

1 question, I took it as a legal, what would be
2 the legal effect of that. How is the question
3 again?

4 MR. McCALL: Well, I'm sorry, I
5 thought I asked that question more directly
6 previously and my second question was --

7 MR. IBRAHIM: The previous
8 question, the attorney gave his opinion.

9 THE COURT: I thought this was the
10 exclamation point.

11 MR. McCALL: I'm going to move on.
12 I'm just transitioning.

13 MR. IBRAHIM: My only objection
14 was he was going to start talking --

15 THE COURT: I'll sustain the
16 objection. Let me clear it up again for the
17 sake of the jury, saying you heard members of
18 the jury, because of Delaware law the
19 termination of David's rights would terminate
20 the right of David's family to have contact. Is
21 there any dispute under Delaware law?

22 MR. IBRAHIM: There is. I believe
23 the way Delaware law is written, you can only
24 apply for certain visitation and guardian rights

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if you have some type of legal relationship to the child. In order to have that legal relationship, you have to file the paperwork. An absolute stranger can apply for guardianship of anyone, so I think the representation that -- the way it was asked to direct by counsel the way Mr. Hitchings responded, I didn't object to that, that's fine, if it's left like that.

THE COURT: I think I won't say anything, we'll just move.

MS. CHAVAR: Your Honor, if you can just indulge me, just a clarification, I think that the Court's order was that we wouldn't -- they were precluded from the bank fraud and the fraud related conduct, and he just spontaneously, this witness jumped out and said that.

MR. McCALL: That wasn't in the testimony.

THE COURT: Hold on if I may.

MS. CHAVAR: I just want to clarify --

THE COURT: I think it's clear that we're not going to wander into that area,

1 we're going to limit it to kidnapping. I took
2 it as the witness in an honest attempt to answer
3 the question put it in context of making record
4 of those charges. The court intervened. I
5 think we took care of that and moved on. I
6 think Mr. McCall will make sure we're won't get
7 into that area.

8 MR. McCALL: I'm heading far away
9 from it.

10 THE COURT: I think it was just
11 the witness responding factually to the context
12 as he understood it. I did not sense any ambush
13 there or baiting the trap.

14 MS. CHAVAR: I just wanted to
15 clarify what the Court order was.

16 THE COURT: We have it. Thanks.

17 (End of side-bar discussion.)

18 THE COURT: It's rare when the
19 judge asks for a sidebar, right? No, it was
20 helpful to me to clarify the posture of the
21 testimony and where we'll be going next, so we
22 were able to do that. And again, we'll probably
23 save sometime as a result. Thank you, Mr.
24 McCall. Sorry to interrupt. Go ahead.

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BY MR. McCALL:

Q. All right. Now, following the TPR hearing, you exchanged telephone calls and emails with Christine Belford?

A. Yes, we did.

Q. Okay. I'd like to show you a series of those.

MR. McCALL: Judge, I know that you've previously ruled on Exhibits 492 through 495 and I would offer those exhibits at this time and ask that they be admitted and published.

THE COURT: Hearing no objection, they are both admitted and you may publish.

BY MR. McCALL:

Q. Mr. Hitchings, I'm going to ask you to look at your screen.

A. At the screen?

Q. The screen in front of you. Bear with me while I get to the correct email. Okay. I'm looking at Government Exhibit 492, page 2.

Okay. Who is this email from?

A. It's from Christine Belford.

Q. And who is it to?

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A. To me.

Q. And what is the subject, sir?

A. It says how info was obtained about my personal life for Matusiewicz. Then there's something I can't read.

Q. Okay. Can you read the rest of it?

A. Oh, it says R, there's a space and it's O-B-E-R space T-S.

Q. Okay. Now, is that a last name that's familiar to you in the context of this case?

A. If you put them all together, it says Roberts.

Q. And who was Roberts?

A. Donald -- Don Roberts was David Matusiewicz's attorney representing him in the termination of the parental rights case.

Q. Okay. And the date is what?

A. November 28th, 2011.

Q. And you've previously reviewed these e-mails before coming in today; is that correct?

A. I have.

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Q. Okay. Can you please read to the jury what's in the body of the email?

A. It says do you think Don is intimidated by the Matusiewicz family or could be? I remember he told me once he refuses calls from Tom and Lenore. Tom is an excellent shot. I have seen him. I wonder if Don is. Then it says T-T-Y-L, which I assume means talk to you later.

Q. And in the context of that email, what were you -- what did you understand her to be referring to?

A. I'm not sure what the question is.

Q. Sure. What I was asking is, in the context of that email, she's talking about Tom and Lenore; is that correct?

A. Yes.

Q. Okay. I'll leave it at that.

Now, the next email in the chain just as we work our way up, it indicates what?

A. This says November 28th, 2011, and there's my name, this is my response.

Q. Okay. Now, that's been -- cut that out. We're going to go right to the next

Why would Chris be write an email like this to her lawyer?
Could it be to instill fear in others?

of course, the only part that the govt used in the indictment was, "Tom is an excellent shot. I have seen him."

