

1 word, the trial, trial date?

2 A. Right.

3 Q. Can you explain to the jury how  
4 the TPR trial developed, how it went about, how  
5 many days it was over, for instance, what's it  
6 like? I mean, we're in the middle of a trial  
7 now. What's a TPR trial like?

8 A. Right. So family court is a  
9 little bit like bankruptcy court in that we  
10 don't have juries, so it's a judge-decided  
11 trial. So the judge is the trier of fact and  
12 he's also the trier of law. So the judge hears  
13 all the facts, hears all the evidence, the judge  
14 will, you know, consider witnesses and their  
15 testimony and then in the end makes a ruling.  
16 So in those courtrooms there's -- they are  
17 sealed, number one, because they are family  
18 court, they involve children, and they involve  
19 things about the children.

20 Q. When you say sealed, what does  
21 that mean?

22 A. There's nobody allowed in the  
23 courtroom other than the parties, and sometimes  
24 there's like law clerks that have to, you know,

1 are notified of the sealing portion. Nothing is  
2 supposed to leave that courtroom that's in that  
3 courtroom. It is all private and sealed. And  
4 99.9 --

5 Q. These courtrooms are in the family  
6 court?

7 A. They are in the state courthouse  
8 down the street.

9 Q. You keep calling it the State  
10 courthouse. New Castle County Courthouse?

11 A. Well, it's the New Castle County  
12 Courthouse in the State of Delaware court  
13 system.

14 Q. Just to be clear which one we're  
15 talking about.

16 A. Yes.

17 Q. This TPR trial occurred over a  
18 number of days; is that right?

19 A. Correct.

20 Q. The testimony portion of it?

21 A. Yes.

22 Q. And they weren't necessarily  
23 consecutive days; is that right?

24 A. Right.

1 Q. So it's not a situation whereas  
2 here where we started with jury selection last  
3 week and we've been together ever since?

4 A. Right, no. Family court doesn't  
5 always work that way.

6 Q. All right. So directing your  
7 attention then, you mentioned that the trial was  
8 beginning around this time as approached  
9 November of 2010; is that right?

10 A. Correct.

11 Q. And this was the first hearing  
12 where testimony was taken in November of 2010?

13 A. Yes, I think it was November 10th  
14 of 2010.

15 Q. All right. And at that hearing,  
16 how does the testimony proceed at the hearing?

17 A. So it's sort of like you guys, you  
18 have the petitioner goes first, and they present  
19 their evidence and witnesses and then the  
20 respondent presents his witnesses and evidence  
21 and then the attorney guardian ad litem presents  
22 their witnesses and evidence and then the  
23 Frasier Attorney presents their evidence and  
24 witnesses and whenever everybody's witness is

1 on, all of us in the same order can ask  
2 questions, examine, cross examine, present  
3 evidence and it goes like that. So we all do  
4 openings in that order, we do witnesses, we do  
5 closing. Sometimes witnesses are taken a little  
6 out of order because of scheduling issues, but  
7 that's mostly the way it proceeds.

8 Q. Okay. So with that basic  
9 understanding, you begin on November 10th?

10 A. Yes.

11 Q. With opening statements?

12 A. Right.

13 Q. And I don't want you to give your  
14 opening statement or to -- but I do want to know  
15 what is your position, if you have one, at that  
16 time?

17 A. I did have a position at this  
18 time. And my opening statement was that I  
19 believed that it was in the best interests of  
20 the three girls for David Matusiewicz's parental  
21 rights to be terminated. Sorry.

22 Q. Take your time.

23 A. Because I thought that he would --  
24 if he was not terminated it would be harmful to



1 the girls.

