 and the subject line is what?

20 A. Laura.

21 Q. What does the E-mail say?

22 A. It just went away. Please copy
23 and send to Dave. Love you all. Remember,
24 shhhhh. L O L.

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1 Q. And the next photo is a photo of?

2 A. Laura and Leigh, maybe, I think,
3 in the back.

4 Q. And again, where did you get these
5 photos?

6 A. Christine.

7 Q. When you say Christine?

8 A. Christine Belford.

9 Q. Right. Is she mailing the photos
10 to you?

11 A. It was sent through regular mail
12 or E-mail them to me or text on my phone.

13 Q. Or text on your phone?

14 A. Yeah.

15 Q. 385, please. If we just focus on
16 the top, please. So this is an E-mail from,
17 says Amy Gonzalez, RNAIM@aol.com to you,
18 September 18th, 2011. Could you read that into
19 the record, please.

20 A. Thank you so much for the card
from Leigh. I will print a copy and send it to
Dave. It is true that Chris and her husband are
separated and she has a new boyfriend. Do you
know what is going on with them? I feel really

1 sad for the girls. This will affect them the
2 most. Men are just coming in and out of their
3 lives. Who knows what is up with this new one.
4 Take care and thanks again. Love Ya, Amy.

5 Q. Is it fair to say -- if we could
6 go to 386, please -- based on your E-mail
7 correspondence with Amy, did she know that your
8 messages with Dave were secret from your
9 husband?

10 A. Yes, I think so.

11 Q. And, in fact, she told you to be
12 careful about it; isn't that right?

13 A. Yes.

14 Q. If we could go to page three of
15 386.

16 MR. WEEDE: And blowup the bottom
17 part, please.

18 BY MR. WEEDE:

19 Q. That's from pookiesmom, that's
20 you, to R-N-A-I-M. And what do you say?

21 A. Hey Amy, yes, it's true that Chris
22 is separated from her husband and has a
23 boyfriend. But that's all I know. I e-mailed
24 her about the card I had sent Leigh and asked

1 how everyone was and she said her and her
2 boyfriend had been sick so I e-mailed back and
3 was like boyfriend? Did I miss something? I
4 thought you were married. LOL and that's when
5 she said her and her hubby were having problems
6 and they were separated. Truth be told he might
7 have realized what kind of person she really was
8 and didn't want to be around her drama anymore.
9 LOL. But that's all I know. But if I hear any
10 more, I'll let you know. Love you all, Cindy.

11 Q. Okay. And then the response.

12 This is September 19th, 2011.

13 A. Thank you so much for being the
14 contact with the girls for us. It means a lot
15 to see cards and pictures from them. You're
16 awesome. I predicted Chris would cheat again
17 and find a new man within five years as she has
18 done with all her previous husbands. This new
19 one better watch out if he knows what's good for
20 him. She will have him adopt the girls so she
21 can pin the cost of their care on someone since
22 Jerald smartened up. If you find out the new
23 guy's name, please let me know. I got a card
24 from Laura that says she wants to know when

Handwritten notes on the right margin:
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10/15
2, 15
to the
aged
Cindy

This is the scenario that I was referring to about predicting Chris's next moves... referring to men.

AFTER Termination of Parental Rights on Aug 18, 2011 - shows Laura reaching out to us after that.

1 Tati's birthday is so that she can send a card.
2 We are going to send a card back today. Hope
3 all is well with your family. Love and miss
4 you. Amy.

5 Q. 387, please, bottom section. And
6 this is an e-mail from whom?

7 A. From Amy.

8 Q. And what's the date?

9 A. October 1st, 2011.

10 Q. Okay. And could you read that,
11 please?

12 A. Hey girl, just wanted to let you
13 know that I have no idea how Christine found out
14 that we know about her new boyfriend. I don't
15 speak with her, I just send the girls cards here
16 and there. I did not tell anyone other than
17 mom, dad and my best friend Christine Cocove.
18 None of them would ever tell. We would never
19 involve you by revealing where we get info from.

20 Q. Okay. Would you go to 388,
21 please, bottom e-mail. This is an e-mail from
22 whom?

23 A. From Amy.

24 Q. To you?

A. Yes.

Q. And what's the date?

A. November 8th, 2011.

Q. And could you read this one into the record, please?

A. Hey there, girl. I just wanted to see if there was any way that you could get me Christine's cell number or house number. I would never tell her that you gave it to me. I will tell her that I got it from one of her co-workers at the office or some other story like a PI, et cetera. Laura called me for Tati's birthday, but they called from a blocked number and all numbers that I have for Christine's cell phone, house phone and Jerry's cell phone are disconnected. Tati wants to talk to her cousin. Please let me know. Hope all is well with you and your family. Love and miss you.

Q. Top of the e-mail, Special Agent Gordon. And this is your response?

A. Yes.

Q. Could you read that, please?

A. Hey lady, I know I talked to Dave

This is what prompted me to ask for Chris' # is the call from Laura after the Termination of Parental Rights. Clearly no one had explained that the TPR means we are no longer legally her family.