1 email, which is what I've just highlighted for
2 you here.

3 THE COURT: Which bates page are
4 you now on?

5 MR. McCALL: I'm sorry, Judge.
6 I'm on page 1, which is the first page of
7 Government Exhibit 492.

8 THE COURT: All right.

9 BY MR. McCALL:

10 Q. Okay. Again, it's from who?

11 A. It's from Christine Belford.

12 Q. To?

13 A. To me.

14 Q. Subject?

15 A. Continuation.

16 Q. Date?

17 A. November 28th, 2011.

18 Q. And again, this is just a number
19 of months after the TPR hearing; is that
20 correct, the TPR order, I should say?

21 A. That's correct.

22 Q. What does it read?

23 A. She says Don didn't get them the
24 result they wanted, i.e. losing the TPR case.

1 And yes, even with the appeal in process, I am
2 not overly worried that -- I am not overly
3 worried that will be overturned. Don may become
4 a misdirected target of their anger if the
5 appeal is lost.

6 Q. Okay. Email continues on.

7 A. Yes, it does.

8 Q. Go ahead. You can read it.

9 A. David and his family like to see
10 me suffer, especially David. He is the type to
11 pull legs off a spider one at a time. Remember,
12 I have been watching him remove opposition from
13 his life long before this all began. He plays
14 dirty and tries to obtain his target regardless
15 of what it takes. What Sam speculated and I see
16 as the highest probability -- -I see as the
17 highest probability if David can't have the
18 girls, then neither can I. David has nothing to
19 lose at this point. He has lost everything. He
20 may allow me to suffer. I may survive long
21 enough to --

22 Q. Why don't you go back.

23 A. He may allow me to survive to
24 suffer. I may survive long enough to watch the

Again -
instilling
fear in
others,
why?
maybe to
create a
record...

Really??

1 girls be harmed. I may even go missing. All of
2 this could be possibilities. Do I need to say
3 more? I already have taken out life insurance
4 on Laura and Karen. Having trouble with Leigh's
5 due to the autism. I did my will, et cetera,
6 through Legal Zoom, so those documents are ready
7 as well.

8 Q. And finally the bottom half?

9 A. Haven't bought a gun yet.

10 Q. Hold on. Can you see the --

11 A. Oh. It says B-T-W, which I
12 believe means by the way. If I go, quote,
13 missing, unquote, call the police. Haven't
14 bought a gun yet. My finances being what they
15 are, I am waiting to get some more money in
16 bank. Second topic, I called Markie Mosley from
17 victim services at NCC, which I believe stands
18 for New Castle County. She had me call
19 non-emergency line for NCC and see what to do
20 about the letter from Lenore slash Tom.
21 Basically I had to mail a letter certified
22 return receipt to them stating they are not to
23 contact me. I sent you a CC and you should get
24 it in the mail in a few days. Just hold on to

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A1662

1 it for the file. The police officer told me if
2 I receive anything else, I can file charges.

3 What I envision is a return to unsigned mean
4 mailing, as when probation was in force. Third

5 topic, I was hired by Nordstrom's to start
6 Wednesday. I then got a call from -- for an

7 interview for tomorrow with an eye doctor in
8 Trolley Square. I will see what deal seems

9 better. I'll let you know. Signed C.

So you mean
from this
email in
Nov 2011
until 2/11/13
NO charges
were ever
filed by
Chris even
after she
spoke to the
police.

10 Q. Okay. I'm going to turn now to
11 Government Exhibit 493. Starting on page 1.

12 Again, this is an email from whom?

13 A. From Christine Belford.

14 Q. To?

15 A. To me.

16 Q. Subject?

17 A. Updated information for you.

18 Q. Date?

19 A. Friday 2nd, December 2011.

20 Q. Okay. Could you please read?

21 A. Hi Tim, the car Tom and Lee are
22 driving is a silver Honda Civic with a damaged
23 front left fender, quote, rusted from the lack
24 of repair, unquote. Texas tags, will forward

Do you
bring
a
witness
with you
if you
are
supposedly
stalking
someone...

1 tag number as soon as I enlarge the camera photo
2 taken. After we spoke, I reviewed my security
3 camera. When Fran slash Katie slash Lee left to
4 go get Laura and Karen from school, Tom and a PI
5 named Michael O'Rourke came to the house and
6 attempted to knock slash ring door bell. Now,
7 Tom knew no one was home because he watched Fran
8 and kids drive off when he and O'Rourke
9 approached house. They stayed on the front
10 porch for at least three attempts and you can
11 see Tom looking at front of house windows and
12 both of them attempting to look in house by
13 glass pane on side of front door. The timing is
14 approximately 3:20 p.m. After Fran and kids
15 returned, Tom and O'Rourke returned, camera has
16 all of this footage. Tom attempted to hand Fran
17 a clear bag with items, parenthesis, assuming
18 these are items Lee was alluding to in her
19 letter, unquote -- I mean closed parenthesis.
20 Fran refused acceptance of items and told them
21 that the, quote, owner of the house,
22 parenthesis, I was at work, closed parenthesis,
23 states you, Tom, are not welcome on this
24 property and if you return, she will prosecute

