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*Leah*

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1 THE COURT: Any redirect?

2 MR. McCALL: No, Your Honor.

3 THE COURT: Anything else?

4 THE COURT CLERK: Please raise  
5 your right hand.

This is  
a friend  
who testified  
regarding  
being  
informed by  
our family  
about  
abuse.

6 ...LINDA MORRIS, having  
7 been duly sworn, was examined  
8 and testified as follows:

9 MR. McANDREW: With this witness,  
10 we're going to use Exhibit 543, a redacted  
11 version, other versions of that document is in  
12 evidence and exhibit 535.

13 THE COURT: All right.

14 DIRECT EXAMINATION.

15 BY MR. McANDREW:

16 Q. Good morning, ma'am.

17 A. Good morning.

18 Q. Can you introduce yourself to the  
19 jury?

20 A. Yes, ma'am I'm sorry, yes, sir.  
21 My name is Linda L. Morris.

22 Q. Ms. Morris, do you know David  
23  
24

Rudy & Erin -  
Thank you both so  
very much!  
Looking forward to  
our next call.  
Onward Christian  
Soldiers!  
Peace & blessings  
Amy

1 Matusiewicz?

2 A. Yes, sir.

3 Q. Do you know his mother Lenore  
4 Matusiewicz?

5 A. Yes, sir.

6 Q. Do you know his sister Amy  
7 Gonzalez?

8 A. Yes, sir.

9 Q. Do you see them in the courtroom?

10 A. Yes, sir.

11 Q. How long have you known David  
12 Matusiewicz?

13 A. About twenty-four years.

14 Q. And how did you meet him?

15 A. He I was working in a doctor's  
16 office in an ophthalmology office and he came in  
17 and did his residency or internship at the  
18 doctor's office.

19 Q. And what type of doctor's office  
20 was that?

21 A. It was an ophthalmology office.

22 Q. So you've known him at the  
23 beginning of his career as an ophthalmologist?

24 A. Yes, sir.



1 Q. Or an optometrist? I'm not sure.

2 A. He was interning at this point.

3 The doctor that I worked for was an  
4 ophthalmologist. I believe he was doing his  
5 residency. I don't know exactly know the  
6 terminology they would have used at that point.

7 Q. But going forward you knew him

8 A. Optometrist.

9 Q. You knew him later in his practice  
10 as well?

11 A. Yes, sir.

12 Q. In fact, you were a patient of his  
13 at one point?

14 A. Yes, sir.

15 Q. About when was that?

16 A. That was probably right around it  
17 was I know I bought my house in '98 so it was  
18 after that. So probably a year or so after I  
19 realized he was back in Wilmington and I started  
20 going to him so probably around 2000.

21 Q. Did you have any relationship with  
22 David Matusiewicz outside of the doctor/patient  
23 relationship?

24 A. Not at that point, no, sir.

1 Q. How about at any other point?

2 A. Yes, sir.

3 Q. Could you describe that  
4 relationship just briefly?

5 A. It was actually after his wife  
6 Christine had left him. I had a niece that was  
7 living with me that had a daughter that was  
8 right around Dave's oldest daughter's age and we  
9 had talked throughout the period of time and so  
10 we he would come over to our house. We went to  
11 his house for a pool party and barbecue. We  
12 went to Laura's birthday party and his family  
13 brought the children over for Morgan's birthday  
14 so family gatherings.

15 Q. So you had kids of the same ages  
16 and socialized in that regard?

17 A. Yes, sir.

18 Q. Did you know Christine Belford at  
19 all?

20 A. Not really. At the office?

21 Q. At all?

22 A. I met her once I believe it was  
23 before they got married and it was at the  
24 barbecue that Dave had at his house but we

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didn't really interact.

Q. So your relationship was with David Matusiewicz and to a certain extent his children?

A. Yes.

Q. So you also knew Lenore Matusiewicz?

A. Yes.

Q. How did you know her?

A. I met Lenore years before he was married to the first wife.

Q. Before who was married to the first wife?

A. Before David was married to his first wife?

Q. Which was someone other than Christine Belford?

A. Yes. He had a party at the time we were working together and he had invited the office staff to the party so I met Lenore at the party.

Q. So you met her through social events at the house?

A. Yes.

1 Q. Did you know Thomas Matusiewicz?

2 A. No.

3 Q. Not at that point?

4 A. No.

5 Q. Did you subsequently meet him?

6 A. I met him at the pool party. It  
7 was after Christine had left.

8 Q. Now, are you familiar with the  
9 fact that at some point David and Lenore  
10 Matusiewicz kidnapped the children, correct?

11 A. I had found out through the  
12 newspapers, yes.

13 Q. But you didn't know about that  
14 otherwise?

15 A. I did not.

16 Q. And, in fact, when did you learn  
17 of it, if you recall?

18 A. It was through the newspapers  
19 actually. They taken them out of the country.

20 Q. So some time around that time or

21 A. Uh-huh.

22 Q. And you knew that obviously he  
23 came back to the United States at some point  
24 with his mother and the children came back?



1 A. Yes.

2 Q. And did your relationship continue  
3 with David or Lenore Matusiewicz or Tom or Amy  
4 after the children returned from Nicaragua?

5 A. Yes.

6 Q. Can you describe your interactions  
7 with them during that time period?

8 A. So for Dave, I did go and visit  
9 him when he was in the prison here in Delaware.  
10 I went and visited him twice when he was here in  
11 Delaware, and I also visited him a few times,  
12 maybe three times when he was in Jersey.

13 Q. So visits

14 A. And then the same for Lenore, she  
15 was here in Delaware and I visited her a few  
16 times also and then Tom, I got to know Tom a  
17 little bit better during that time I would visit  
18 him, you know. He would sometimes we would  
19 sometimes go and have lunch at one of the  
20 restaurants down on 13.

21 Q. Okay. Do you remember which  
22 restaurant?

23 A. It was called The Dove.

24 Q. And you might want to pull that

1 microphone back just a little bit. During your  
2 conversations with Tom or Lenore, did they ever  
3 talk to you about sexual abuse allegations they  
4 were making against Christina Belford?

5 A. Tom mentioned a few times. It  
6 wasn't a major topic of our conversation because  
7 I didn't know Christina very well, but he had  
8 mentioned a few times that they were making  
9 those allegations.

10 Q. All right. And what was your  
11 response upon hearing him mention these things?

12 A. I really didn't have any. It  
13 wasn't something that I continued to dwell on  
14 with him and talk to him about because I did not  
15 know the situation and I did not know Christina.

