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Cindy
Bender
#3

1 A. Yeah.

2 Q. Went on for a couple years?

3 A. Yes.

4 Q. Think you reached out to Amy 2010,
5 maybe, right?

6 A. Yes, possibly.

7 Q. Okay. Up through 2013, right,
8 about three-year period of time?

9 A. Yeah, it was a lot.

10 Q. I think it would be fair to say
11 that during that period you had a lot of
12 different relationships going on, didn't you?

13 A. What do you mean?

14 Q. Well, a lot of balls in the air,
15 right?

16 A. Excuse me?

17 Q. Well, you were talking to Cindy --
18 I'm sorry, to Christine Belford, but you didn't
19 want David or Amy to know that you were really
20 friends with Christine Belford, but you didn't
21 want Christine Belford to know you were having
22 the sexting relationship with David. It was a
23 lot going on, right?

24 A. Yes, it was.

1 Q. Yeah. Kind of had a different
2 face with almost every person that you were
3 involved with at that time?

4 A. Yes. My life was a mess at that
5 time, yes, it was.

6 Q. One face to Amy, another face to
7 David, different face to Christine Belford, your
8 husband?

9 A. Yep.

10 Q. Kind of had a different story with
11 each one of them too, isn't that fair? We can
12 break it down. And I think the gist of your
13 testimony is that the motive behind everything
14 was that you had feelings for David?

15 A. Can you speak up, it's hard to
16 hear you. The motive behind everything for you
17 was that you had feelings for David?

18 A. Yes, I did. Yes.

19 Q. You wanted to keep the
20 Matusiewicz's happy?

21 A. Yes.

22 Q. Do you remember about a day or two
23 after Christine Belford was shot you got a call
24 from a Detective Greer?

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A. Yes.

Q. Okay. You spoke with him for about a half hour?

A. Yes.

Q. You don't remember anything, you let me know, because we have that conversation recorded. We can play it and I have a transcript, okay?

A. Uh-huh.

Q. So you spoke with him for about a half hour. And he told you he was investigating the shooting, right?

A. Yes.

Q. And told you that he knew of some communications that you were having with Ms. Belford and Mr. Matusiewicz?

A. Yes.

Q. And you told him that it was because you were scared?

A. At the end I was scared.

Q. That's not what I asked you. You told Detective Greer five times, does that sound about accurate, five times during that conversation the reason why I did this was

*

1 because I was afraid, right?

2 A. Yeah.

3 Q. You never said to him, I did it
4 because I had feelings for David. Never once
5 said that to him, did you?

6 A. No, not at that time, no.

7 Q. No. Well, he wasn't asking you
8 about that time. He was asking you about the
9 relationship, why you were doing the things you
10 did, so you'll agree with me, what you told him,
11 little different than what you said yesterday,
12 right?

13 A. Well, I'm not exactly sure. I
14 don't really remember what he asked me, I mean.

15 Q. You'll agree with me?

16 A. He did ask you me about, you know,
17 what had happened, you know, the e-mails and
18 that sort of thing.

19 A. But I don't remember him asking me
20 if we had a relationship. Actually didn't even
21 care about that, he was more concerned about,
22 you know, what was going on with the --