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A1664

1 for trespassing, unquote. Fran then turned to
 2 O'Rourke and said, quote, and you are witness to
 3 this statement, unquote. O'Rourke acknowledged
 4 what was said and left his business card with
 5 Fran. Then they left the property. During the
 6 slow walk to the front door, O'Rourke is clearly
 7 seen checking out my license plates number on my
 8 vehicle, parenthesis, I have a different
 9 vehicle, comma, got rid of the expensive truck,
 10 closed parenthesis.

11 Q. Keep going.

12 A. O'Rourke is the name that came up
 13 during the trial. He was the firm that quote,
 14 transcribed, unquote, my conversation with
 15 M'Linda, if you recall. He has a long history
 16 of involvement in the situation then
 17 parenthesis, 2006. Yesterday he was driving
 18 Mercedes black C class and the first approach to
 19 the empty house shows him and Tom driving very
 20 slowly past my neighbor's houses. Jerald has
 21 been notified and is watching for himself. I
 22 will be in touch with Markie from victim
 23 services again to let her know what is going on
 24 and see if I am approaching enough for PFA,

*still
 no
 charges
 ever
 filed
 until
 2/11/13.*

1 parenthesis, I don't know, except them sitting
2 at the front of my neighborhood on neighborhood
3 property is very concerning. With the appeal
4 coming, will Kim Lawson be involved for that
5 part. I am thinking I should email her as well.
6 I also plan on emailing the PI attorney, Jim.
7 T-T-Y-L.

8 Q. What does PFA stand for.

9 A. That's protection from abuse

10 Q. And finally the PS portion?

11 A. Work gave me the day off with pay,
12 filled out a 10-page or P-G report and told me
13 they would call me about my schedule. They are
14 involved because Fran had been paged at store to
15 let me know when everything happened and I went
16 right to -- I went right into PSTD and couldn't
17 continue with my job after everything started in
18 motion. Somehow I think I have lost that job.
19 They have very good protection actions and
20 policies in place, but somehow only being there
21 two days, not sure they want to put the company
22 in this type of situation. I'll let you know.
23 I had an interview with an eye doctor that went
24 well prior to starting at Nordstrom, so maybe

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that will be a lead for me. I am selling the house. Please don't let that detail out yet. Thanks.

Q. Mr. Hitchings, how many children was Christine Belford responsible for at this time?

A. Four.

Q. I'm now turning to Government Exhibit 494, focusing on the bottom of page 1. This is an email from?

A. From Christine Belford.

Q. To?

A. Me.

Q. Subject?

A. Tom Matusiewicz and phone call.

Q. Date?

A. Monday the 12th of December, 2011.

Q. Okay. Could you please read it?

A. It says Hi, Tim, Tom called Jerald's cell a second time this weekend. This time he was offering to, quote, trade info with Jerald and suggested he may be able to help Jerald in the divorce with me. Well, that enraged Jerald and he opted to scream into the

A1666

1 answering machine of the PI with a lot of
2 cursing and shame on you, et cetera, to this
3 O'Rourke person. He went on to say he better
4 not been contacted again by Matusiewicz, et
5 cetera.

6 Q. Okay.

7 A. I think something like that
8 probably needs to be followed up with a letter
9 but Jerald wants to see if they call him again
10 after his call. He saved the voice recording of
11 Tom and his offer to play let's make a deal. I
12 think it come in handy, although I'm not sure
13 how yet. Jim Woods wants to drop the suit
14 against the Matusiewicz gang with prejudice. He
15 and I both feel the strategy to keep them at bay
16 with a threat of money action is not working. I
17 honestly feel the Jim -- I guess that is what
18 she's saying. That Jim doesn't think he will
19 make any money. Apparently the Matusiewicz's
20 are mailing him a lot of junk. I have the copy
21 of Tom on the property on flash drive and on my
22 computer. Let me know if you want to see any of
23 it. I don't know if you have seen Tom before?

24 I am going to E-mail Kim Lawson as

1 she will be involved in appeal. All of these
2 antics may be of interest to her. It shows
3 continued malice by the family. I'm working and
4 can't take calls during the day. I will be in
5 touch by E-mail if anything happens that you
6 should know. Thanks, Chris.

7 Q. Now, Mr. Hitchings, again, Kim
8 Lawson, who is she?

9 A. Kim Lawson is the guardian
10 attorney ad litem appointed to represent the
11 best interest of the children at the termination
12 of parental rights case.