16 Q. You listened?

17 A. I listened.

18 Q. You didn't make any reports or  
19 anything of that nature based on that  
20 allegations?

21 A. I did not, no.

22 Q. Was there a reason why you didn't  
23 do that?

24 A. Because I didn't have any facts.

1 Q. Now, what about in your  
2 conversations with David Matusiewicz, did he  
3 ever tell you about sexual abuse allegations?

4 ha A. Verbally, no. We really didn't  
5 discuss those types of allegations during this  
6 visits. It was more about what was happening  
7 with the case at the time but, no, not verbally  
8 at all.

9 MR. McANDREW: If I can approach,  
10 Your Honor, with what I've marked as Exhibit 543  
11 and 545?

12 THE COURT: Of course.

13 BY MR. McANDREW:

14 Q. I will show you what's Exhibits  
15 Nos. 543 and 545, and I will you a few questions  
16 about them. If you take a look at 543 first,  
17 have you ever seen that document before?

18 A. Yes.

19 Q. What do you recognize that  
20 document as?

21 A. This was a letter that Dave had  
22 sent to me.

23 Q. And after he and you recall  
24 receiving it, I take it?

1 A. Yes, I do.

2 Q. In fact, did you provide it to the  
3 FBI at some point in the case, a copy of it?

4 A. Yes, sir.

5 MR. McANDREW: With the Court's  
6 permission, I would move into evidence and  
7 publish it?

8 THE COURT: Hearing no objection  
9 you may.

10 BY MR. McANDREW:

11 Q. Ma'am, you have a document in  
12 front of you and on the screen. You can look at  
13 it, whatever is easiest to you.

14 A. Yes.

15 Q. This is a letter dated December  
16 2009; correct?

17 A. Yes.

18 Q. And it says Merry Christmas and  
19 then it begins the text; correct?

20 A. Yes, sir.

21 Q. And there's some handwriting at  
22 the top. Can you make out the handwriting?

23 A. It says Hi, Linda. Thank you for  
24 all of your support through all of this. Hug



1 your family for me.

2 Q. All right. And if you go to the  
3 bottom of the letter, do you see some more  
4 handwriting?

5 A. Yes, sir.

6 Q. And I would like to you just take  
7 a look at that, and if you're able to, let me  
8 pull it up, you see the letter is signed Dave  
9 Matusiewicz; right?

10 A. I see it's signed as Dave.

11 Q. Dave, I'm sorry, and the typed  
12 name under?

13 A. The typed name is Dave  
14 Matusiewicz, yes, sir.

15 Q. If you could read the note  
16 underneath the bottom there?

17 A. It says I need a favor. If Laura  
18 hasn't been evaluated by a --

19 Q. If you're not --

20 A. -- molestation specialist.

21 Q. If you're not able to make out the  
22 words, that's okay.

23 A. Okay. By February 2010, can you  
24 call DYFS for me? I understand that if a parent

1 of a friend of Laura's calls DYFS and states  
2 that Laura mentioned something sexual, item not  
3 quite sure what the next word is.

4 Q. Okay.

5 A. Mommy told her, investigation had  
6 to take place. If I can convince Family Court  
to get Laura evaluated through the legal route.

Q. I think it may say cannot, but you  
tell me if you can read it or not, if I cannot  
convince?

A. I'm sorry?

Q. If you go back to the beginning of  
that sentence.

A. If I -- it looks like can't, C A N  
apostrophe T convince Family Court to get Laura  
evaluated through the legal route, an anonymous  
phone call to DYFS concerned parent would do the  
trick. Mind playing the concerned parent? This  
will probably be the last letter I can send you  
that is not read by the federal government.  
Help, please. I do not know what else to do.

Q. All right. And there was some  
other pages attached to this as well; right?

A. Yes, sir.

*Rudy - the govt.  
Used this against  
David making it look  
like he "made up"  
these allegations  
rather than the  
father pleading  
for help for his  
children.*

1 Q. Now, after you received this and  
2 you read that note, did you make any phone calls  
3 to DYFS?

4 A. I did not.

5 Q. And why not?

6 A. Again, because I did not have any  
7 facts.

8 Q. All right. And did you recognize  
9 that this would have been a pretty serious  
10 allegation to be made?

11 A. Most definitely.

12 Q. And you weren't prepared to do  
13 that?

14 A. No, sir.

15 Q. Now, if I can direct your  
16 attention to Government Exhibit 545. Do you  
17 have that in front of you?

18 A. Yes, sir.

19 Q. And do you recognize it?

20 A. Yes, sir.

21 Q. And what do you recognize that as?

22 A. It was another letter that was  
23 sent to me.

24 Q. And it's addressed, Hi, Linda, at

1 the top?

2 A. Hi Linda, yes.

3 Q. It's dated April 8th of 2010?

4 A. Yes, sir.

5 Q. And it's signed at the end, love  
6 Dave, right, on the second page?

7 A. Yes.

8 MR. McANDREW: Your Honor, I move  
9 in 545 and ask to publish.

10 THE COURT: Hearing no objection,  
11 you may.

12 BY MR. McANDREW:

13 Q. This is the letter; correct?

14 A. Yes, sir.

15 Q. All right. And it discusses, it  
16 discusses a variety of things relating to topics  
17 you had been discussing with David?

18 A. Uh-huh.

19 Q. I want to direct your attention  
20 down toward the bottom. And do you see where it  
21 says, "I have written."

22 A. Yes.

23 Q. If you could read that line, I  
24 understand you may not be able to make it out



1 and that's fine.

2 JX. A. I have written to her  
3 psychologist, Monica, I'm not sure.

4 Q. That's a tough one. You can just  
5 skip it.

6 A. In Hockessin. I'm not sure what  
7 that word is. Of opening the eyes of Laura's  
8 caregiver as to why we took the steps that we  
9 took back in 2007. But knowing the mental  
10 health professional field as I know it as well  
11 as I knowing my eyes ability to look, you write  
12 in the -- I'm not sure what that says. And  
13 something I haven't much faith. I do, however,  
14 continue to pray that will give Laura the  
15 strength to tell mommy's little secret to this  
16 doctor.

17 Q. If you could just read the  
18 highlighted portion.

19 A. The idea that my daughter would be  
20 forced to live with the knowledge that she got  
21 her mother jailed is one of the -- I'm not sure  
22 what that word is -- reasons we left in the  
23 first place. Now it seems inevitable that there  
24 is the only way the court system will have any

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mercy on me.

Q. If you could just read the next line, if you're able to.

A. It's -- wow, I'm sorry.

Q. That's okay if you can't read it.

A. Something for a year old to -- I'm sorry.

Q. That's okay. That's okay.

Now, so you kept these letters after you received them; correct?

A. Yes.

Q. And you provided them to the agents in this case?

A. Yes, sir.

Q. Now, aside from the letters that you received from Mr. Matusiewicz, from David Matusiewicz, did Thomas Matusiewicz ever ask you to do anything with regard to Christine Belford's house?