23 Q. Not what I asked you.

24 A. Okay.

1 Q. I asked you the reason you gave
2 him for why you did everything was because you
3 were afraid, correct?

4 A. Yes.

5 Q. Okay. About a month later, an FBI
6 agent came to your home. Do you remember that?

7 A. Yes.

8 Q. Morgan Sperlock. I don't know
9 that agent. Is that male or female?

10 A. He was a male.

11 Q. Okay. So she came to you --

12 A. It was a he.

13 Q. It was a he?

14 A. It was a he.

15 Q. Morgan could be male or female?

16 A. It was a he.

17 Q. He came to your home and told you
18 who he was?

19 A. Yes.

20 Q. Told you he wanted to interview
21 you about the shooting?

22 A. Yes.

23 Q. About your relationships, right?

24 A. Yes.

1 Q. You would have been honest with
2 him, right?

3 A. Excuse me.

4 Q. You would have told him the truth,
5 right?

6 A. Yes.

7 Q. Okay. So you told him that you
8 knew David for a long time?

9 A. Yes.

10 Q. Dated in high school?

11 A. Yes.

12 Q. About four years, right?

13 A. On and off, yes.

14 Q. It was a significant relationship,
15 right?

16 A. Yes.

17 Q. Okay. He went to college, think
18 you met Joe Bender shortly after, right, after
19 high school?

20 A. Yes.

21 Q. Married to him?

22 A. Yes.

23 Q. You went your' separate ways,
24 right?

A. Yes.

Q. Okay. And then you told him how
in 2009 David was down in West Virginia?

A. Yes.

Q. Called your mother?

A. Right.

Q. Said I'd like to say hello, invite
inviting you and your husband and your mother
out to lunch?

A. Yeah.

Q. He wasn't married at the time?

A. I'm not real sure. I believe he
said he was going to be divorced.

Q. And you met for lunch, right?

A. We didn't actually do lunch, no.

Q. You didn't go to your mother's
house?

A. We went to my mother's house, yes.

Q. Okay. Now, did you meet him at
his hotel that weekend?

A. Yes, we actually all went to the
motel and didn't really pick him up, he followed
us to my mother's house in his own vehicle.

Q. But while he was there that

1 weekend, did you meet him at his hotel, you,
2 alone?

3 A. Not in West Virginia, no.

4 Q. So that wasn't the weekend that
5 later -- well, in 2012, that you and David were
6 talking about how you wish you didn't just have
7 to sext you could get away together again for a
8 weekend. That's not the weekend you were
9 talking about, that was another weekend?

10 A. There was one other weekend that
11 he did come into West Virginia and he stayed at
12 the Red Roof Inn and I believe he did pick me up
13 and went to the motel, yes. I'm not sure of the
14 dates of that.

15 Q. Wasn't long before he left with
16 the children, right?

17 A. I'm not real sure. I don't --

18 Q. It's kind of a significant event,
19 I would think. Try to think a minute. See if
20 you can give me the time frame.

21 A. What do you mean?

22 Q. Well, you're married, going away
23 for a weekend with a man?

24 A. I didn't go away for a weekend.

1 It was like a couple hours, if that. He just
2 came, picked me up, we went to the hotel, talked
3 for a little bit and that was it.

4 Q. Okay. After he left West
5 Virginia, the time you had lunch with your
6 mother and you and I think your husband decided
7 not to go, right?

8 A. The first time David came to West
9 Virginia, he did go, he did go.

10 Q. Shortly after that, you reached
11 out to him, right?

12 A. Yes.

13 Q. Because you were having marital
14 troubles, right?

15 A. Yes, because my husband was
16 jealous of the fact that David had come to West
17 Virginia and that we did meet.

18 Q. So to make it better, you reached
19 out with David. Is that what you're saying?

20 A. No, I didn't -- it didn't make it
21 better, no.

22 Q. And then you sort of had a sort of
the beginning I guess would be fair to say what
would end up being a pretty long term sexting

1 relationship, right?

2 A. Yes.

3 Q. Now, when you were telling the
4 agent about all of this, there came a time where
5 that agent said to you why did you give those
6 pictures of the children to Amy. And I think
7 you said, I'm pretty sure you said yesterday
8 that you did that because you wanted to make Amy
9 happy; right?

10 A. Yes.

11 Q. You told the agent that you felt
12 badly for Amy, right, because she couldn't see
13 the children anymore; right?

14 A. There was times, yes, that I did
15 feel bad for them.

16 Q. You didn't tell this agent,
17 though, it was because you were scared of David?

18 A. I don't remember what all I said.

19 Q. So you said that to Grier, which
20 told this agent that you did it because you felt
21 bad for Amy because she wasn't able to see the
22 children anymore; is that accurate?

23 A. It could be.

24 Q. Okay. And then you also said,

1 told this agent, and I have a copy of this if
2 you need to look at it, you let me know. All
3 right? I have a copy of the record of your
4 interview.

5 A. Okay.

6 Q. You told this agent that you had
7 this -- you continued with this sexting
8 relationship with David because you were worried
9 that he had these photographs of you and that if
10 he wanted to, he could just give them to your
11 husband at any time. Do you remember telling
12 the agent that?

13 A. Yes. And that is true.

14 Q. That's what you thought; right?

15 A. Yes.

16 Q. Not anything David told you?

17 A. No, I was worried that he could,
18 yeah.

19 Q. Not because he told you that?

20 A. No.

21 Q. Because you thought it was a
22 possibility; right?

23 A. Yes.

24 Q. Then about a month after that --



Goes to show
David never
threatened to
send these
photos to
Lindy's husband
if Cindy
didn't give
David Chris's
contact
information

That is
why
there was
never any
emai. / proof
of that
offered by the
govt because
it never
happened.

1 I'm sorry. Now, would it be fair to say before
2 we move off of Agent Spurlock, that you didn't
3 tell this agent that it was because you had
4 feelings for David?