2 Q. Take your time. Okay. Is that  
3 the gist of your position? I'm not going to ask  
4 you to elaborate on it.

5 A. Yes.

6 Q. But that is the position that you  
7 took at that time?

8 A. I did.

9 Q. All right. The testimony then  
10 proceeds in the case; is that right?

11 A. Yes.

12 Q. And as the testimony proceeds,  
13 you, like the other lawyers, are able to examine  
14 witnesses, right?

15 A. Correct.

16 Q. Are you able -- are you also able  
17 to call your own witnesses?

18 A. Yes.

19 Q. Okay. And obviously cross examine  
20 the witnesses of other parties, right?

21 A. Yes.

22 Q. Do you do all of those things?

23 A. Yes.

24 Q. Okay. Not necessarily in any one

Is it starting to become a bit more clear how they really socked it to David for trying to protect his children from abuse? He served time for the kidnapping, but then they also had to prove a point + make an example out of him by taking away his God given rights to parent his children.

proceeding, in any one hearing date?

A. Right.

Q. But over the course of the trial

A. Yes.

Q. Okay. Some of those witnesses,

I'll just list them so we can go through this quickly, include Doctor Hann-Deschane?

A. Yes. He was called by Christine

Belford.

Q. I believe you mentioned Detective

Shriner?

A. I believe I called him.

Q. Ms. Belford herself testified?

A. Her attorney called her.

Q. Doctor Romirowsky?

A. He was -- he testified for the mother and then I also had him testify on my -- on behalf of the children.

Q. Okay. Doctor Bocanegra?

A. She testified as the girls'

treating therapist. I called her, I subpoenaed her.

Q. Some of these witnesses testified at more than one day's worth of hearings; is

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MOM + I were never called to testify @ the TPR. Why NOT?

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that right?

A. Yes.

Q. Okay. And Doctor Bocanegra was a good example of that; is that right?

A. She testified several times, yes.

Q. So we talked about November 10th. There was another hearing date on November 12th, two days later?

A. Yes.

Q. All right. The trial then was continued for lack of a better word, you had a bunch of days off for a while, right?

A. Yes.

Q. And when did it pick back up, about when?

A. You mean after the 12th?

Q. Yeah.

A. In January I think there were two hearings close in time like the 19th and then 21st or something.

Q. Okay. And then I want to direct your attention to Government Exhibit 508, if you have 508. Let me know if you have that in front of you.

1 A. I do.

2 Q. Do you recognize it?

3 A. I do.

4 Q. And what do you recognize it as?

5 A. So in between -- it's a printout  
6 of the same website information that I had  
7 before. It's the Grandmother's Impossible  
8 Choice from the JonBenet's true case history dot  
9 come website. There was a trial date and then I  
10 knew David would be testifying and I would have  
11 an opportunity possibly to do cross on the 21st,  
12 I believe it was. On the 20th I went back just  
13 to curiosity, I don't know, check the website  
14 and make sure it was consistent or look at it to  
15 see if there was any new information and I  
16 pulled up the website from the same link that  
17 Christine sent me, and I found this, which is  
18 different than what was on the website earlier,  
19 so I printed this out and analyzed it and then  
20 used it as an exhibit.

21 Q. All right. You said it's  
22 different and without going into too much  
23 detail, what do you mean; how, how is it  
24 different?



1 A. Well, I mean the first thing is  
2 the title is different. It's very long compared  
3 to the other one that just said Grandmother's  
4 Impossible Choice. And if you don't mind, I'm  
5 just going to pull the other one. This one  
6 says --

*I'm sure it is a little different because write 4 Justice, CEO, Doug Miller, helped mom edit her experience to make it more clear.*

Q. What's your number on the first one?

A. So the first one is 502.

Q. Go ahead.

A. Just looking at it as soon as I pulled it up I knew that it was different. The title is different and then there's, you know, huge bold letters it's a summary of affidavit by Lenore Lee Matusiewicz. And it's longer. The first one, you know, is four pages and this one is five pages. And so I printed it out and I started reading through it and looking at what was in it and the statements are different, there's a lot more detail. There's other information that had not been provided to me at other points, some of it is the same, so it was just different.

Q. All right.

MOM  
write her  
initial  
story using  
different  
names.

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A. And is, you know, one of the biggest things I noticed was that in the first one there were, for the children, there were different names used and also I believe for Christine and for David Matusiewicz. And in the second one, Christine's real name is used and all three girl's real names are used. I believe Katie's real name is used. Christine's ex-husband is used. These are the actual people's names. Whereas the first one they were not.