A. Yes.

Q. What did he ask you to do?

A. He asked me if I would go to her house and write down license plates, license plates numbers for him.

1 Q. How did that come up?

2 A. He was living in Texas at the  
3 time, and it was through a phone call. It was  
4 just a random thing, he just suddenly asked me  
5 to do this, he said if you could do me a favor  
6 and go over and write some license plate numbers  
7 down from her house.

8 Q. Had you ever made a request like  
9 that from you before?

10 A. No.

11 Q. What did you think of that  
12 request?

13 A. I just thought it was Tom's way of  
14 grasping at straws at that point. I knew he was  
15 very distraught and concerned about who his  
16 grandchildren were being exposed to. And so I  
17 just figured he was grasping at straws at that  
18 point.

19 Q. And I take it -- well, did you, in  
20 fact, go to Christine Belford's house and write  
21 down license plates?

22 A. I did not, no.

23 Q. We talked over each other there  
24 what was your response?

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A. I did not, 2340.

Q. You did not. And that's because why?

A. Because it wasn't -- I didn't think it was the right thing to do.

Q. Did he ever make that request of you again?

A. No, never mentioned it again to me.

Q. Did you tell him you weren't going to do it?

A. I did not.

Q. So you just took in the information?

A. Just took in the information and he never questioned me about it again.

Q. Have you ever been to Christine Belford's house?

A. No. I have no idea -- I have seen it on the news, but I have no idea.

Q. Aside from the news, though, did you have any idea where she lived?

A. No.

Q. When do you think was your last

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1 contact with any member of the Matusiewicz  
2 family?

3 A. I had spoken with them I believe  
4 it was mid January.

5 Q. Of what year, I'm sorry?

6 A. I'm sorry. I have to think.

7 Q. Was it around the time of the  
8 courthouse incident or was it --

9 A. Yes. It was -- I'm sorry, because  
10 my memory is --

11 Q. That's okay.

12 A. I was very sick at the time, so  
13 remembering things sometimes comes a little  
14 difficult. But yes, it was the January actually  
15 before the shooting.

16 Q. And you haven't spoken to any of  
17 them since?

18 A. No, that was the first and the  
19 last time.

20 Q. And I forgot to ask you one  
21 question --

22 A. I do apologize. To Tom. I did  
23 speak with Amy and Lenore after the fact, after  
24 the shooting had happened.

1 Q. All right. And you just mentioned  
2 Amy and I haven't really talked about her at  
3 all. But you also knew Amy Gonzalez?

4 A. I did. I mean, I didn't know her  
5 as well as as I knew Dave or Lenore, but yes.

6 Q. Did she ever make any statements  
7 to you about the children being sexually abused  
8 by Christine Belford?

9 A. No.

10 MR. McANDREW: The Court's  
11 indulgence for just one moment.

12 Thank you, ma'am.

13 THE COURT: Defense.

14 MR. EDELIN: I don't have  
15 anything, Your Honor. Thank you.

16 THE COURT: Mr. Ibrahim.

17 CROSS-EXAMINATION

18 BY MR. IBRAHIM:

19 Q. Good morning, ma'am. How are you?

20 A. Good morning.

21 Q. I just have a couple of questions  
22 for you in reference to your testimony at the  
23 end about Amy.

24 It's correct to say that you

1 really had no social relationship with Amy  
2 Gonzalez?

3 A. No, not really. She had come to  
4 my house once from my great niece's birthday  
5 party, but there was a lot of people there so I  
6 didn't really get a chance to actually sit down  
7 and talk with her. And then I met her a few  
8 times at Dave's house at, you know, the pool  
9 parties, barbecues, again it wasn't like we sat  
10 down and had a major converse, it was amongst a  
11 lot of people.

12 Q. But it's fair to say you guys kind  
13 of knew each other through family and friends?

14 A. Yes.

15 Q. You testified about a  
16 communication you had with her after the  
17 shooting. Is it correct to say that that had to  
18 do with Amy contacting you because of your  
19 health?

20 A. It was, yes. And vice versa, I  
21 mean, because I know she had been through a lot  
22 of physical, medical issues herself, and you  
23 know, we were -- she was calling and checking on  
24 me and I knew she was going through a lot at

1 that point so I was calling and checking on her.

2 Q. And without certainly getting into  
3 both of your private situation, you guys were  
4 giving each other mutual support?

5 A. Yes.

6 MR. IBRAHIM: Thank you, ma'am.

7 MR. BOSTIC: If I may, Your Honor.

8 BY MR. BOSTIC:

9 Q. Good morning, Ms. Morris. How are  
10 you today?

11 A. Good morning. Good. Thank you.

12 Q. You testified to the government  
13 earlier about not having spoken to David about  
14 the sexual abuse allegations until you got some  
15 correspondence about it; is that right?

16 A. In the letter, yes, but we've  
17 never verbally communicated about it, no.

18 Q. But there was a conversation that  
19 you had with David back in 2006 or so when you  
20 visited him at The Vision Center?

21 A. Yes.

22 Q. In which he was talking to you  
23 about his relationship with Christine and her  
24 having left?



1 A. Yes.

2 Q. Am I correct?

3 A. Yes.

4 Q. And when you were talking to him

5 then, he said something to you that in your mind

6 was a little strange; do you recall what I'm

7 talking about? Let me rephrase it.

8 He said to you at that time, did

9 he not?

10 MR. McANDREW: Your Honor, I'm not  
11 sure if we're going to go into hearsay. I don't  
12 know if we need to have a side-bar or not.

13 MR. BOSTIC: This was a statement  
14 that the defendant made to the witness.

15 MR. McANDREW: Which is hearsay.

16 THE COURT: I'm going to allow it  
17 on cross-examination.

18 BY MR. BOSTIC:

19 Q. Ma'am, did he tell you at that  
20 point in time as you guys were talking to  
21 Christine and the kids, did he not tell you that  
22 quote, how do I say something about my ex-wife  
23 that will get her in trouble that I will later  
24 from to explain to my children, do you recall

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that?

A. I do recall, but I don't think that was the wording.

Q. Can you tell me the wording?

A. If I remember the wording, it was more along the lines of how would it look to my daughters if something that I said or did got their mother into trouble.

Q. And this was said to you, the time frame was in 2006?

A. I believe -- it was during a doctor's visit because he had told me, his words were my bride had left me.

Q. And he didn't say anything else at that point in that conversation about what he was referring to, did he?

A. I'm not sure.

Q. In that conversation with you in which he told you about how he -- how can he say something that would get his wife in trouble and then explain it to his daughters, I'm paraphrasing, did he elaborate at that point?