5 A. Which agent was that?

6 Q. The first one that came to your
7 house.

8 A. Gordon.

9 Q. Yes. You didn't tell him you did
10 any of it because you had feelings for David;
11 right?

12 A. I believe I told him at one point
13 I did have feelings for David.

14 Q. Well, I can show you --

15 A. I told him we dated in high
16 school.

17 Q. That's not what I'm asking you.
18 You testified yesterday that you did everything
19 because you had feelings for David?

20 A. Yes.

21 Q. Okay.

22 A. I did a lot because I had feelings
23 for David, yes.

24 Q. But when you spoke with Agent

1 Grier, that's not what you said, right, we have
2 already been through that?

3 A. Right.

4 Q. And when, you spoke with Agent
5 Spurlock, that's not what you said? That's not
6 what you gave as a reason? We just went through
7 your reasons.

8 A. At the end, I was afraid of David.

9 Q. I'm not asking you that. I'm
10 asking you what you told this agent. I can give
11 you this report, you can read it if you need to.

12 A. If it's on there, then that's what
13 I said.

14 Q. A month later you traveled to
15 Delaware; right, to meet with Agent Gordon;
16 right?

17 A. Yes.

18 Q. I think Mr. McCall?

19 A. Yes.

20 Q. I think Detective Grier was there
21 again; right?

22 A. Yes.

23 Q. You went to the United States
24 Attorney's office?

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1 A. Right.

2 Q. Spoke with them. You were there
3 for a couple of hours; right?

4 A. Yes.

5 Q. And you would want to be, you
6 know, honest with them; right?

7 A. Yes.

8 Q. You want to tell them -- give them
9 the information they would need; right? Be
10 truthful; right?

11 A. Yes.

12 Q. Now, during that interview -- I'm
13 sorry. Lost my place in my notes.

14 One other thing, the first agent,
15 do you remember telling Agent Spurlock that when
16 David, you know, went missing, kind of you were
17 ~~*~~ Googling and looking for him, you reached out to
18 Christine Belford, sent her like an E-mail or
19 something. Do you remember that?

20 A. No.

21 Q. You don't remember that?

22 A. No.

23 Q. Maybe I'm getting confused. I
24 think you said it to the agent, but I know

1 yesterday you testified that you sent an E-mail
2 to Christine Belford?

3 A. For what? What was it for?

4 Q. You had been in contact with David
5 and all of a sudden he kind of like disappeared,
6 and you were looking for him. You testified,
7 you said, so I started Googling and I saw this
8 stuff about the kidnapping. Do you remember
9 saying that?

10 A. Yes.

11 Q. And then you said something about
12 like a blog or a post or something?

13 A. There was a site.

14 Q. Right. Right. Right.

15 So you said that you E-mailed
16 Christine Belford?

17 A. I left a comment on that site and
18 Christine E-mailed me back.

19 Q. Okay. Because that is what you
20 told Agent Gordon, but I was pretty sure that's
21 not what you said yesterday. But I'm glad we
22 clarified that.

23 So she reaches out to you; right?

24 A. Yes.

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1 Q. And you tell the agent, you tell
2 Agent Gordon that you told her that you knew
3 David from back in high school?

4 A. Yes.

5 Q. You didn't tell her that you had
6 recently been having an affair with her
7 ex-husband, right?

8 A. It was an online affair, it wasn't
9 like a real affair, affair.

10 Q. Whatever it was, you didn't tell
11 Belford about that?

12 A. No.

13 Q. You initiated your friendship with
14 Belford, is it fair to say, on a lie?

15 A. Yes, I guess you could say that,
16 yes.

17 Q. You were looking for David,
18 weren't you?

19 A. I was wondering what had happened,
20 yeah, definitely.

21 Q. So you reached out to his ex-wife?

22 A. Actually she reached out to me.

23 Q. Okay. And you lied to her; right?

24 A. Well, I didn't tell her that I was

1 in contact with him before he left, no.

2 Q. All right. A lie by omission, is
3 that better?

4 A. Well, at first, you know, I didn't
5 even know Christine to give her, you know...

6 Q. My question is very clear, and I
7 think you have already answered it --

8 A. Yes, I lied.

9 Q. Okay. Now, during that meeting,
10 you told Agent Gordon that when David first
11 reached out to you from corrlinks, you were
12 scared and you didn't want to respond?

13 A. At first, yes, I was a little
14 leery, yes.

15 Q. Now, we all saw an E-mail, though,
16 I think we saw it again this morning and we saw
17 it yesterday, that you wrote to Amy -- I can
18 pull it up. I don't think I need to -- where
19 you were saying oh, did I say something wrong?
20 Is David mad at me? I was on his list for
21 e-mailing and then he took me off. I'm really
22 hurt?