Why didn't the Frazier attorney, that was appointed to advocate for the children's wishes, Tabatha Castro, testify at the Termination of Parental Rights hearing?

1 also. He asked me the same thing. LOL. And
2 sorry I'm not much help. Chris only called me
3 once a long time ago and she said it was from
4 her husband's business phone because hers was
5 broke and she was trying to get another one.
6 Most of the time her or the girls e-mail or send
7 me cards through regular mail. I told Dave that
8 you said before that Chris e-mailed you to let
9 you know that gave Laura your number. E-mail
10 her back and let her know that Laura called you
11 and you couldn't answer and maybe she will
12 e-mail you the number or tell Laura to call
13 back. I have not gotten any other numbers from
14 her and since she called me once from her
15 husband's phone I didn't keep that number cause
16 it wasn't hers. And now she's with another man
so it wouldn't do me any good now, LOL. She has
never really volunteered much to me, really she
has never fully trusted me and kinda does things
when she wants to, ya know. LOL. Sorry I
couldn't be more help on this one. Hope all is
good with you also. Love you all, Cindy.

Q. And 389, please. And that's an
e-mail from you to whom?

I never told Cindy
that Chris emailed me.
I sent a card to
the girls & gave them
my #. Chris wrote me
back & said she would
give the girls my #
and told them it
was okay to call if
they wanted to.

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A237

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1 A. Amy.

2 Q. And it's dated November 8th, 2011.

3 Could you read that one in, please?

4 A. Yes. Hey lady, I told Dave I will
5 e-mail Chris and ask if she ever got a new phone
6 and she if she offers me a number and -- or see
7 what she says. I told him it's kinda weird that
8 she doesn't e-mail me anymore less I e-mail her
9 or the girls first. I don't know why. But I
10 will do what I can, but can't promise she will
11 offer me a number. I don't think she wants me
12 that close. Haha. Love ya, Cindy.

13 Q. And again, you did have her phone
14 number at that point?

15 A. I did.

16 Q. Now, we have Exhibit 390, please.
17 Bottom of the second page. And that's an e-mail
18 from you to whom?

19 A. Christine.

20 Q. Christine Belford?

21 A. Yes.

22 Q. And what's the date?

23 A. January 9th, 2012.

24 Q. And if you could read that in,

Then
why not
just say,
"I have
it, but I
am not
comfortable
giving out
the #?"

1 please.

2 A. Hi Chris, hope all is well your
3 way. Anything new going on. Hope your holidays
4 were good. I had a terrible flu about a week
5 ago and now my husband has it. Ugh, it's
6 terrible. LOL. Hope I don't get it again.

7 Well. Just wanted to say hi and check in. LOL.
8 E-mail when you can and give the girls a hug for
9 me. Talk soon, Cindy.

10 Q. And could you go up to the next
11 e-mail, please, Special Agent Gordon. And this
12 is an e-mail back from Christine?

13 A. Yes.

14 Q. And could you read in the first
15 two lines -- well, read in the first three lines
16 please?

17 A. Hi. Sorry about the delay. House
18 is for sale and I have had several people in to
19 see it. I also have a bad case of strep throat.
20 The kids are doing well. Happy in school, play
21 dates, et cetera. Nothing recent with David's
22 family since they are were around beginning of
23 December. I did get notice --

24 Q. That's fine.

1 A. Okay.

2 Q. And if we could go to the first
3 page, please. Larger block. Thank you. Now, I
4 don't want you to read this whole thing into the
5 record, Ms. Bender, but if you look to the
6 second paragraph, it's fair to say that Ms.
7 Belford's also giving you information about her
8 current boyfriend situation; is that right?

9 A. Yes.

10 Q. Can I have 393, please? Let me
11 ask you this. During this time period, I
12 believe the last e-mail we have in evidence is
13 dated January 2012. You're communicating
14 intermittently with David Matusiewicz, correct?

15 A. Yes.

16 Q. And what's the primary way you're
17 doing that?

18 A. E-mail.

19 Q. E-mail?

20 A. Like through my phone.

21 Q. Okay. But what about the corrlink
22 system?

23 A. I was doing that, yeah, when he
24 was in prison.

1 Q. Right. Okay. So if this were the
2 time when he was in prison, how would you be
3 communicating with him?

4 A. Through corrlink.

5 Q. Okay. But you were also talking
6 with him on the phone?

7 A. When he was -- yeah, I did, I
8 talked to him when he was in prison a couple.

9 Q. Explain to the jury how often that
10 would happen?

11 A. Not very often.

12 Q. And why is that?

13 A. Well, he couldn't -- there was
14 only certain times that he could call from
15 prison and also because me and my husband were
16 having trouble and I didn't want him there to,
17 you know, hear the phone calls.

18 Q. You didn't want your husband to
19 know you were getting calls from Dave?

20 A. Right. Right.

21 Q. All right. So 393, please, I
22 think we have that up. So this is an e-mail
23 from, from you to, to whom?

24 A. From me to Christine Belford.