A. He did explain to me at that point he was concerned about the safety of the kids

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1 being with their mother. He had said something  
2 about he had hired an investigator, and there  
3 was an incident that the investigator found out  
4 that --

5 Q. I'm not talking about that  
6 incident, but I'm talking about the statement  
7 that you just testified about in which he told  
8 you that statement, can you say it again so I  
9 can write it down so I can ask you?

10 A. I don't remember it verbatim, it  
11 was along the lines of how would it look to my  
12 daughters if something that I have said or done  
13 would get their mother in trouble. It was  
14 somewhere along those lines. I don't remember  
15 the exact verbiage.

16 Q. And did you ask him then, David,  
17 what do you mean by that statement?

18 A. No. I mean, he was talking. At  
19 that time when he was talking about it, he was  
20 very emotional. As a matter of fact, you know,  
21 I had gone for an eye exam, he told me and I was  
22 surprised, and he was very emotional about it.  
23 So it was -- I mean, I didn't ask him questions,  
24 I just kind of listened to what he was telling

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me.  
Q. Now, when he sent you letters in 2009, and the government referred to some of them, he also sent you a letter which you may have in front of you which if I may approach, I have it marked as Defense Exhibit 146.

MR. BOSTIC: If I may approach, Your Honor?

THE COURT: You may. Do you have a copy for the Court?

MR. BOSTIC: I do. I do.

BY MR. BOSTIC:

Q. Ma'am, you have what is marked as Defense Exhibit 146?

A. Yes, sir.

Q. And it is a handwritten letter and also attached to it is a second letter. Is that right?

A. Yes, sir.

Q. I'm going to concentrate on the handwritten letter at this point in time. Do you recognize that as correspondence that you got from David Matusiewicz during the time period of 2009?

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1 A. Yes, sir.

2 MR. BOSTIC: Your Honor,  
3 permission to publish the first page to the  
4 jury.

5 THE COURT: Hearing no objection,  
6 you may, Mr. Bostic.

7 BY MR. BOSTIC:

8 Q. Can you pull that up for me.  
9 Ma'am, were you able to read that into the  
10 record?

11 A. It says Hi Linda. Hope all is  
12 well with you and your family. My sentencing  
13 date is fast approaching, December 10. The  
14 reverse side information has been sent to DYFS.  
15 Let's see what response it gets. I should have  
16 had this into the DYFS's hands in 2007 when it  
17 happened. Please continue to pray for my girls  
18 and family.

19 Q. How does it end?

20 A. Love in litigation, Dave.

21 Q. You can take that down.

22 Now, with respect to the request  
23 from David Matusiewicz that the government  
24 discussed with you, David has not, beyond asking

1 you to send a letter to DYFS, he has not asked  
2 you to follow anyone or anything like that; am I  
3 correct?

4 A. He has not, no.

5 Q. And would it be fair to say that  
6 Tom Matusiewicz from what you gathered had a  
7 separate and particularly strong relationship  
8 with his grandkids?

9 A. Yes.

10 Q. Now, did I hear you testify  
11 correctly that you spoke to Tom Matusiewicz in,  
12 any time in late 2012 or early 2013?

13 A. I did, off and on, yes, sir.

14 Q. And in any conversations with him  
15 during that time frame, did you sense that he  
16 intended to harm Christine in any physical way?

17 A. No, sir.

18 Q. And now, you knew that Tom  
19 Matusiewicz had a gun collection, right, because  
20 he had discussed it with you?

21 A. He had told me.

22 Q. And he was a gun collector of  
23 sorts, he told you that; right?

24 A. Well, he just -- in a conversation

1 we would have, he was -- he just happened to say  
2 I have some guns, I like to collect guns.

3 Q. And the last time that you recall  
4 talking to him just before this incident in  
5 2013, do you remember when that was exactly?

6 A. And I'm sorry, can you repeat  
7 the --

8 Q. Do you remember the last time that  
9 you talked to him, the approximate date, was it  
10 in 2012 or 2013?

11 A. It would have been 2013, that  
12 January, I talked to him on the phone.

13 Q. And he mentioned to you getting  
14 together, he told you he was coming to Delaware?

15 A. Yes.

16 Q. And did you get together with him  
17 when he came to Delaware?

18 A. We did not, no.

19 MR. BOSTIC: Thank you, ma'am. I  
20 have nothing else.

21 THE COURT: Mr. McAndrew, any  
22 redirect?

23 MR. McANDREW: Yes, Your Honor

24 REDIRECT EXAMINATION

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BY MR. McANDREW:

Q. Ms. Morris, Mr. Bostic asked you a few questions about a 2006 conversation that you had with David; is that right?

A. Yes, sir.

Q. Where did that conversation take place?

A. It took place at the doctor's office.

Q. You were there for an eye exam?

A. Yes.

Q. At his office?

A. At his office, yes, sir.

Q. And to the best of your recollection, do you remember about when that exam happened and that conversation happened?

A. I do not, no.

Q. Do you feel pretty confident, though, it was in 2006?

A. No. I can't -- I don't remember the exact date.

Q. Fair enough.

And again, I heard this statement that you repeated back, your recollection of

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1 what David said. You said he was emotional?

2 A. He was emotional.

3 Q. You weren't really sure on exactly  
4 what he was referring to in terms of his  
5 statement about not wanting to get the mother in  
6 trouble?

7 A. He was talking about a lot of  
8 things. You know, his concerns, you know, the  
9 fact that Christina had left, he was just  
10 distraught, he was very emotional, and he was  
11 talking, because even afterwards, I was like I  
12 think after all you have been through, you need  
13 a hug, so I just kind of listened.

14 Q. But you don't remember anything in  
15 that conversation about sexual abuse of any of  
16 the children?

17 A. No, sir. It was never verbally  
18 communicated by Dave to me.

19 Q. I understand. And Mr. Bostic  
20 asked you or asked to confirm through you and I  
21 think you confirmed that David never asked you  
22 to send a letter to DYFS; is that right?

23 MR. BOSTIC: Objection, Your  
24 Honor. That's a misstatement of my question.

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MR. McANDREW: All right.

Q. Let me just clarify it. Back to Government Exhibit 543. Do you have that, that's the one with the handwriting on the bottom?

A. Yes.

Q. David did ask you to call DYFS?

A. Yes.

Q. Thank you.

MR. McANDREW: Very well. Nothing further.

MR. BOSTIC: Very briefly

RECROSS-EXAMINATION

BY MR. BOSTIC:

Q. Ma'am, so it's clear, other than the note written on the typewritten letter to you in which David asked you to contact the children's services, David never asked you to do anything other than that?

A. No, sir.

Q. Right. He never asked you to follow Christine Belford?

A. Never.

Q. He never asked to you go by her

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1 house?