23 A. Yeah, that's when I started
24 talking to him through corrlinks, yes.

1 Q. No, it was when you first put your
2 name on the list, it was before you started
3 talking to him?

4 A. I can't remember when exactly it
5 was, because I had several different links come
6 to my E-mail, like he would move around, so when
7 he would move, he would send another link here
8 and there, so I can't remember exactly what link
9 that would have been.

10 Q. But you would agree with me that,
11 you know, well, I don't know, were you scared to
12 talk to David, but just telling Amy that you
13 were sad and upset that he took your name off
14 the list, or which one is true?

15 A. At first, yes, I was a little
16 leery about starting to talk to David after he
17 was in prison, but I was --

18 Q. So you lied to Amy; right? That
19 was a lie to Amy then?

20 A. Lied to who?

21 Q. Amy.

22 A. About what?

23 Q. When you were saying, oh, I'm so
24 upset, can you find out what happened, why did

1 he take me off his list, I really want to talk
2 to him, that wasn't the truth; right?

3 A. That was the truth.

4 Q. Let's just call it simultaneous
5 truths. Is that better?

6 A. It was the truth.

7 Q. Now, they brought you through a
8 series of E-mail exchanges. We're still on that
9 meeting. Okay?

10 A. Okay.

11 Q. That I could imagine would be
12 uncomfortable. I don't need to show you them.

13 A. Okay.

14 Q. And you said again that you only
15 did that because you were afraid that David had
16 pictures of you from before naked?

17 A. Yes, he did.

18 Q. But you gave him more?

19 A. Yep.

20 Q. And again, you told them it was
21 kind of something you were afraid about, you
22 thought it was a possibility; right?

23 A. Yes.

24 Q. Not anything David ever threatened

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you with?

A. No.

Q. You told the agents that the whole time, when they showed you that E-mail from April 24th, 2012, you saw that again today, Katie Moffa had her baby and was sharing the good news with Christine, telling Amy and David about it, saying nasty things about Christine, you said you did that because you wanted them, meaning David and Amy, to feel that you were on their side, but really you were on Christine Belford's side. Do you remember saying that?

A. I did both, yeah.

Q. So was it necessary to say some of the really disparaging things you said about Christine Belford, your friend? I think you're saying now that was really your true friend, they weren't. Was it necessary to say that I wouldn't want to use the same toilet as her, that was necessary?

A. No, it probably wasn't, no.

Q. That was something that Amy needed to make Amy happy? That was something that David needed?

1 A. It probably wasn't necessary, no.

2 Q. She was your friend, that's what
3 you're saying? That was the true friend?

4 A. I considered her a friend, yes, I
5 did.

6 Q. But those are the kind of things
7 you could say?

8 Now, this was a lengthy interview,
9 do you remember that? You were there a couple
10 of hours, weren't you?

11 A. The first time?

12 Q. No, the first time was at your
13 home?

14 A. The second one, when I came to
15 Delaware.

16 Q. The second one when you came to
17 Delaware. You were there a couple of hours?

18 A. Right.

19 Q. They showed you a lot of e-mails?

20 A. Yes.

21 Q. And you saying yeah, I know, it
22 looks horrible. Do you remember using those
23 words?

24 A. Yes.

1 Q. It looks horrible, I know, but I
2 was really scared?

3 A. There were times that I was
4 scared, yes.

5 Q. You didn't say ever, I can't find
6 it in this interview where you said I have
7 feelings for Dave. I had feelings for him. I
8 was doing that --

9 A. We really didn't get into -- like
10 I said, I was there for a couple of hours and we
11 didn't get into all of it.

12 Q. You didn't get into all of it.
13 You were shown the same e-mails in that meeting
14 that you testified to today?

15 A. Some, yes.

16 Q. You're there for a couple hours.
17 They kept asking you, explain this to us. Why
18 did you do this. And you said over and over
19 again that it was because you were afraid of
20 David?

21 A. I wasn't completely afraid, no.
22 At times I was, but not always.

23 Q. I understand that. I know you
24 weren't. You had feelings for him?

1 A. Right.

2 Q. Right. But you didn't tell Agent

3 Gordon that?

4 A. No.

5 Q. You met with the FBI agent who was
6 investigating this case, you didn't tell him
7 that?

8 A. No, I didn't.

9 Q. No. Okay. So I think it's fair
10 to say -- I think it's fair to say, you weren't
11 honest in that relationship either, right?