Q. Okay. So the names are different?  
A. Yes.

Q. And then on the second one, this is the January 20th, 2011 version; correct?  
A. Yes.

Q. You said some of the allegations are different as well; right?  
A. Yes.

Q. If you look at paragraph 11.  
A. Yes.

Q. Is that one of those allegations that differs from the first one?  
A. Yes.

1 Q. If you could read 11?

2 A. So 11 says Laura knew all about  
3 the G spot and how to play the game lick the  
4 lollipop at the age of five. She has a secret  
5 with her mommy about what she has to do to mommy  
6 to make mommy feel good. Laura said that if she  
7 ever tells, mommy will go to jail.

8 Now, the first one, that was  
9 different, it was very different.

10 Q. Okay.

11 A. I don't know if you want me to  
12 read that paragraph.

13 Q. Was there a paragraph in the first  
14 one that you were comparing that to?

15 A. Yes. The second bullet point  
16 because those were numbered it said it took  
17 several months before Emily, one of the children  
18 told her Aunt Beth that mommy was molesting her  
19 in the bathtub.

20 Q. All right. So the allegations  
21 differ in that regard, technically the sexual  
22 abuse allegations; is that right?

23 A. Yes.

24 Q. That was something that was

1 significant to you?

2 A. Yes.

3 Q. If we look at the last page of the  
4 document, do you see it says, There is hope?

5 A. Yes.

6 There is hope, if the proper  
7 authorities would thoroughly and objectively  
8 investigate the mother of these innocent girls,  
9 they would find a history of Jekyll and Hyde  
10 behavior which would explain why she has so  
11 adequately been able to puppeteer the  
12 authorities to execute her plan.

13 And there is an asterisk, actual  
14 names were used by the request and with the  
15 permission of David Matusiewicz.

16 Q. You mentioned that there were two  
17 hearing dates in January; is that right?

18 A. Yes.

19 Q. And this website printout is  
20 January 20th; correct?

21 A. Yes.

22 Q. Does that help jog your memory at  
23 all as to when the hearing dates were?

24 A. Yeah, I think one was the 19th and



1 one was the 21st.

2 Q. The hearings continue after  
3 January; is that right?

4 A. Yes.

5 Q. And they go into March of 2011;  
6 correct?

7 A. Yes. I think it was March 2nd, I  
8 believe.

9 Q. Okay. And there is more testimony  
10 taken on March 2nd?

11 A. Yes.

12 Q. Including testimony from David  
13 Matusiewicz; is that right?

14 A. Yes.

15 Q. In general terms, were the  
16 allegations of sexual abuse raised in the trial?

17 A. They were raised in the trial.

18 Q. Okay.

19 A. They were raised with multiple  
20 people and at a certain point the judge point  
21 blank asked Dr. Bocanagra, please go back and  
22 talk to Laura and ascertain whatever information  
23 you can about whether or not she was abused.

24 Q. Okay. So it was an issue in the

1 trial?

2 A. It was a fully litigated issue in  
3 the trial, all experts testified on it and  
4 evidence was presented on that issue.

5 Q. All right. And you said there was  
6 testimony on March -- I'm not sure you said it  
7 was March 2nd, there was a hearing date on March  
8 2nd; is that right?

9 A. Yes.

10 Q. Directing your attention to  
11 Government Exhibit 509?

12 A. Yes.

13 Q. Do you have that in front of you?

14 A. I do.

15 Q. What is that?

16 A. This is a letter that I received  
17 from Tom Matusiewicz sometime after the March  
18 2nd hearing.

19 Q. What's the date on it, the letter  
20 itself?

21 A. I believe it's 3/3, but the  
22 envelope that's attached, yeah, March 3, 2011.

23 Q. All right. And if you could just  
24 focus on the language of the letter, if you

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1 could read it, I would ask you to read it.