13 Q. Now, Jerald Purcell, you had
14 mentioned him earlier in your testimony; is that
15 correct?

16 A. That's right.

17 Q. Did you know whether or not him
18 and Christine Belford married at some point?

19 A. They did get married at some
20 point.

21 Q. And then did they subsequently get
22 divorced in the interim time?

23 A. They did.

24 Q. Jim Woods, can you tell the jurors

1 if you know who Jim Woods is?

2 A. Jim Woods was a personal injury
3 attorney that Christine hired to help her in a
number of personal injury cases. She had -- she
got rear ended at least once during the time I
knew her, he may have represented her on that.
As far as this case is concerned, he represented
her on a possible slander or liable suit against
the Matusiewicz's.

9

10 Q. Thank you.

11

12 I'm now turning to Government
13 Exhibit 495. And I'm going to page, the bottom
14 of page 2. Mr. Hitchings, who is this E-mail
from?

15

16 A. This is from Christine Belford.

17

18 Q. To whom?

19

20 A. To me.

21

22 Q. What's the subject?

23

24 A. Subject is other client plus

25

Matusiewicz.

26

27 Q. Date?

28

29 A. Tuesday, 27th of March 2012.

30

31 Q. And if you could start where my

32

33 mouse is here?

34

It was
a "mental
anguish"
lawsuit
regarding
the kidnapping
that she
dropped when
my parents
filed
bankruptcy.

A. Okay. Re: Matusiewicz. David e-mailed a request for information, exactly wording. Letter was not addressed to me by name or anything. Please send me updated information about my daughter. Thank you, David.

Now, two red flags in that communication. Not addressing me by my name and quote my end quote daughters.

I really don't want to return communication at this point. I feel anything I reveal about the girls will only aid him in a re-abduction attempt or worse. I know I stated in court I would be willing to update him, but that was prior to his family and the private investigator appearing on my property.

I also heard from Jeff Shriner, I called him. He didn't discourage me from pursuing a CCDW, and said with proper training, it would be fine. Just be ready to pull the trigger. I have heard this from many others, the fact that you cannot hesitate in pulling the trigger, must be reflex. I have found a group that seems to offer full training and I will probably sign up for the two-day course in May.

Any one else starting to see the pattern? Fear stems from the kidnapping

Why call or email all of these people regarding fear + concerns and not do anything about it like pressing charges?

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A1671

1 I am hoping my ribs will heal by then enough for
2 shooting.

3 What do you advice on the
4 communication? Either that, or I speak his
5 "language" and send him a one-line
6 communication, very bland.

7 Q. Now, this is your E-mail response
8 to Christine Belford; is that correct?

9 A. Yes.

10 Q. And what's the date of it?

11 A. March 27th, 2012.

12 Q. What did you write?

13 A. I said Chris, the Family Court
14 order terminated David's parental rights.

15 Subsequent to his filing of the appeal, neither
16 the Family Court nor the Supreme Court issued an
17 order to stay the TPR order. Therefore, you are
18 not obligated to give him any information.

19 However, (you had to know that
20 word was coming) I advise that you be prepared
21 to send him (possibly through his lawyer) the
22 same sort of info you've sent in the past. If
23 the Supreme Court affirms the Family Court TPR
24 order, you don't owe him anything. If the

1 Supreme Court sides with David, depending on
2 what it says, you may have to send it. In the
3 meantime, would you like me to notify Don
4 Roberts about this? You and I have no influence
5 with David, but Don might. BTW, does David's
6 sentencing order say anything about contact with
7 you?

8 Q. Now, the appeal that occurred for
9 the termination of parental rights hearing, how
10 did that work itself out ultimately?

11 A. Well, David appealed and the
12 Delaware Supreme Court denied his appeal.

13 Q. Third E-mail that's part of
14 Government Exhibit 495, beginning with the
15 bottom of page one. Who is this from?

16 A. Christine Belford.

17 Q. Who is it to?

18 A. Me.

19 Q. Subject?

20 A. Matusiewicz.

21 Q. Date?

22 A. Wednesday the 28th of March, 2012.

23 Q. Okay. Could you, please?

24 A. Yes.

1 I think the way I would like to
2 handle the situation would be as follows (and
3 tell me if you think this is appropriate) please
4 contact Don. Inform him I received a written
5 request from David for information about the
6 girls.

7 Please inform him that I have
8 safety concerns about releasing information as
9 Thomas/Lenore Matusiewicz were in my
10 neighborhood 12/1/2011. They were met by a
11 private investigator (O'Rourke) and Thomas and
12 investigator were on my property twice. First
13 time on my property, you can see Thomas looking
14 through my windows near door into house, no one
15 was home. Second time on property, they were
16 instructed by a mail adult not to return or
17 police would be contacted. Inform Don I have
18 the whole episode on computer and flash drive if
19 for some reason needs proof this situation
20 occurred. I suspect this may be the first time
21 he hears about it. (David is not usually
22 forthcoming with information with his attorneys)
23 even if he knows some of it, he will probably
24 act as if he doesn't know. He may also go into

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A1674

1 a discussion about how he has no control over
2 Thomas and Lenore. That being said, I don't
3 believe they (Tom and Lee) don't do anything
4 David doesn't know.