12 A. Okay.

13 THE COURT: Ms. Chavar, I hate to
14 interrupt your cross, but should we take a break
15 now?

16 MS. CHAVAR: Your Honor, at your
17 pleasure, I think I could probably wrap up in 10
18 minutes.

19 THE COURT: Members of the jury,
20 should we go 10 minutes and then take a break or
21 do you want to break now.

22 THE JURY: Now.

23 THE COURT: Now. We'll take our
24 break now.

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(Jury exits.)

THE COURT: And if I could ask both counsel and the witness to speak into the microphones and keep your voices up, all right? Ms. Chavar, continue, please.

MS. CHAVAR: Thank you.

BY MS. CHAVAR:

Q. Mrs. Bender, you testified this morning that there came a period of time where you just felt like you just didn't want to play anymore?

A. Yes.

Q. Okay. And your testimony was that David got agitated?

A. Yes.

Q. Okay. And then you cut everything off and you told Christine Belford and your husband the next day?

A. Yes.

Q. Okay. Not exactly what happened, though, right?

A. Yes, that's what happened.

Q. Let's back up then.

A. After he told me not to contact

1 him is when it stopped.

2 Q. Let's back up. Going to show you
3 Government Exhibit 445. It's an e-mail you sent
4 David in the end of August, right?

5 A. Excuse me?

6 Q. This is an e-mail?

7 A. Yes.

8 Q. You sent David in the end of
9 August?

10 A. Yes.

11 Q. 2012?

12 A. Yes.

13 Q. Would you read it, please?

14 A. I have been going over the e-mail
15 I sent you and all the responses you have sent
16 to me back. I think I just got exactly what you
17 seen and how it sounded. It sounded like I was
18 trying to tell you. Can you just hang on and
19 I'll be right back. I'm going to screw someone
20 or hubby and what, do you mind or does that
21 bother you? Hope it's okay. Oh, my God, that's
22 so not what I meant it to sound like. I will
23 say that yes in a way I wanted a jealous
24 reaction. I was just thinking well, maybe if he

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1 was a little jealous he really does care. Yes,
2 I know, high school stuff and it was a wrong way
3 to say it totally but when we play sometimes I
4 just feel like it's my body you look at and not
5 me. I know you have known me forever and I
6 shouldn't think that way. But that's the girl
7 in me. I would never want to hurt you on
8 purpose and I really really didn't mean to. I'm
9 not saying this because I don't want to play. I
10 don't even care about that. I just wanted to
11 ~~X~~ give you the answer to your e-mails and let you
12 know now I understand what you were saying. I
13 hope this clears things up a little more.
14 Promise I will never send something like that
15 again. I honestly didn't realize how bad I
16 sounded. You have been a friend to me for what,
17 like 30 years. LOL. I really don't want a text
18 to ruin that, but if you would still rather
19 not --

20 Q. Okay. You were looking for a
21 declaration of love, right?

22 ~~X~~ A. Possibly.

23 Q. And you didn't get that?

24 A. No.

1 Q. And that made you angry, right?

2 A. Not really angry no.

3 Q. You were telling him he was your
4 soulmate and you were waiting for him to realize
5 that?

6 A. I wrote what?

7 Q. That you were his true soulmate?

8 A. I could have sent in an e-mail,
9 yeah.

10 Q. Okay. You didn't want him to see
11 some pictures he had of the girls because
12 Christine Belford was in them and you didn't
13 want him to start to like her again, because
14 that would make you jealous? *

15 A. Yes, I do remember saying that.

16 Q. When the e-mail that you sent
17 didn't have the effect that you wanted, you held
18 back physically, right?

19 A. Not necessarily, no. I still kept
20 sending pictures and stuff to him.

21 Q. Are you sure about that?

22 A. The last time I sent him anything
23 or that we contacted was when he told me not to
24 contact him anymore.

1 Q. That's not what I asked you.


2 Right after this E-mail, you didn't get this
3 declaration of love that you wanted, you didn't
4 have time to play; right?

5 A. I didn't always have time to play,
6 no. There was times when I was busy doing
7 things or my husband was around.

8 Q. And that happened after this
9 E-mail; correct?

10 A. Well, that would happen all
11 through. I wouldn't always have time to play.

12 Q. Give me a minute while I find the
13 E-mail I'm looking for. This is Government
14 Exhibit 456. And this is about a
15 month-and-a-half after that E-mail. Would you
16 read this one, please?