2 A. It says, Enclosed is a photocopy  
3 of pop-pop with my granddaughter Laura  
4 Matusiewicz, two different sessions as well.  
5 Taken by Dr. Monica Bocanagra, psychologist,  
6 Hockessin Center for Change, Hockessin,  
7 Delaware. Laura requested to see Pop-pop Tom. ✖  
8 Does she look terrified of Pop-pop to you?  
9 Underneath it says or fearful. You be the  
10 judge.

11 Q. Okay. And it's signed at the  
12 bottom?

13 A. It is signed, Sincerely yours, Tom  
14 Matusiewicz.

15 Q. There is a statement underneath of  
16 that?

17 A. A photograph or two is worth a ✖  
18 thousand words, an old saying goes.

19 Q. Then the second page contained  
20 photographs?

21 A. Yes.

22 Q. These are just bad photocopies of  
23 them, but they contained photographs; right?

24 A. Yeah, they were color copies.

1 They weren't actual photographs, they were color  
2 copies of a photograph.

3 Q. Do you know what's depicted in the  
4 photographs?

5 A. I do. These came in a prior  
6 package, and this is the second time that I  
7 received them. And these are pictures of Laura  
8 and Thomas Matusiewicz at Dr. Bocanagra's  
9 office. Laura confirmed that and Dr. Bocanagra  
10 confirmed that.

11 Q. And that's a copy of the envelope;  
12 is that right?

13 A. Yes.

14 Q. And it was addressed to?

15 A. Reed & Smith attorneys, care of  
16 Kimberly Lawson at our address in Wilmington.

17 Q. That's your work address?

18 A. Yes.

19 Q. And it was postmarked from  
20 McAllen, Texas?

21 A. Yes.

22 Q. The date of the postmark?

23 A. March 3rd, 2011.

24 Q. Directing your attention next to



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Exhibit 510, do you have that?

A. Yes.

Q. Have you seen that before?

A. I have seen this before.

Q. What is that?

A. This is another letter that I received from Tom and Lee Matusiewicz in March of 2011.

Q. All right. And it's dated what?

A. It's dated 3/19/2011.

Q. All right. It's addressed to you, Kim?

A. Yes.

Q. And if you could just read it?

A. So it says, Kim, I have enclosed a second photocopy of our oldest granddaughter Laura Emily Matusiewicz for your viewing.

I noted that Laura is perfectly at ease with pop-pop, not as Christine Moffa Matusiewicz Purcell would have you believe that she is terrified of him.



Q. You can continue reading.

A. Sometimes it's easier for me when it's blown up.

1 Q. In that case I will do so.

2 A. I visited with Laura twice (by her  
3 request wanting to see pop-pop) on dates noted  
4 in Dr. Monica Bocanagra's office, Hockessin,  
5 Delaware, Center For Change. Dr. Bocanagra took  
6 these photos herself of us and can relate to you  
7 if she thought that I was a threat to Laura in  
8 any way. Christine Purcell, I am sure has used  
9 her con artist skills to change this around in  
10 her favorable light, I am sure.

11 You stated to David (three-way  
12 phone call) that he should have his parental  
13 rights taken away. You have never once met with  
14 him in person. He is --

15 Q. If you can't make it out?

16 A. He is something, in effect a voice  
17 on the other end of the phone.

18 Q. And on the next page?

19 A. We, my wife and I (who were  
20 invited to live with David and Christine by both  
21 of them) in their home witnessed firsthand the  
22 erratic behavior of Christine. An example, took  
23 prescription drugs that Tom found in pantry  
24 while he was looking for a cup for coffee. They

1 were --

2 Q. There is a whole list of them?

3 A. Lexapro, Xanax, Wellbutrin, Paxil  
4 and codeine. Kim, when I confronted Christine  
5 about these drugs, she stated I just take them  
6 to take the edge off. One hell of edge I might  
7 add. She was our space cadet, looped many  
8 times. I realize that in your opinion we, all  
9 Matusiewicz family, are all lying and we made  
10 entire story up. However, I think this says  
11 unsighted.