5 Instead of me sending update to
6 you to send to Don to send to Dave, I will just
7 photocopy what I send (as I did with the last
8 request) and mail (trying to save time and money
9 here.)

10 After you have communicated with
11 Don, I will mail documents. You can include
12 that in your communication with him -- I won't
13 send anything until he acknowledges your E-mail
14 or whatever way you choose to contact him.

15 I have already prepared the
16 update. I was just waiting to speak with you.
17 I truly do have concerns that David will use the
18 information for bad intentions, not that he is a
19 changed individual. With his update, I am not
20 including pictures, I sent some in December.

21 PS, a few weeks ago the police
22 were called by my neighbors and Laura's friend's
23 parent, Laura has a friend that resembles her,
24 Katelyn. They look like cousins and from a

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A1675

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1 distance could be mistaken for Laura. A car
2 drove through several times, then when the
3 Katelyn was separated from the group, he got out
4 of the car and approached. She ran and he
5 doubled back to the car. My camera's picked
this episode up enough to see the car (not the
license or a picture of the guy) and the police
took a flash drive copy from my cameras with
them. The question was raised was Katelyn a
misdirected target. Without becoming paranoid
no one can answer, but it makes you wonder. Let
me know. Thanks, C.

Every car must
be the
Matusiewicz
family...
really?
paranoid you
think?

14 Q. All right. I'm turning to
15 Government Exhibit 496. Bottom of page one, who
is the E-mail from?

16 A. It's from Christine Belford.

17 Q. Who is it to?

18 A. To me.

19 Q. Subject?

20 A. A few things.

21 Q. Date?

22 A. Tuesday the 30th of October, 2012.

23 Hi, Tim. First, I got a great job to start next
24 week in an ophthalmologist's office. I will be

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a technician, assisting the doctor. She's great and very interested in teaching. She had me at the microscope several times during my working interview to see various things in eyes. Most people cringe, but I like all that stuff.

Second, Lenore mailed my dad (actually his wife) a letter with a money order addressed to the father of Katie's baby. The letter went on to say 'crazy stuff'. My dad and wife didn't want her mailing things to them, but they are not actually motivated enough to send a do not write letter. I may do it for them and have them sign it. They don't have a computer and my dad has a hard time getting around these days.

Third, I got a call from a girl I am on Facebook with who also knows David. Apparently he has been attempting to blackmail her with threatening to tell her husband they got together during her marriage if she doesn't give him my phone number or E-mail address. He told her he had private eyes still watching the kids. I think that is untrue, otherwise he wouldn't need to attempt a blackmail to get

*If you read Cindy's testimony it says that David never threatened Cindy & never attempted to blackmail her for Christine's information.
It was a lie.*

24

1 information. I think I will have to cut her off
2 just in the event she is working with him and
3 she is scamming me. Either way, the entire
4 situation is unsettling. I will be in touch.

5 Q. Now this E-mail occurs at the end
6 of October of 2012; is that correct?

7 A. That's correct.

8 Q. And the shooting occurs on
9 February 11th, 2013; is that right?

10 A. That's correct.

11 Q. Okay. Mr. Hitchings, this is the
12 last exhibit I'm going to show you. This is
13 marked Government Exhibit 497. Who is this
14 E-mail from?

15 A. Christine Belford.

16 Q. Who is the E-mail to?

17 A. To me.

18 Q. What is the date?

19 A. The date is 5th of February, 2013.

20 Q. This is six days before the
21 shooting; is that correct?

22 A. Yes.

23 Q. What does it read?

24 A. Hey, I left you a VM. Also, David

1 will be in Wilmington for hearing 2/11.
2 Probation officer called me today. I don't have
3 any other details at this time. I will e-mail
4 Sam. He asked me to in the event I knew David
5 would be in town. TTYL.

6 Q. When was the last time that you
7 spoke to Christine Belford, Mr. Hitchings?

8 A. We exchanged e-mails, several
9 e-mails on the week prior to the shooting. I
10 don't recall whether we spoke on the phone
11 during that time. I do remember on the Friday
12 before the shooting, I left her a voicemail.

13 Q. Can you tell the jurors what the
14 nature of the hearing was that Christine Belford
15 was attending?

16 A. It had to do with child support.

17 MR. McCALL: Your Honor, may I
18 have a moment, please?

19 THE COURT: You may.

20 MR. McCALL: Thank you,
21 Mr. Hitchings. Your Honor, I have no more
22 questions.

23 THE COURT: All right.

24 Cross-examination. Who would like to proceed?

MS. CHAVAR: Thank you, Your

Honor.

CROSS-EXAMINATION

BY MS. CHAVAR:

Q. Good afternoon, Mr. Hitchings.

A. Good afternoon.

Q. I will not keep you long.

A. Okay.

Q. I'm going to get right to --

A. Could you speak a little louder, please?

Q. Sorry. I'm just going to get right to it, I'm going to jump to the point where you testified that in -- just bear with me while I find my place in my notes, in February of 2007, there was a hearing?

