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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 51 HON. ROBERT C. VANDERET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
PLAINTIFF,)

-VS-

NO. 2CA04539-01

KELLEY LYNCH,

DEFENDANT.

REPORTERS' TRANSCRIPT OF PROCEEDINGS

APRIL 6, 9, 2012

APPEARANCES:

FOR THE PLAINTIFF: CARMEN TRUTANICH, CITY ATTORNEY
BY: SANDRA JO STREETER, DEPUTY
5TH FLOOR, CITY HALL EAST
200 NORTH MAIN STREET
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: RONALD L. BROWN, PUBLIC DEFENDER
BY: MICHAEL KELLY, DEPUTY
NIKHIL RAMNANEY, DEPUTY
CLARA SHORTRIDGE FOLTZ
CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

COPY

CHRISTINE TAYLOR, CSR NO. 6373
NADIA S. GOTT, CSR NO. 12597
CYNTHIA A. ROMERO, CSR NO. 7861
OFFICIAL REPORTERS

VOLUME 1 OF 3
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LEGEND:

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MR. RAMNANEY - R

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(NONE OFFERED.)

1 CASE NAME: PEOPLE VS. LYNCH
2 CASE NO.: 2CR04539-01
3 LOS ANGELES, CALIFORNIA FRIDAY, APRIL 6, 2012
4 DEPARTMENT NO. 052 HON. ROBERT C. VANDERET, JUDGE
5 REPORTER: CHRISTINE TAYLOR, CSR NO. 6373
6 TIME: 10:38 A.M.

7 APPEARANCES:

8 DEFENDANT KELLEY LYNCH, NOT PRESENT, REPRESENTED
9 BY COUNSEL, MICHAEL KELLY AND NIKHOL RAMNANEY,
10 DEPUTIES PUBLIC DEFENDER; SANDRA JO STREETER,
11 DEPUTY CITY ATTORNEY, REPRESENTING THE PEOPLE OF
12 THE STATE OF CALIFORNIA.

13
14 (THE FOLLOWING PROCEEDINGS WERE HELD
15 IN OPEN COURT OUTSIDE THE PRESENCE
16 OF THE JURY:)

17
18 THE COURT: BEFORE WE DO ANYTHING FURTHER, I HAVE A
19 MEDIA REQUEST FROM THE *LOS ANGELES TIMES* FOR A SINGLE STILL
20 CAMERA. DOES EITHER SIDE WANT TO BE HEARD ON THIS REQUEST?

21 MS. STREETER: THE PEOPLE DO.

22 THE COURT: OKAY.

23 MS. STREETER: THE PEOPLE UNDERSTAND THAT THE
24 *LOS ANGELES TIMES* HAS A RIGHT TO REPORT A PUBLIC TRIAL.
25 THE CONCERN THE PEOPLE HAVE IS THERE'S SOME -- THE PEOPLE'S
26 WITNESSES WERE A LITTLE PUT OFF THIS MORNING WHEN THEY
27 FOUND THE PRESS WAS HERE, AND THE PEOPLE ARE MAKING --
28 COULD -- IS IT POSSIBLE TO HAVE THE REPRESENTATIVES FROM

1 THE L.A. TIMES --

2 THE COURT: SURE. DO YOU GUYS WANT TO COME FORWARD?

3 MS. STREETER: NO, COULD THEY STEP OUT FOR A MOMENT?

4 THE COURT: ACTUALLY, I DON'T KNOW WHY THEY NEED TO
5 STEP OUT.

6 MS. STREETER: OKAY. THE CONCERN THE PEOPLE HAVE IS
7 THAT WHILE THE PEOPLE VIEW A LOT OF WHAT'S SAID BY
8 MS. LYNCH TOWARD, IN PARTICULAR, MR. COHEN AND MR. KORY AND
9 MS. RICE AS ALLEGATIONS, A LOT OF -- SOME OF THE THINGS
10 THAT MS. LYNCH HAS SAID TO MR. KORY IN PARTICULAR HAS BEEN
11 VERY UNSETTLING. SHE'S MADE NUMEROUS ALLEGATIONS THAT HE'S
12 A CHILD MOLESTER AND THINGS OF THAT NATURE. SO I THINK --

13 MR. KELLY: YOUR HONOR, CAN WE INTERRUPT? CAN WE
14 HAVE MS. LYNCH OUT FOR THIS PROCEEDING?

15 THE COURT: SURE.

16 MS. STREETER: I'M SORRY.

17 THE COURT: THAT'S OKAY. I DIDN'T THINK WE WOULD BE
18 GETTING INTO THAT.

19 //

20 //

1 CASE NAME: PEOPLE VS. LYNCH
2 CASE NO.: 2CR04539-01
3 LOS ANGELES, CALIFORNIA FRIDAY, APRIL 6, 2012
4 DEPARTMENT NO. 052 HON. ROBERT C. VANDERET, JUDGE
5 REPORTER: CHRISTINE TAYLOR, CSR NO. 6373
6 TIME: 10:42 A.M.