12 Q. If you can't make it up?

13 A. However, something Christine, we  
14 can prove our statements. For instance, I have  
15 enclosed felony convictions on her now current  
16 husband, Jerald Raymond Purcell, that he plead  
17 guilty to a something Broward County, Florida.  
18 Theft/check it out, uttering false documents, et  
19 cetera, yourself, don't take our word for it.  
20 Three charges, he is not a something individual.

21 Q. And attached to the letter from  
22 Thomas Matusiewicz was a wanted person's search  
23 results details; is that right?

24 A. Yes. On Christine, at the time

*In my opinion,  
I don't think  
it was wrong  
that my  
father legally  
obtained a  
criminal  
background  
check on  
his  
granddaughter's  
step father.*

1 Christine's husband, Jerald Purcell.

2 Q. And there was a comprehensive  
3 report relating to him?

4 A. Yes.

5 Q. At least a page from it. There  
6 was a sticky as well; right?

7 A. Yes.

Q. If you can read that, that's  
addressed to you?

A. That's addressed to me. It was  
stuck on the letter. There are a lot of  
stickies on some of the packages with writing  
and notes and highlighting.

Q. That's a copy of it?

A. Yes. Kim, you have been conned by  
an excellent con artist, not good, excellent.

17 Note, now there is an old Indian saying, walk  
18 one mile in the other person's moccasins and  
19 then make a truly informed decision. Please do  
20 your -- I think that is homework.

21 THE COURT: Again, members of the  
22 jury, as you're looking at the documents, if you  
23 feel you can read them and understand them, you  
24 recollection and your understanding controls.

*Charlotte Stubbins, wife of Carl Stubbins who worked with David at his practice, was scheduled to give a deposition to P.I. Mike O'Rourke the day before she was scheduled to have heart surgery regarding Christine's behaviors. Charlotte warned our family to stay away from Christine. She said that Chris was manipulating the psychologists, courts, etc. She also warned us that Chris was trying to destroy David. Unfortunately, Charlotte passed away during her surgery + prior to the deposition.*



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MR. McANDREW: Thank you, Your

Honor.

BY MR. McANDREW:

Q. Now, this one is dated in March of 2011; is that right?

A. Yes.

Q. During the course of the proceeding, are lawyers able to take depositions of individuals?

A. Yes.

Q. What's a deposition?

A. So a deposition is where you go to a room with a reporter who takes every word either by video or by typing, and the attorneys ask questions, they're under oath as if they're in a courtroom, and you ask them questions and they have to tell you the truth. And then you have a transcript of that that you may be able to use.

Q. All right. And did you give thought to taking any depositions in the case?

A. I did. I gave thought to taking the depositions of Lenore Matusiewicz, Thomas Matusiewicz and Amy Gonzalez.

1 Q. Where were they located at the  
2 time this was going on in March of 2011?

3 A. Lenore and Tom I know were in  
4 Edcouch. Amy I believe was either in Edcouch or  
5 somewhere very close.

6 Q. Did you ultimately go, did you  
7 ultimately take the depositions?

8 A. I did not.

9 MR. EDELIN: Your Honor, may we  
10 see you at side-bar, please?

11 THE COURT: You may.

12 (Side-bar discussion:)

13 MR. EDELIN: Your Honor, I suspect  
14 the testimony is going to be that I didn't take  
15 them because I was afraid or I was fearful or  
16 something along those lines and I would object \*  
17 as to relevance, I would object to her inserting  
18 her opinion, it's not relevant to the case.

19 THE COURT: First of all, let me  
20 ask you this. I take it no depositions were

taken?

MR. McANDREW: No depositions were  
taken and I think Mr. Edelin was right, she'll \*  
say she was afraid to go and she wasn't going to

Why  
was  
she afraid  
if she  
NEVER  
met us?  
who & what  
made her  
afraid of  
us?

go do it.

THE COURT: I'll sustain the objection. What's your concern?

MR. IBRAHIM: My concern is if she's unaware of where my client lives, she stated that she was in Edcouch, the record should be corrected.