2 A. Never.

3 Q. He never asked to you write down  
4 license plates, anything like that?

5 A. The only person that ever asked me  
6 to do anything like that verbally was Tom.

7 Q. And my final question to you, as  
8 you sit here, you are not certain whether the  
9 conversation you had with David which referenced  
10 Christine Belford and his children and not  
11 wanting to get her in trouble, that happened  
12 before David left?

13 A. It was.

14 Q. And took the kids to South  
15 America; correct?

16 A. It was before, I don't remember  
17 the exact day, but it was before he left.

18 Q. And that's crystal clear in your  
19 mind?

20 A. Yes, sir, it definitely is, yes,  
21 sir.

22 MR. BOSTIC: Thank you, ma'am.

23 MR. McANDREW: Just briefly, Your  
24 Honor.

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REDIRECT EXAMINATION

BY MR. McANDREW:

Q. Mr. Bostic asked you at the outset if that conversation was in 2006; correct?

A. YES.

Q. And I think you told him that it was?

A. It was before Dave left. I don't remember the exact year. I'm sorry. If he said 2006, it happened before Dave left.

Q. Right. Okay. But he left in August of 2007; correct, if you know?

A. I don't remember.

Q. All right.

A. I don't remember the exact days.

Q. Do you remember, did you go -- before the kidnapping, in the time frame leading up to the kidnapping, were you going to any other eye doctors?

A. No.

Q. And did you go to the eye doctor the summer that he left, the summer before he left, do you remember?

A. I'm not sure I'm understanding

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1 your question.

2 Q. I'm just trying to figure out, you  
3 said initially it was 2006 and I'm just trying  
4 to figure out if that's something you remember  
5 or not?

6 A. I didn't go to any other eye  
7 doctors, and the conversation that we had when  
8 he told me that Christine left and he was  
9 concerned about the safety of the children, all  
10 of that happened before he left.

11 Q. Right. Let me ask you this. Do  
12 you remember when they separated?

13 A. I did not know they were  
14 separated.

15 Q. Until he told you?

16 A. Until he told me.

17 Q. All right. And do you know when  
18 that was?

19 A. Again, I apologize.

20 Q. You just can't remember?

21 A. I don't remember.

22 Q. That's okay.

23 A. I don't remember dates.

24 Q. I know it was a long time ago.

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A. I don't remember dates, I don't remember years, and what year it was that -- I do recall conversation, I do recall it happened before he left.

Q. Right. You just don't know when?

A. I just don't remember the exact time.

MR. McANDREW: All right. Thank you very much.

THE COURT: All right.

MR. BOSTIC: Nothing else, Your Honor. Thank you, ma'am.

THE COURT: Thank you. Government -- you may step down.

MR. WEEDE: The government calls Kate Edwards to the stand.

THE COURT: You can call your next witness. While you do that, members of the jury, let me put in context, during testimony of the witness the government objected to hearsay talking about statements that were made by the defendant out of court. Because it was cross-examination and because there were discussions about what the witness had or had

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1 not known, I allowed as a matter of fairness the  
2 government to ask about the context of the  
3 conversation, but that out-of-court statement is  
4 not substantive evidence that you may consider  
5 for purposes of fact finding in the case, it was  
6 to give you the context of the relationship of  
7 the conversation. All right?

8 THE CLERK: Place your right-hand  
9 on the bible. Please state and spell your name  
10 for the record.

11 THE WITNESS: Kate Edwards,  
12 K-A-T-E, E-D-W-A-R-D-S.

13  
14 KATE EDWARDS,  
15 the deponent herein, having first  
16 been duly sworn on oath, was  
17 examined and testified as follows:

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

19 THE COURT: You may.

20 MR. WEEDE: Your Honor, the  
21 government will be referencing Exhibit 14, but  
22 we won't be moving it into evidence. I  
23 discussed that with defense counsel.

24 MR. BOSTIC: Your Honor, can we

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Latin teacher told me some day you'll be glad  
you took Latin.

THE CLERK: State and spell your  
full name for the record.

THE WITNESS: Sure. My name is  
Peggy Mitchell, and it's P-E-G-G-Y,  
M-I-T-C-H-E-L-L.

PEGGY MITCHELL,

the deponent herein, having first  
been duly sworn on oath, was  
examined and testified as follows:

MR. McCALL: Judge, may I proceed?

THE COURT: You may.

MR. McCALL: Thank you

DIRECT EXAMINATION

BY MR. McCALL:

Q. Good afternoon, Ms. Mitchell.

A. Good afternoon.

Q. Could you please introduce  
yourself to the jurors?

A. Yes. I'm Peggy Mitchell.

Q. And Ms. Mitchell, what do you do  
for a living?

This is a  
friend that  
testified  
regarding  
being filed  
about abuse  
in 2006.  
mom, Dad  
have spent  
the night at  
her home  
prior to court  
in the morning



1 A. I work in Wilmington University.  
2 I'm an assistant vice-president there. I run  
3 four departments.

4 Q. And what do you do in that  
5 capacity, what departments do you run?

6 A. I run the student success center,  
7 academic advising, the registrar and the  
8 library.

9 Q. How long have you held that  
10 position?

11 A. Well, I have worked at the  
12 university for eleven years, and I have held  
13 this position for about four.

14 Q. Okay. What city and state do you  
15 reside in?

16 A. I live in Elkton, Maryland.

17 Q. How long have you lived in Elkton,  
18 Maryland for?

19 A. Since 1990. July of 1990.

20 Q. Do you know the defendant, David  
21 Matusiewicz?

22 A. Yes, I do.

23 Q. Do you see him in the courtroom  
24 today?

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1 A. Do I see -- yes, I do.

2 Q. Can you please identify him?

3 BY A. The gentleman right here next to  
4 the lady in the purple.

5 THE COURT: The record will so  
6 note.

7 Q. Do you also know Lenore  
8 Matusiewicz?

9 A. I do.

10 Q. Can you identify her, please?

11 A. I see Lenore over there, she's  
12 third in.

13 THE COURT: And the record will  
14 reflect identification.

15 Q. Thank you.

16 Do you know Amy Gonzalez?

17 A. Amy, yes, I do know Amy. Is this  
18 Amy here with the glasses? I'm not sure. I  
19 think that's Amy with the glasses.

20 THE COURT: The record will not  
21 show identification.

22 Q. Okay. How do you know David  
23 Matusiewicz?

24 A. My husband worked for David in the

1 early 2000's, for about four to five years.