A. Custody hearing.

Q. Thank you.

And I think you testified that at that hearing, a private investigator testified?

A. Yes, a man named Phillips.

Q. Phillips. Okay. And, you know, among other things, he said that, you know, reckless driving, an incident with Leigh running

nto the street, and he raised issues of
Christine Belford being mentally unstable. Is
that how you summarized his testimony?

A. I don't know that he said that she
was driving recklessly, I think he said she was
driving too fast. And I don't think he raised
-- I don't think the private investigator raised
the issue of her being unstable.

Q. I have in my notes that something
occurred at that hearing, because you testified
that you were aware at the time that Christine
Belford was taking Paxil because she was having
postpartum depression issues after the birth of
their third child, Karen?

A. That's not quite accurate. She
told me that she was taking Paxil very early in
my representation of her which would be in 2006,
because Karen, the youngest child, had been born
in 2000 -- summer of 2005. So during that fall,
and perhaps even into the winter of 2005, 2006,
she was taking Paxil. I don't know whether she
was still on the Paxil by 2007.

Q. Okay. Let's stay with that
timeline. 2005, August, that's when Karen was

Christine suffered
from post partum
depression, she was
medicated in the 3rd
trimester each time she
was going to give birth.
Between pregnancies she
was also seeing a
psychologist, Alan Richmond,
& her family doctor,
Rehagis, for management
of her depression.

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A1681

1 born; correct?

2 A. I'm sorry.

3 Q. Karen, the third child, was born
4 in August of 2005, that's what you just said?

5 A. I don't know the exact date of
6 birth, but it was in the summer of 2005.

7 Q. And Christine Belford first came
8 to see you in January of 2006?

9 A. That's correct.

10 Q. So about five or six months after
11 their third child was born, she came to see you?

12 A. January 2006.

13 Q. And at that time she was on Paxil?

14 A. Presumably, but I don't really
15 know if she was actually on that, but I think
16 she probably was.

17 Q. And so it's about five-and-a-half
18 months after their third child is born, she
19 comes to see you early in January of 2006?

20 A. Yes.

21 Q. About a divorce?

22 A. Right.

23 Q. And she told you about, I'm sure,
24 the incident with David Scott Osborne?

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A1682

MR. McCALL: Objection.

1 THE COURT: I'm going to need to
2 hear a side-bar on this one, too. First of all,
3 let me ask who is Ed Osborne. You said Ed
4 Osborne.

5 MS. CHAVAR: It's been said that
6 on December 31st, 2005, David Scott Osborne and
7 he will come to testify to this, was working for
8 David. And there was -- he was at the practice.
9 He was taking Christmas decorations down,
10 Christine was there, she was drinking and she
11 made a very uncomfortable physical pass at him.
12 Two days later she left. She told David she *
13 wanted to leave. This is her lawyer that she
14 went to talk to about a divorce. I think it's
15 relevance that she would tell her divorce lawyer
16 or not that you just made a pass at someone at
17 your husband's practice.

19 MR. McCALL: It's hearsay. It's
20 not relevant based on the scope of the direct
21 examination and I don't understand how it's
22 relevant.

23 THE COURT: Hold on. Hang on.
24 With respect to the hearsay to the extent the

1 defense says you're going to link it up later,
2 they have a good faith basis for posing the
3 question. So that worries me less. The
4 question is just going to be did she mention the
5 following to you. So let's put the hearsay on
6 the shelf. But let me ask what the overall
7 relevance is to the case, because I am having a
8 harder time with that, Ms. Chavar.

9 MS. CHAVAR: I think it does go to
10 her credibility. We went through a lot of
11 statements that Christine made about a lot of
12 the Matusiewicz family members and this goes to
13 show -- it goes to show whether she's always
14 honest, whether she's always forthright, whether
15 she always reports things accurately. I think
16 it's fair game.

17 THE COURT: One at a time.

18 MR. McCALL: How does asking the
19 lawyer about a pass that an employee of David
20 Matusiewicz made at Christine Belford, how does
21 that go to her credibility? How is that
22 relevant to this. It's just smearing her
23 character.

24 THE COURT: Let me say this to the

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Government. We are hearing a bit of a voice from the grave here in what Ms. Belford has communicated. And so to the extent that that's true and that's proceeded without obstruction to the Government case, I think the defense needs a little more leeway perhaps to raise the questions about whether everything can just be taken at face value and completely. If I were not hearing that there's a witness prepared to corroborate that, I'd have more difficulty with it and I'm not going to pass judgment on the wisdom of the defense attacking it, the credibility of the victim in this case. That will be for them to decide.

MR. McCALL: May I make one more point, Your Honor?

THE COURT: Sure.