17 A. Okay. When we started playing
18 again I had no idea this was how it was going to
19 be when things would happen if I couldn't. I
20 have tried to be a good friend to you also and
21  helping you as much as possible and keeping you
22 informed about your girls, and this is the way
23 you feel you need to talk to me? Thanks.

24 Q. And he wrote back to you; right?

1 A. Excuse me.

2 Q. He wrote back to that, didn't he?

3 A. Yes, up top. Yes.

4 Q. Read that?

5 A. You are a text message and some

6 pics/vids you send when you're in mood. If we
7 were good friends I would be able to pick up the
8 phone and call you whenever I wanted. Don't kid
9 yourself, I'm the guy you cheat on hubby with,
10 nothing more. As to my girls, I have told you
11 before I've got many people watching them. *

12 Leave them out of this. As to playing the game,
13 hope you and hubby are very happy together.

14 Q. Even though he said that to you, I
15 don't need you to send me pics of the kids, I
16 don't need that from you, you wrote back. Read
17 what you said.

18 A. Okay. So when I have info or
19 school pics of the girls, do you want the info
20 from me? Glad I know now what you think of me.

21 Q. He wasn't asking you, you were
22 still offering. And really, Mrs. Bender, you
23 initiated the whole exchange of information from
24 Christine Belford to David, didn't you? *

1 A. At times, yeah. But there was
2 times when he would ask me to get information.

3 Q. I'm going to show you Defendants'
4 Exhibit 400.

5 MS. CHAVAR: Sorry for turning my
6 back to the Court, Your Honor.

7 BY MS. CHAVAR:

8 Q. All right. Let me direct your
9 attention to the first page of Defendants'
10 Exhibit 400.

11 You testified this morning that
12 you gave David the password to your Facebook
13 account, and then you changed it so he wouldn't
14 have access; right?

*Cindy's
idea
in the
1st place*

A. Yes.

Q. It was your idea --

A. Yeah.

Q. -- in the first place; right?

A. Yes.

20 Q. Because let me direct your
21 attention to the first page. This is dated
22 August 14th.

23 A. I don't see anything except a
24 bunch of numbers.

1 Q. I'm sorry. I'm not as
2 technologically savvy as I would like to be.

3 Can you read that, please?

4 A. So I have a question for you. All
5 joking aside, how much can I trust you?

6 Q. Turn to the next page. And David
7 wrote back to you. Would you read what he said?

8 A. Are you kidding?

9 Q. That was a fair question then
10 because you're exchanging nude photos of each
11 other, so that would imply some trust; right?

12 A. Yeah, some, yes.

13 Q. And you wrote back. If you would
14 highlight that for me.

15 A. No, seriously!

16 Q. Would you read what David wrote?

17 A. There is nothing you can't ask me.
18 I've been honest with you. What do you need to
19 tell me?

20 Q. And then just above that, Mr.
21 Merrick, is her reply and I'll ask you to read
22 that please, Mrs. Bender.

23 A. It's not what I need to tell you.
24 I have an idea so you can see pics of your

Cindy's
idea
not
David's

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girls, but I don't know if it's a good idea.

LOL. And then you would have to see some pics

of Chris too and I don't want you to missin her,

cause then it will be my fault and I'll be

jealous, LOL. Sent from my Blackberry.

Q. Thank you, Mr. Merrick. And then you give him the information, right?

A. Yeah.

Q. And then you change the password?

A. Yes.

Q. You lied to him about what happened, said I don't know, I didn't know that's what would happen?

A. About the --

Q. About him not being able to get on.

A. Oh, yes.

Q. Okay. Then the next morning you e-mailed him and say hey, I got a new password.

Want to try again?

A. Yes.

Q. You did all of that, you initiated all of that?

A. Yes, I did.

Cindy's idea not once, but twice.
No charges filed against Cindy (not that I would ever want that to happen)
But David + I are sitting in prison for life... something wrong with this picture?

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1 Q. Because you wanted a relationship
2 with him. Let's be clear, he wasn't asking you
3 for that?

4 A. Yes, at that time no, he wasn't.

5 Q. I've going through many, many
6 e-mails. You know -- you know your cell phone
7 was confiscated your computer was confiscated.
8 We've got mounds of paper here. I don't see --
9 I don't see it where he's asking you, drive down
10 to Delaware and get pictures of my girls. He
11 never asked you to do that? *

12 A. No.

13 Q. Right?

14 A. No.

15 Q. He didn't ask you to do a lot of
16 things that you just did?

17 A. Yes, that's true. *

18 Q. And then he made it clear to you
19 that that was not his relationship with you?

20 A. Not with all things, no.

21 Q. You were jealous of Christine
22 Belford, right?

23 A. At that time.

24 Q. She wasn't your friend, you were

1 jealous of her, weren't you?