MR. McANDREW: We can fix that.

The reason I'm bringing this up is because of the issues we have to prove with regard to resulting in the sentencing enhancement is causation, one of the concepts within concussion is foreseeability, people are fearful of these individuals, that goes to reasonable foreseeable. People are fearful of these individuals. As they're receiving this material, they're becoming fearful, and I think it goes to whether a reasonable person could have foreseen ultimately what transpired.

THE COURT: That's a leap I wouldn't be prepared to make, so I'm going to stand by my ruling.

MR. McANDREW: All right. Thank you.

That's my point if everyone says they were afraid of us even though they never met us equals easy conviction for the government without having to really know us at all. christines fear projected onto others...

what a bunch of P.S. The Judge doesn't even feed into that

How can Ms. Lawson be fearful of information she was asking us to send?

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THE COURT: Anything else while we're here?

MR. McANDREW: What time?

THE COURT: That's where I was going next. Where are we?

MR. McANDREW: We are getting through the documents that were sent to her, but as you know through the motions in liminae, Your Honor is allowing us to admit information relating to paragraph 16 of the indictment which deals with the findings of the court, so we're going to go through that, so she's going to carry over.

THE COURT: So my question is, again, as expeditiously as we can, we heard about the Elavil and Paxil, I do think the length of some of the testimony, I know you need to do it, but I think from the standpoint of the jury.

MR. McANDREW: Yes, I don't want to lose their attention.

THE COURT: Their ability to withstand and it's a document intensive case, there is always an issue how do we publish



1 documents to a jury, which in a jury trial it's  
2 harder. In a bench trial it's easy.

3 MR. McANDREW: I can correct the  
4 issue Mr. Gonzalez just raised and I think I  
5 have a document or two left. If we could do  
6 that with these letters.

7 THE COURT: Correct. If you would  
8 please, and then go ahead, finish up there and  
9 then we'll carry over to tomorrow. Let's look  
10 ahead to tomorrow.

11 MR. IBRAHIM: Can I also address  
12 the correction in lieu of me making a motion  
13 regarding the Matusiewicz family  
14 characterization, to correct that somehow in  
15 terms of what she received.

16 MR. McANDREW: Certainly. Just to  
17 be clear, though, I think I have been saying  
18 these letters are coming from Tom Matusiewicz.

19 MR. IBRAHIM: You have, I have got  
20 to address it, though, since at the outset the  
21 Matusiewicz family was said, so maybe that's how  
22 I'll do it, I'll just ask the Court to clarify.

23 MR. McANDREW: What I can do very  
24 quickly just to be clear, this letter that's

1       been talked about, this came from Tom  
2       Matusiewicz, we mentioned the deposition, you  
3       mentioned the Edcouch, Texas, we understand Amy  
4       didn't live there.

5                       MR. IBRAHIM: I'll handle that,  
6       because I want to be clear on that issue. That  
7       other part is great.

8                       THE COURT: I'm confused. Who is  
9       handling what?

10                      MR. IBRAHIM: He's going to handle  
11       Edcouch, and at the conclusion of his  
12       presentation I was simply going to ask that it  
13       be clarified or a cautionary instruction be  
14       given to the jury that with reference to the  
15       Matusiewicz family sending material to this  
16       witness, to actually refer to the individuals  
17       and not to Amy Gonzalez because that's what was  
18       presented.

19                      MR. McANDREW: What I can do is  
20       simply say the letters we have reviewed today,  
21       the materials that have been sent to you, the  
22       ones we reviewed today, those came from either  
23       Tom or Lenore Matusiewicz. They contain various  
24       things --

1 MR. IBRAHIM: They know what they  
2 contain. It's a question of who sent them.

3 THE COURT: Who sent them. To be  
4 really fair, you should say, And not Amy  
5 Gonzalez.

6 MR. McANDREW: I don't think she  
7 sent any of these things, but I'm not sure she  
8 didn't send anything.

9 THE COURT: I'm going to say with  
10 respect to these particular exhibits it would be  
11 true that they came from Tom or Lenore, but not  
12 Amy.