2 Q. And that was at David's what?

3 A. David's business, his eye  
4 business, optometry business.

5 Q. What did your husband do for him?

6 A. He was an obstetrician and he did  
7 contact lens work for David.

8 Q. Where was the practice located  
9 that David Matusiewicz operated?

10 A. It was on Main Street in Newark.

11 Q. Now, understanding that your  
12 husband worked for David Matusiewicz, did you  
13 ever have the occasion to socialize with David  
14 Matusiewicz?

15 A. Yes, we did.

16 Q. And can you just explain how that  
17 would happen and what type of events?

18 A. Certainly. This chair doesn't  
19 move, does it?

20 David had a lot of cookouts and  
21 picnics over the years, and he would invite his  
22 staff and their family and we were at his house  
23 many times.

24 Q. Okay. Now, you have a daughter;

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1 is that correct?

2 A. Yeah, I have two daughters,  
3 actually, yes.

4 Q. And did your daughters ever go  
5 over to the Matusiewicz house?

6 A. My youngest did, yes, Jessica.

7 Q. And what was the time frame, just  
8 so we're understanding when that was occurring?

9 A. Well, actually it was probably in  
10 the early 2000's, and when we go to picnics we  
11 would take Jessica with us.

12 Q. Now, did you know Christine  
13 Belford?

14 A. Yes, I did.

15 Q. And what was Christine Belford in  
16 relation to David Matusiewicz?

17 A. It was his wife.

18 Q. I would like to direct your  
19 attention to the summer of 2006. During that  
20 summer, did you speak with Lenore Matusiewicz  
21 about any issues related to this case?

22 A. Yes, I did.

23 Q. What were the circumstances?

24 A. My daughter was over there, we had



1 asked Lenore if Jessica could come over and hang  
2 with her, we were looking for a place for  
3 Jessica during the summer just for a few days,  
4 and Lenore and David offered for Jessica to come  
5 hang with Lenore and the girls.

6 Q. Well, let me just interrupt you  
7 there if I may. Excuse me.

8 A. Yes.

9 Q. Now, at that point, what was the  
10 status of David Matusiewicz's and Christine's  
11 Belford's marriage if you recall?

12 A. Well, they weren't together.

13 Q. Go ahead, you were describing?

14 A. So when I went to pick Jessica up  
15 one day after work, I did sit and talk to Lenore  
16 about what was going on. And we talked about,  
17 you know, the situation, and that sort of thing,  
18 and we talked specifically about Lenore  
19 mentioned that the oldest girl, Laura, had said  
20 that she had been sexually, or she had been  
21 abused, or -- I don't think she used the word  
22 abused, but that she didn't like the lollipop  
23 game that mommy played.

24 Q. Let's make sure we're specific

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1 now. Was there any talk of a lollipop game, if  
2 you recall?

3 A. What I recall is we were talking  
4 about why David and Lee split, not David --  
5 David and Christine split, and Laura came up and  
6 Lee did say that she had noticed a rash on Laura  
7 in her private area, and Lee had asked Laura  
8 about that, and Laura said that she didn't like  
9 the lollipop game that her, that mommy would  
10 play with her.

11 Q. Did Lenore Matusiewicz mention  
12 anything to you about seeing the hymen of Laura  
13 torn?

14 A. I did not hear that, no.

15 Q. Now, who was present for this  
16 conversation, was it just you and Lenore?

17 A. It was just Lenore and myself.

18 Q. This is the summer of 2006;  
19 correct?

20 A. That's correct.

21 Q. Now, did you report any of this to  
22 any law enforcement when you were done, the  
23 conversation?

24 A. I did not, no, I did not. I asked

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1 Lee about it that day that why didn't they  
2 report that kind of behavior, and Lee did  
3 indicate that, you know, it's hard to put your  
4 grandchild, and of course Dave's daughter  
5 through something like that, and they did not  
6 want to subject her to that.

7 Q. It was your understanding that the  
8 children were on or seeing Christine Belford  
9 periodically on visits; is that correct?

10 A. That was my understanding, yes.

11 Q. Despite this claim of abuse, it  
12 was your understanding that the child was still  
13 being allowed to go see Christine Belford; is  
14 that correct?

15 MR. BOSTIC: Your Honor, I'm going  
16 to object to leading questions by the  
17 government.

18 THE COURT: I'll sustain that  
19 objection. I think that is somewhat leading,  
20 Mr. McCall.

21 Q. Let me ask, what was your  
22 understanding with respect to the visits that  
23 were occurring between Laura and Christine  
24 Belford, were they still occurring, were they



1 not occurring?

2 A. They were occurring.

3 Q. Did Lenore Matusiewicz tell you  
4 what would happen if these visits were going to  
5 continue or not after she told you that there  
6 was some kind of lollipop game?

7 A. I don't recall any discussion  
8 about that.

9 Q. Was it your impression that the  
10 visits were going to stop or were going to  
11 continue with respect to Laura Matusiewicz and  
12 her mother, Christine Belford?

13 A. My impression was that they were  
14 going to continue.

15 Q. Now, you've mentioned to the  
16 jurors that you knew Lenore Matusiewicz, David  
17 Matusiewicz. Did you also know or come to know  
18 Thomas Matusiewicz?

19 A. Through the family picnics, yes.

20 Q. And, you know, based on your  
21 contact with the Matusiewicz family, how would  
22 you describe them as like a family unit?

23 A. They were a very close knit  
24 family. Very close knit and very loving.



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Q. I want to direct your attention now to February 2013. Okay?

A. Okay.

Q. Did you see David Matusiewicz, Lenore Matusiewicz, and Thomas Matusiewicz that month?

A. We did. That Sunday, February 11th, we had made arrangements to meet Tom and Lee and David at the Applebee's on Elkton Road for dinner.

Q. Did that, in fact, occur?

A. It did occur.

Q. Okay. And now, prior to going to meet them at Applebee's, this is on February 10th; is that correct?

A. February 10th, that Sunday evening, yeah.

Q. Did you notice anything at your house that had been left there that weekend?

A. Thank you. Actually earlier in the week, Tom had contacted my husband, David, and had asked if he could leave his automobile there, that he and Lee and David were bringing two cars and they wanted to leave one car in our

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driveway and they would take the other car to New Jersey where they were going to visit family.

Q. Did you go and inspect the car at any point over the course of the weekend?

A. I did not.

Q. Did you notice anything unusual about the vehicle?

A. I did not.

Q. Did you notice what license plates or anything of that nature?

A. Yes. It was a -- I can't remember what state it was. It was one of the Great Lake states. It was not a Texas license plate.

Q. Now, let's refocus on the dinner, or the meal at Applebee's. About what time did that occur?

A. Well, we got there around, it may have been around five o'clock, and Lee and Tom and David got there probably, it was about an hour, we were waiting a little while.

Q. So you arrived first?

A. That's correct.

Q. Did you see the Matusiewicz's

1 arrive, specifically David, Thomas and Lenore?