MR. McCALL: If the question had to do with whether Christine Belford was actually scared of David Matusiewicz or scared of Tom or Lenore Matusiewicz, then I could see perhaps it's relevant. But how does asking the attorney whether or not the woman told him that she made a pass at another man at a Christmas

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A1685

1 party or New Year's party how does that go to
2 the issue we've been raising in these emails?

3 THE COURT: Judge, again, if I
4 may, as I described it, there has been a little
5 bit of testimony from the grave through the
6 correspondence and I do believe to the extent
7 that that's occurred, it would be unfair to the
8 defense to tie their hands too much. The reason
9 why I think it's relevant is the jury is being
10 asked to accept the validity and to a certain
11 degree by implication the completeness of
12 everything else that has been communicated to
13 counsel and so we have a situation of where it's
14 a matter of were you told this by your client in
15 this particular context, I think I will allow it
16 for that reason. Now, let me ask where else you
17 might be expecting to go along those lines, Ms.
18 Chavar, while we're here.

19 MS. CHAVAR: He's going to
20 testify -- I'll just say did she tell you about
21 an incident with David Scott Osborne and I'll
22 move on.

23 MR. McANDREW: I see the rule
24 book, but I can't reach it, but Rule 412 with

1 regard to the rape shield law, bringing up a
2 victim's sexual --

3 THE COURT: I don't think --

4 MR. McANDREW: I don't have the
5 rule in front of me.

6 THE COURT: Mr. McAndrew, I don't
7 think we're there. We're really not talking
8 about her promiscuity or anything else. At the
9 moment -- well, at the moment we're talking
10 about her completeness and her candor vis-à-vis
11 the attorney. If you want to renew that
12 objection before Mr. Osborne takes the stand,
13 all right, where we really have more time to
14 address it, we will. For now why don't we --

15 MR. McCALL: Judge, if we're
16 talking about her candor with her lawyer, how
17 does -- how does raising a question about
18 whether she made a pass at another person have
19 anything to do with her candor.

20 THE COURT: Context of the divorce
21 and the relationship. I'm not a judge that
22 vacillates on my decisions unless I see an
23 argument that goes beyond a point which I've
24 already considered. Anything else we need to

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A1687

They don't get into the incident of Christine making a pass at David Scott Osborn just days before talking about divorce. The defense never called David Scott Osborn to corroborate this incident that he already testified to in court previously in 2006.

address here?

MS. CHAVAR: I'll just state that one question again and we'll move on.

THE COURT: You see, there's binders up here. You can be assured every now and then a name comes up and I don't quite recognize and then when I hear an objection I go to sidebar just to get the bigger picture, because counsel always knows all the details about where they are going. We've done that now and I'm going to overrule the objection and Ms. Chavar you may continue.

MS. CHAVAR: Thank you, Your Honor.

BY MS. CHAVAR:

Q. Mr. Hitchings, I think the question to you was did Christine Belford tell you about an incident with David Scott Osborne?

A. She told me about an incident with somebody named Scott. I don't recall his last name. ^{Question,} Now, you also testified that any allegation of abuse or sexual abuse, I think that's what you said, was very powerful information at these custody hearings, right?

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A. Yes.

Q. Okay. And you are aware that Christine Belford self reported an incident of abuse, aren't you? *

A. I don't recall that.

Q. You're not aware that she did that with Doctor Romirowsky, is that the name?

A. Romirowsky.

Q. Yes.

A. I don't recall what she told Doctor Romirowsky.

Q. Okay. I'm just going to place a page from the Government Exhibit 492. And I see here underlined in purple what Sam speculated.

A. I see that line.

Q. Who is Sam?

A. The only Sam I know of in connection with the case is Doctor Samuel Romirowsky.

Q. And he's a psychologist?

A. Psychologist.

Q. And he was hired by you or --

A. Initially he was hired by David to perform the initial evaluation for the custody

1 case that went before Judge Buckworth in
2 February of 2007. After the kidnapping was over
3 and we filed the petition to terminate parental
4 rights, Christine hired him to conduct further
5 evaluation in the case.

6 Q. And she refers to him as Sam?

7 A. Yes.

8 Q. Okay. I think I just have one
9 more question for you. I wanted to clarify, you
10 testified something that came up about the
11 termination of parental rights and the families
12 and for clarification purposes, you spoke with
13 the agent, with Agent Gordon before you came
14 here today, right?

15 A. I have spoken with him in the
16 past. I didn't speak with him today other than
17 just greeting him when I saw him, that's all.

18 Q. I believe that there was a time
19 when Ms. Belford was concerned because Delaware
20 allows third-party visitation status -- or if
21 you can clarify, when can you refile? You say
22 Judge Buckworth pointed out that after three
23 years individuals being refile for their rights?

24 MR. McCALL: Objection.

THE COURT: Overruled.

1 THE WITNESS: Okay. Could you
2 restate the question, please?

3 BY MS. CHAVAR:

4 Q. In Delaware --

5 A. In Delaware.

6 Q. Strike that. You reported that
7 Ms. Belford was concerned or raised questions
8 because Judge Buckworth pointed out to you that
9 during that hearing that if -- that after three
10 years individuals company file for third-party
11 visitation, correct?