2 A. I considered her a friend, yeah,
3 but yes, I was probably jealous too, yeah, with
4 the relationship they might have had at one
5 point.

6 MS. CHAVAR: Give me a moment,
7 please. My apologies. Just a lot of paper.
8 Okay.

9 BY MS. CHAVAR:

10 * Q. You wanted to give David pictures
11 of his girls because you know he loved those
12 girls, right?

13 A. Of course, yes.

14 Q. And you knew that that would
15 endear you more to him?

16 A. Yes.

17 Q. Right?

18 A. Yes.

19 Q. And you knew, I mean, you

20 X certainly knew you would never have given him
21 pictures if you thought he would have hurt those
22 girls?

23 A. No. And if I knew he wasn't -- if
24 I knew he wasn't supposed to have any pictures

of them, I probably wouldn't have sent them.

Q. Okay. Mrs. Bender. He tells you I can't get on Facebook, I'm not allowed to do that.

A. He didn't say he couldn't get on Facebook. He never told me he wasn't allowed. He had a Facebook account.

Q. He was barred from hers, right?

A. Well, her settings were private, yes.

Q. And she didn't want him on it?

A. Right. But he was allowed to have a Facebook account. He was on Facebook.

Q. I don't think that's what I asked you, but that's fair. I don't think anyone has disputed that.

A. You just said that he wasn't allowed to.

Q. His focus was on the girls, right?

A. Right.

Q. Okay. In fact, Government Exhibit 433, after you wrote I wouldn't even want to share the same toilet --

A. Could you scoot it.

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Q. I'm sorry.

A. Okay.

Q. After you wrote to him Christine has so many boyfriends I wouldn't even want to use the same toilet, please read what he wrote back.

A. Okay. I'm not quite sure where we are in here.

Q. It would be this highlighted -- this highlighted portion here?

A. Okay.

Q. Read that one, please.

A. Okay. It's been her high school boyfriends, her first hubby, Bill Moffa, me, Jerald, Frank, Fran, and now the new guy. She was born in '73. You do the math. Problem is her children are seeing this as how women should behave.

Q. Because that was the bottom line for David, wasn't it, right there, problem is her children are seeing this as how a woman should behave?

A. Okay.

Q. You're calling her names, you're

1 saying things and he's saying look, I'm just
2 worried about my children and the example they
3 are seeing.

4 MS. CHAVAR: Can I just have a
5 moment, Your Honor?

6 THE COURT: As quickly as possible
7 Ms. Chavar, just so we can make use of our time.

8 MS. CHAVAR: I have nothing more.

9 THE COURT: Mr. Edelin, any cross?

10 MR. EDELIN: No, Your Honor.

11 Thank you.

12 THE COURT: All right. Mr. Weede.

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

14 MS. CHAVAR: Mr. Weede, I'll be

15 out of your way in a moment.

16 THE COURT: Just trying to move
17 this along Ms. Chavar. Take your time.

18 BY MR. WEEDE:

19 Q. Now, Mrs. Bender, just a few
20 questions. When Mr. Gonzalez was asking you
21 some questions in connection with Amy seeking
22 out Christine's cell phone, do you remember
23 that?

24 A. Yes.

Why wouldn't it be true? It goes with the time frame when Laura sent a card asking what Tatiana's birthdate was + also calling Tati on her birthday 11/3/11... right after Termination of Parental rights on 8/18/11.

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Tatiana was on the witness stand - he could have asked her himself.

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Q. A lot of questions. And he pointed to a part in the e-mail where it says Tatiana wants to talk to her cousin?

A. Uh-huh.

Q. Do you actually know if that's true?

A. No, I don't.

Q. And there was some reference by Ms. Chavar about you providing information to David, do you remember that?

A. Yes.

Q. And I guess the implication was that you were just supplying it to him without him asking for it, right?

A. Right.

Q. Was he also asking you for information?

A. At times he did, yes.

Q. And isn't it also true, and we don't need to put all the e-mails back up again, but did he also say he had a lot of other people watching?

A. Yes.

Q. And in reference to names that you

1 were calling Ms. Belford, now ma'am, you called
2 her some pretty bad names, didn't you?

3 A. I did.

4 Q. Did David also call her some
5 pretty bad names?

6 A. Yes, he did.

7 Q. We don't need to go through those
8 again. And he -- there was mention by Ms.
9 Chavar of the fact that you had -- I'm sorry.