13 MS. CHAVAR: Or David Matusiewicz.

14 THE COURT: Now we're really  
15 complicating it. Just leave it at Lenore and  
16 Tom. Just to be clear, Lenore Matusiewicz and  
17 Tom Matusiewicz.

18 MR. IBRAHIM: You could say you  
19 misspoke at the beginning.

20 MR. McANDREW: If you guys want to  
21 clarify at cross.

22 MS. CHAVAR: Exactly. You would,  
23 noted about paragraph 16 in the rulings just so  
24 that we're all on the same page what your

1 understanding is, so far I think she was very,  
2 very within that parameter, she gave a bit of  
3 testimony, it was my understanding that the  
4 Judge's findings are not coming in. I'm only  
5 bringing this up because I thought you just said  
6 the findings come in, not the Judge's findings,  
7 the order was.

8 MR. McANDREW: I'm sorry. Go  
9 ahead.

10 MS. CHAVAR: It's okay. My  
11 understanding was that what comes in is what  
12 people said, the purpose that they came in for,  
13 but not the finding, not the judge's ruling on  
14 it, was my -- that was the whole idea behind the  
15 motion was to keep the ruling out.

16 MR. McANDREW: Our understanding  
17 was completely different.

18 THE COURT: We're not going to get  
19 to that tonight. I'll go back and pull the  
20 order and clarify that point.

21 MR. McANDREW: Just to be clear  
22 what she's talking about is the trial itself.  
23 There comes a point where the judge issues a  
24 decision which are the factual findings of the



1 court as opposed to the trial testimony.

2 THE COURT: Isn't it going to be  
3 necessarily obvious that the parental rights  
4 were terminated no matter what we do?

5 MS. CHAVAR: I don't think anyone  
6 is contesting that, Your Honor. I'm not sure  
7 where you're going. If you're asking, we do  
8 still stand by the reasons behind our motion,  
9 that its prejudicial to send so much about  
10 sexual abuse, and nah, nah, nah, and then  
11 they're putting that same evidence back into  
12 this same trial, we're hearing it again, the  
13 defense said don't worry about it, Your Honor,  
14 because the judge already decided.

15 THE COURT: Let's finish up in the  
16 morning. Let's finish the documents now and get  
17 some clarity. They're getting annoyed with me.  
18 I want to know how our court reporter got a nah,  
19 nah, nah. I would love to see that. Let's go  
20 back and finish up.

21 (End of side-bar discussion.)

22 THE COURT: Members of the jury,  
23 we talked about lots of things at the side-bar  
24 including we're not going to get through the

wit + n... ess tonight, but we're going to get a few  
more questions with the witness. We talked  
about how hard it is to try a case where all the  
stuff is in documents.

Mr. McAndrew is going to finish up  
and then we'll break for the evening.

BY MR. McANDREW:

Q. Thank you, Your Honor.

Directing your attention to  
Exhibit 511, this is a letter bearing the name  
of Tom Matusiewicz; correct?

A. Yes.

Q. In Edcouch, Texas?

A. Yes.

Q. And the date of 5/28/2011?

A. Yes.

Q. Let me clarify something because  
we have been talking about a lot of documents  
here, and the exhibits that I have been  
presenting to you have been letters or packets  
of information that have come from either Thomas  
Matusiewicz or Lenore Matusiewicz; is that  
right?

A. The ones we talked about today,

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yeah.

Q. The ones we have talked about today. And they lived in Edcouch, Texas; is that right?

A. Yes.

Q. Do you understand Amy Gonzalez lived in Edinburg, Texas, a separate town?

A. Yeah, I know she lives in Texas, I don't know exactly where, but I thought it was somewhere close.

Q. But you understood that she doesn't live with Thomas and Lenore?

A. No, I understood she has a separate house with her husband and her daughter.

Q. Thank you.

Looking then at Government Exhibit 511, it's again addressed to you; right?

A. Yes.

Q. And it reads, I sent the same package to you a while back?

A. Yes.

Q. All right. And I'm going to ask you to read some of the language that comes

1 after that.