2 A. Only when they walked in the door.  
3 I did not see them drive into the parking lot.

4 Q. And Carl Stubbons was also there?

5 A. Carl was.

6 Q. You may have mentioned it, he was  
7 a former --

8 A. He's a former employee of David  
9 Matusiewicz and a friend of my David's.

10 Q. How long did the dinner last?

11 A. We were probably there a good two  
12 hours.

13 Q. Anything unusual happen at the  
14 dinner?

15 A. Nothing unusual. We did ask, you  
16 know -- actually I think Carl asked, you know;  
17 why they brought two cars. There was lots of  
18 discussion going on. I did not hear an answer  
19 if there was one.

20 Q. After dinner had concluded I  
21 should say, where did you go?

22 A. Well, I went on home. I got in  
23 the car and went home.

24 Q. And how about David, Thomas and

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1 Lenore Matusiewicz, what did they do?

2 A. Well, we had invited David and Tom  
3 and Lee to come stay the night with us. They  
4 were going to be staying at a hotel, and they  
5 said are you sure, I said absolutely. And I  
6 said to them, Lee why don't you come with me  
7 because Carl needed to be driven home and David  
8 wanted to be sure he was safe, David Matusiewicz  
9 that is, so actually David and Tom and Lee all  
10 three went. I think one followed the other, one  
11 drove Carl's car home, I don't know which one,  
12 and the other two followed.

13 Q. Okay. So David, Thomas, Lenore,  
14 they followed Carl Stubbons back to his house,  
15 drove him back to his house?

16 A. Correct.

17 Q. And you went home?

18 A. I went home.

19 Q. At some point did they come to  
20 your house?

21 A. They did come to our house, that's  
22 right.

23 Q. Do you recall about when they  
24 arrived?



1 A. It may have been around 8 o'clock  
2 or so.

3 Q. So just so I understand now, who  
4 is present at your house when they arrive?

5 A. It's actually my husband, and  
6 myself were there, and then Dave, Tom and Lee  
7 came.

8 Q. Now, did you have a conversation  
9 after David, Thomas and Lenore arrived at your  
10 house with David Matusiewicz?

11 A. That's right. We sat around the  
12 kitchen table and just visited, and I asked  
13 David, it was really business as usual, and we  
14 talked about their lives in Texas. We talked  
15 about their ranch. David had a computer. We  
16 looked at some of the ranch, the pictures of  
17 their ranch home.

18 Q. Ms. Mitchell, let me just  
19 interrupt you there and ask you this, you  
20 mentioned that David Matusiewicz had a computer;  
21 is that right?

22 A. That's right.

23 Q. Do you remember what kind of  
24 computer it was?

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A. I have no clue.

Q. Did he ultimately -- they spent the night with you?

A. They did spend the night.

Q. What room did David Matusiewicz sleep in?

A. He was actually in my daughter Jessica's room. Jessica had moved out.

Q. That room is on the first floor or second floor?

A. Second floor.

Q. Did you talk specifically to David Matusiewicz about any employment or job that he was --

A. We did. I asked him what he was doing in Texas. He had been waiting tables. And of course because his wages had been attached, he was coming back for the child support hearings. He was not making much money, and we -- I also talked to him about whether or not he would be getting -- what he was doing as an optometrist, was he going to be able to practice. And he said he had applied for a license in Texas, but he wasn't hopeful that

1 that was going to happen.

2 Q. Did he talk about what had  
3 happened to his license in Delaware?

4 A. I don't recall that, no.

5 Q. How about his time in prison, did  
6 he talk about his time in prison?

7 A. He did. And I asked him how it  
8 was. It was a very bad experience for him.

9 Q. Is that what he said to you?

10 A. Yes, that's right.

11 Q. Did he talk about how it impacted  
12 him?

13 A. We talked a lot about sort of what  
14 prison life is like, and there is a hierarchy  
15 and that sort of thing in the prisons that he  
16 was in. And I do know he was helping prisoners  
17 with their GED. I did say to David, for  
18 everything you have been through, he seemed like  
19 the same old Dave.

20 Q. What did he say?

21 A. He did say to me that I am a  
22 changed man.

23 Q. In the context of the  
24 conversation, how did you understand that?



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1 A. It was a very sad statement. It  
2 was not a good thing. It was not a good thing.  
3 It was a -- there was a deep sadness there.

4 Q. Did he talk to you about his  
5 children?

6 A. Yes. I asked him if he had had  
7 any contact with his girls, and he said no, that  
8 he is not allowed, neither Tom nor Lee nor Dave  
9 were allowed to be within any certain distance  
10 of the girls, but that he was getting  
11 information on them.

12 Q. He was getting information?

13 A. Yes, he was.

14 Q. Did he tell you how he was getting  
15 that information?

16 A. He did not tell me how.

17 Q. Did he talk to you about the  
18 overall financial situation of him and his  
19 family, specifically Lenore and Thomas  
20 Matusiewicz?

21 A. Yes, he did. Actually Lee and I,  
22 we talked about that, too. They were very --  
23 they were struggling, I believe they just had  
24 the Social Security, it was tough. They had



1 raised cattle on the ranch and I remember David  
2 saying, I know you're not going to believe this,  
3 but I'm sick of eating steak. It was -- it  
4 wasn't like it used to be.

5 Q. What was your reaction to this  
6 conversation with David Matusiewicz?

7 A. I felt a real hopelessness.

8 Q. You also talked to Lenore  
9 Matusiewicz; is that correct?

10 A. That's correct.

11 Q. Did Lenore Matusiewicz bring up  
12 Christine Belford in the course of this  
13 conversation?

14 A. We talked that night about --  
15 there were several things we talked about about  
16 Christine, and one of the things was that  
17 Christine had several different personalities,  
18 that there were times when Christine would  
19 become a little girl and sort of disassociate  
20 what was going on around her and there were  
21 times when she was an adult. So I got the  
22 impression that Christine definitely had sort of  
23 that disconnect disorder, whatever that is.

24 And then we also talked about a

9  
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1 time, Lee shared with me where she had been  
2 drinking some tea that Christine served her and  
3 how Lee became very ill after drinking this tea,  
4 and she really felt that Christine had poisoned  
5 her.

6 Q. Let's talk about Thomas  
7 Matusiewicz.

8 A. Okay.

9 Q. Now, at any point in this evening,  
10 did you speak to Thomas Matusiewicz specifically  
11 about like the vehicle at the house?

12 A. I did. When we first got there,  
13 Tom did ask me if anybody had asked me about  
14 this junker sitting in our driveway, and I said  
15 no, no one questioned it.