12 A. Well, which hearing are we talking
13 about?

14 Q. Maybe you could clarify that for
15 me, but, but you told Agent Gordon at one point
16 that this came up with you and Christine
17 Belford, correct?

18 A. Okay. I'm sorry, you're going to
19 have to narrow down the question a little bit.

20 Q. Did Judge Buckworth say that after
21 three years you can refile?

22 A. I don't recall anything about that
23 at the February 2007 custody hearing. I do
24

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1 recall an occasion, you know, after the
2 kidnapping and probably after -- yeah, probably
3 after the termination of parental rights order
4 was issued, I ran into Judge Buckworth at family
5 court, not in a courtroom, just casually, I was
6 standing waiting for a court hearing with
7 somebody else.

8 MR. McCALL: Objection, Your
9 Honor, this is hearsay.

10 THE COURT: Cross-examination and
11 I think in the context of what the witness has
12 previously said, it relates to what it is might
13 have been discussed with Ms. Belford, so I'll
14 allow it for that purpose.

15 MS. CHAVAR: Thank you.

16 THE WITNESS: Judge Buckworth I
17 believe mentioned that the third-party
18 ~~X~~ visitation statute in Delaware allows for
19 somebody after a period of time, at some point,
20 to file for visitation of children.

21 MS. CHAVAR: Thank you, Mr.
22 Hitchings. That's all I have, Your Honor.

23 THE COURT: Mr. Edelin, Mr.
24 Ibrahim, anything?

1 MR. EDELIN: Nothing from me, Your
Honor. Thank you.

2 MR. IBRAHIM: No questions, Your
3 Honor.

4 THE COURT: Mr. Hitchings, thank
5 you, you are excused.

6 THE COURT: Should we push on
7 or --

8 MR. McCALL: Judge, I have a
9 redirect question.

10 THE COURT: I apologize Mr.
11 McCall. I recognize your right to ask those
12 questions. By all means, go ahead.

13 MR. McCALL: Thank you.

14 BY MR. McCALL:

15 Q. Mr. Hitchings, if David
16 Matusiewicz were to ever refile a claim for
17 parental rights, visitation, guardianship,
18 whatever, what would he have to say with respect
19 to the sexual abuse allegations as it related to
20 the TPR hearing?

21 MS. CHAVAR: Objection.

22 THE COURT: I believe the door was
23 swung open. You may answer.
24

1 BY MR. McCALL:

2 Q. So his claim at the termination of
3 parental rights hearing was that Christine
4 Belford sexually molested Laura Matusiewicz; is
5 that right?

6 A. That's correct.

7 Q. And that claim was rejected,
8 correct?

9 A. That's correct.

10 Q. And he never backed off that
11 claim, did he, throughout the entire termination
12 of parental rights hearing?

13 A. That's correct.

14 Q. So if he were to refile for
15 guardianship or some sort of visitation, he
16 would have to address the issue of sexual
17 molestation of Laura, correct, presumably?

18 A. He would have to make an argument
19 that it would be in the best interest of Laura
20 and the other girls for him to have contact with
21 them.

22 Q. And he would have to either say,
23 continue to say that Christine Belford was
24 sexually molesting the child or conversely, back

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off and say that never happened, correct?

A. He's have to do something.

MS. CHAVAR: Objection, Your

Honor. That's speculation.

MR. McCALL: Thank you.

THE COURT: Anything further by
defense?

MR. IBRAHIM: No, sir.

THE COURT: Other counsel?

MR. EDELIN: No, Your Honor.

THE COURT: I think this time I'll
get it right.

THE WITNESS: Am I excused for the
day?

THE COURT: I believe you are.

MR. McCALL: Judge, I think I
failed to offer 496 and 497 into evidence. If I
did, I would move it in now.

THE COURT: Counsel, hearing no
objection, admitted. Which leads me to circle
back to my prior question, just about timing,
but forget the lawyers, let's ask the jury. The
question is we're going to keep going, the
question is do you want to keep going or take a

1 break now?

2 THE CLERK: Please state and spell
3 your name for the record.

4 THE WITNESS: Michael Bruno,
5 B-R-U-N-O.

6
7 MICHAEL BRUNO, M.D.,
8 the deponent herein, having first
9 been duly sworn on oath, was
10 examined and testified as follows:

11 THE COURT: Mr. Bruno if you pull
12 the mic close to you, that would be a big help
13 to us all.

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

15 THE COURT: Proceed.

16 DIRECT EXAMINATION

17 BY MR. WEEDE:

18 Q. Dr. Bruno, could you introduce
19 yourself to the members of the jury, please.

20 A. My name is Michael Bruno.

21 Q. And what do you do, sir?

22 A. I am a neonatologist.

23 Q. What is that?

24 A. That's a pediatrician who