2 A. Yes. I sent the same package to  
3 you a while back. This is just a follow-up.  
4 You were assigned ad litem for our  
5 grandchildren, Laura, Leigh and Karen  
6 Matusiewicz. David Matusiewicz's hearing for  
7 termination of his parental rights is June 23, I  
8 believe. I enclosed copies of possible new dad,  
9 a felon in Florida. Plead guilty to all counts.  
10 See enclosed forms. Does this make him a better  
11 father for our children? I realize that you  
12 stated you wanted to terminate Dave's parental  
13 rights in the past. Are you really qualified to  
14 do that? Does proof such as these papers mean  
15 anything to you? Does truth matter to you if at  
16 all? Your actions are placing the well-being of  
17 our grandchildren with a felon. Tom.

18 Q. And "your" is double underlined?

19 A. Yes.

20 Q. As is "really qualified to do  
21 that"?

22 A. Yes.

23 Q. And again, the comprehensive  
24 report page was attached?



1 A. Yes.

2 Q. All right.

3 MR. McANDREW: We're at a good  
4 point for stopping for the day.

5 THE COURT: All right. Counsel,  
6 members of the jury, again, thanks for your  
7 attention. Let me emphasize one of the  
8 preliminary instructions I give, which is you  
9 are absolutely the triers of the fact in the  
10 case. I will, however, give you pretty complex  
11 instructions in the law and you're hearing a  
12 great deal of evidence, but at the end of the  
13 case, I'm going to tell you how you sort that  
14 evidence out and what you should consider for  
15 what points and how it applies to the charges  
16 that we're in court for. And that's one of the  
17 reasons why I say do not discuss among  
18 yourselves anything about the case as you take  
19 all this in until I give you that framework at  
20 the end of the case.

21 So I just return to that now  
22 because we're hearing so much evidence about so  
23 many different subjects over a long period of  
24 time. And I'm sure you understand that.

1 I thank you again for your  
2 patience and your willingness to sit long and  
3 work hard. It means a great deal to all of us.  
4 Once again, we will all stand in respect for our  
5 jury.

6 MR. McANDREW: If I could just  
7 orient you on this issue we're discussing which  
8 I think we'd be prepared to take up in the  
9 morning. I'm sorry, we still have the witness.

10 THE COURT: You may step down, Ms.  
11 Lawson.

12 MR. McANDREW: We're always --

13 THE COURT: We always ignore the  
14 witness.

15 MR. McANDREW: We would be  
16 prepared to take that up in the morning. I know  
17 Your Honor didn't have the information right in  
18 front of him, but it is an order. I don't have  
19 the order number, but it reads the findings of  
20 the family court reference in paragraph 16 of  
21 the title are admissible with a cautionary  
22 instruction from the Court that the family  
23 court's findings do not definitively determine  
24 that abuse did or did not take place, but rather

1 admitted as relevance to the Defendant's state  
2 of mind and motives in continuing to make  
3 allegations against Ms. Belford and as motives  
4 for Defendant's purported stalking. The exhibit  
5 number was Exhibit 22 to the motion in limine,  
6 the Omnibus motion. It was presented to the  
7 court. I'll leave it there.

8 THE COURT: Since we're not going  
9 to reach those issues now, can take a step back,  
10 I think we entered 12 pretrial orders about  
11 evidence and they were multi-paragraph orders it  
12 would give all counsel a chance to go back and  
13 just focus on the specifics.

14 MR. McANDREW: Just wanted to  
15 orient you.

16 THE COURT: I appreciate you cuing  
17 it up. We've already got the team on that after  
18 it came up at sidebar. We'll move quickly so we  
19 will be in a position to address those issues in  
20 the morning. All right.

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

23 THE COURT: Anything else,  
24 counsel, we need to address tonight?

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MR. McCALL: No, Your Honor.

THE COURT: A relief. Wish everyone as good an evening as you can while you're in the middle of a trial.

(Court adjourned at 4:35 p.m.)

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