10 A. It's okay.

11 Q. You need a minute?

12 A. I'm all right.

13 THE COURT: Take a drink of water
14 if you'd like, Ms. Bender.

15 BY MR. WEEDE:

16 Q. There's a reference to you having
17 a lot of, quote unquote, different faces?

18 A. Yes.

19 Q. Ma'am, didn't David know exactly
20 what you were doing?

21 A. Yes.

22 Q. Didn't Amy know what you were
23 doing?

24 A. Yes.

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Q. Did David know you were married?

A. Yes.

Q. Did David know you had kids?

A. Yes.

Q. Or a girl?

A. Yes.

Q. There's a reference to in 445, I think Ms. Chavar, if we could pull up 445, please. This e-mail is dated August 27th, 2012?

A. Yes.

Q. And I believe the comment was is that what Ms. Chavar says well, basically after this there wasn't any playing?

A. Right.

Q. Right?

A. Right.

Q. You in fact you did have more sexting after that, didn't you?

A. Yes.

Q. Could you look at the dates on these e-mails, please. What are those dated?

A. Yes. One is 8/30/2012. Here we go. Yeah. 8/30/2012.

Q. Now, ma'am, if we could go to the

second page, please. You know what I'm going to do, I'm just going to show you this E-mail?

MR. WEEDE: Your Honor, if I may.

THE COURT: Yes.

MR. WEEDE: I don't think we need to publish this.

BY MR. WEEDE:

Q. Ma'am, could you go through 446, please, and characterize the contents of that E-mail, that E-mail chain?

A. (Witness reviewing exhibit.)

Q. Is it fair to say that they're --

A. It's sexual.

Q. -- sexual in nature?

A. Yes.

Q. Finally there was some -- if I could have the Elmo again, please. That's in August. Let's fast forward to Government Exhibit 456. This is an E-mail string on August 9th.

Now, let's look at how this ended. It starts out Pookiesmom67 to Beardog, that's October 9th. And you write, Busy on FB? LOL? Why are you writing that?

act
on

1 A. I was asking him if he was on
2 Facebook, if he was busy on his Facebook.

3 Q. And he responds?

4 A. No, just waiting for my girlfriend
5 to get her thumb out of her ass and get better
6 so we can play again.

7 Q. And you respond back?

8 A. Get her thumb out of her ass?

9 Q. And his response?

10 A. That's known as a social
11 expression for when you believe someone's
12 hemming and hawing and making excuses for
13 something she really doesn't want to do.

14 Q. And then you say?

15 A. I know what it means. Believe
16 what you want. I can't make you believe me.
17 Sorry that's how you feel.

18 Q. You spoke before about being
19 afraid Defendant David Matusiewicz would take
20 photographs of you and send them to other
21 people?

22 A. Yes.

23 Q. Can you read the next E-mail,
24 please?

1 A. Want me to dig through my past
2 e-mails to find the last time you felt like
3 playing? Or is my point made?

4 Q. And you respond back?

5 A. See, my point is made.

6 Q. What was your point?

7 A. The way he was acting towards me.

8 Q. And what does he say after that?

9 A. I'd think long and hard about your
10 response if I were you.

11 Q. Were you afraid of the David?

12 A. At times, yes.

13 Q. Was there a point where you also
14 loved him?

15 A. Yes.

16 MR. WEEDE: Your Honor, that's all
17 I have.

18 THE COURT: Mr. Ibrahim, anything
19 further?

20 MR. IBRAHIM: No questions for
21 Mrs. Bender.

22 THE COURT: Ms. Chavar, anything
23 further?

24 MS. CHAVAR: No, Your Honor.

That
didn't
express a
threat to
send the
sexual
pictures to
anybody.

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THE COURT: Mr. Edelin?

MR. EDELIN: No, Your Honor.

Thank you.

THE COURT: Ms. Bender, you are excused.

MR. IBRAHIM: Your Honor, may I move my exhibits into evidence at this point?

THE COURT: Yes. While we're getting the next witness.

MR. IBRAHIM: Thank you.

THE COURT: If you could start bringing the witness in, we'll have Mr. Ibrahim move in his exhibits.

MR. IBRAHIM: I just did.

THE COURT: Just for the record, those exhibits listed during the cross-examination of Mrs. Bender by Mr. Ibrahim are admitted into evidence.

And Ms. Chavar.

MS. CHAVAR: Yes, if I could move in the exhibit as well.

THE COURT: Admitted as well.

MR. WEEDE: Your Honor, it wasn't clear all of the exhibits I was admitting and