16 Q. Now, you mentioned earlier David  
17 Matusiewicz slept upstairs that night?

18 A. That's correct.

19 Q. Where did Tom and Lenore sleep?

20 A. They slept on our couch in the  
21 living room which pulls out to a bed.

22 Q. You woke up the next morning, is  
23 that correct, everybody went to bed at some  
24 point?

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A. That's right.

Q. When you woke up, where did you go?

A. Well, I went on down to have some coffee and breakfast before I left for work.

Q. Who was present when you got down there?

A. It was just Lee and Dave sitting around the table, Tom and Dave Matusiewicz had gone on for the court hearing.

Q. Did you go on to have a conversation with Lenore Matusiewicz?

A. I did. I did.

Q. Did she talk to you about a dream that she had the night before?

A. She did. She talked about her granddaughters and how she would have this dream where they were -- their boat had capsized, it was some sort of boat that transported people back and forth across a river and that the boat capsized and they were actually under, it may have been a rescue boat or whatever, and she was trying to teach the girls how to take -- go under water and come up and take a deep breath.

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1 The whole time she kept saying where the hell is  
 2 David. She was very worried, but that was a  
 3 recurring dream that she had.

4 MR. McCALL: May I have one  
 5 moment, Your Honor?

6 THE COURT: You may.

7 Q. As the conversation continued, did  
 8 there come a time when you talked to Lenore  
 9 Matusiewicz about anything David Matusiewicz and  
 10 Thomas Matusiewicz had told her prior to coming  
 11 up to the northeast, the MidAtlantic?

12 A. That's right. They did mention to  
 13 me that Tom reminded her of where his will was,  
 14 and then David said to her, and you know where  
 15 my will is as well.

16 Q. And just so I understand, did she  
 17 tell you like where in relation to the trip  
 18 coming up that conversation occurred?

19 A. It was before they left their  
 20 ranch in Texas.

21 Q. What was your reaction to this  
 22 conversation with Lenore Matusiewicz?

23 A. I tried to make sense of it, you  
 24 know, why they would say that, and the only

*This was another common conversation topic prior to travelling with + having our affairs in order. Not a conspiracy for murder.*



1 thing I could think of was maybe they were  
2 worried about a car accident or something on the  
3 way up.

4 Q. Now, what happened next?

5 A. What happened next? I went on to  
6 work.

7 Q. Okay. When you arrived at work  
8 that morning, what happened?

9 A. Well, I was pulling in to the  
10 university, I heard that there was a breaking  
11 news at the courthouse, that there was a  
12 shooting taking place.

13 Q. When you heard that, what did you  
14 feel, what did you think?

15 A. I had great concern. I had great  
16 concern.

17 MR. McCALL: May I have one  
18 moment, Your Honor?

19 THE COURT: You may.

20 BY MR. McCALL:

21 Q. The concern that you just  
22 mentioned, that was connected to the  
23 conversations you had just had and knowing where  
24 David and Thomas were going?

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MS. CHAVAR: Objection. Leading.

THE COURT: Sustained.

Q. What was the concern related to?

A. There were several concerns I had.

Number one, I had just heard about the wills and that concerned me greatly. And number two --

MS. CHAVAR: Your Honor.

THE COURT: Sustained.

MR. EDELIN: Move to strike.

THE COURT: I don't think this witness's interpretation is relevant, and I would grant the motion to strike.

MR. McCALL: All right. Your Honor, thank you.

BY MR. McCALL:

Q. Now, at some point did you go -- did you leave work and go home?

A. I did. When I was in the office, I turned on the radio and I did hear that it was a domestic dispute. I had called home to tell my husband to be sure that Lee got in touch with David and Tom just to be sure they were okay, and I went about my business. And then a friend of mine called me and said Peg, do you realize

1 what's happening here in Wilmington? I said  
2 well, I heard there is a shooting. She said do  
3 you realize it was your husband's boss from  
4 years ago who actually shot his ex-wife and --

MR. BOSTIC: Objection. Side-bar.

MR. McCALL: Just so it's clear, I  
can clean it up.

MR. BOSTIC: Go to side-bar.

(Side-bar discussion:)

THE COURT: Mr. Bostic.

MR. BOSTIC: Your Honor, I'm  
moving for a mistrial. I don't know how else to  
say this. All the evidence this witness just  
said David and the planning and the kill, even  
the questions about what was your concerns, and  
we objected to that. The government just  
elicited from this witness that the initial  
reports were that David Matusiewicz killed his  
ex-wife. Okay? I think that harbors and  
continues to harbor the notion that David was  
involved in this and that even the way it was  
reported that he had done the killing, it is so  
much repetitive and prejudicial information  
coming in, I don't know how we can get that out

The initial news media reported that David shot & killed Christine & then shot & killed himself

so we we already guilty before we even went to trial



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1 of the jurors' mind. Although it didn't happen,  
2 it didn't happen, but it's too prejudicial. I  
3 think the government should have prepared the  
4 witness to avoid that. They know it's an issue  
5 we talked about in terms of motion for change of  
6 venue.

7 THE COURT: Government, I'm having  
8 a real problem with eliciting this witness's  
9 interpretation of events. I sustained the  
10 objection, I granted the motion to strike. I'm  
11 going to reemphasize that in what I say next  
12 with the jury. Where are you going?

13 MR. McCALL: I was just trying to  
14 finish with her. She ran away from me at the  
15 end. All I was trying to do is she called home  
16 and then went home, that's it. She got into all  
17 that, that wasn't what I anticipated her doing,  
18 but you know, her -- Judge, first of all, her  
19 opinion as it related to the conversation I  
20 thought was relevant, they objected, you  
21 sustained the objection, I understand that.  
22 It's certainly not grounds for a mistrial.

23 As it relates to what she heard on  
24 the radio, that's not grounds for a mistrial.



1 You can move to strike it. I can clean it up  
2 when I go back.

3 THE COURT: No, I'm very nervous  
4 about you cleaning anything up at the moment,  
5 Mr. McCall.

6 MR. McCALL: Judge, I put on  
7 upwards of forty witnesses in the case. I  
8 haven't had a problem.

9 THE COURT: I don't mean that in  
10 an accusatory way, but with this witness and the  
11 way she is seemingly willing to head off in a  
12 direction, I want to shut this down quickly and  
13 cleanly, so keeping that in mind, just how do  
14 you propose to do what I need you to do.

15 MR. McCALL: I'm going to go up  
16 and say, not getting into any of the specifics  
17 of your conversation, after you heard that  
18 something that occurred at the courthouse, did  
19 you go home at some point? Yes. I'm going to  
20 stop it there.

21 THE COURT: Why don't you just ask  
22 this question. Mr. Edelin.

23 MR. EDELIN: Part of the issue,  
24 Your Honor, just so everybody can hear, is that