7 APPEARANCES:

8 DEFENDANT KELLEY LYNCH, PRESENT WITH COUNSEL,
9 MICHAEL KELLY AND NIKHOL RAMNANEY, DEPUTIES
10 PUBLIC DEFENDER; SANDRA JO STREETER, DEPUTY
11 CITY ATTORNEY, REPRESENTING THE PEOPLE OF THE
12 STATE OF CALIFORNIA.

13
14 (THE FOLLOWING PROCEEDINGS WERE HELD
15 IN OPEN COURT OUTSIDE THE PRESENCE
16 OF THE JURY:)

17
18 THE COURT: OKAY. BEFORE THE COURT THIS MORNING IS A
19 REQUEST BY THE *LOS ANGELES TIMES* FOR A SINGLE STILL CAMERA
20 IN THE COURTROOM. THE PEOPLE WANTED TO BE HEARD ON THAT
21 MOTION, AND I'M GOING TO ALLOW MS. STREETER TO ADDRESS THAT
22 ISSUE.

23 MS. STREETER: YES, SO AS -- JUST TO REITERATE, THE
24 PEOPLE VIEW VIRTUALLY ALL OF THE COMMENTS MADE BY MS. LYNCH
25 AS NOTHING MORE THAN UNSUBSTANTIATED ALLEGATIONS, BUT,
26 NEVERTHELESS, SOME OF THE THINGS THAT MS. LYNCH HAS SAID
27 HAVE BEEN INCREDIBLY TROUBLING TO MR. COHEN IN PARTICULAR,
28 FOR EXAMPLE, THE ACCUSATION THAT HE'S A CHILD MOLESTER,

1 THINGS OF THAT NATURE.

2 AND SO THE -- AND THEN, YOU KNOW, JUST THE FACT
3 OF -- WHILE THE CHARGE IS ONLY -- THE PEOPLE DON'T WANT TO
4 SAY "ONLY" -- IS A COURT ORDER VIOLATION, ANNOYING PHONE
5 CALLS, THIS IS SOMETHING THAT THE PEOPLE ARE GOING TO MAKE
6 AN OFFER OF PROOF TO THE COURT AS TO, THAT HAS BEEN GOING
7 ON SINCE 2005, AND MR. COHEN IS VERY, VERY UNSETTLED BY
8 THIS, IT HAS JUST COMPLETE UP-ENDED HIS LIFE.

9 SO THE PEOPLE UNDERSTAND THE *LOS ANGELES TIMES*
10 NEED TO REPORT A PUBLIC TRIAL THAT MIGHT BE OF NEWS TO THE
11 PUBLIC; HOWEVER, YOU KNOW, GIVEN THE NATURE OF WHAT HAS
12 HAPPENED TO MR. COHEN AND WHAT HE HAS GONE THROUGH, THE
13 PEOPLE THINK THAT THERE'S NO NEED TO HAVE A PHOTOGRAPH OF
14 MR. COHEN.

15 AND AS THE PEOPLE MENTIONED PREVIOUSLY, WHEN
16 YOU PUT LEONARD COHEN IN ON A GOOGLE SEARCH, HIS NAME COMES
17 UP FIRST, AND THERE ARE LOADS OF PICTURES AS TO MR. COHEN.
18 THE PEOPLE ARE LOATHE AS TO WHY THERE MUST BE A PICTURE OF
19 MR. COHEN IN THIS PARTICULAR SETTING.

20 THE COURT: DOES THE DEFENSE WANT TO BE HEARD?

21 MR. KELLY: YES. AS TO THE ALLEGATIONS THAT COUNSEL
22 HAS MADE, THE THINGS TAKING PLACE SINCE 2005, I THINK IT'S
23 UNSETTLING FOR EVERYONE. IT DOESN'T MEAN THAT THE MEDIA
24 SHOULDN'T BE HERE WITH THE PHOTOGRAPH.

25 I WILL STATE THAT MOST OF THIS INFORMATION IS
26 ONLINE, MOST OF THIS INFORMATION THAT COUNSEL HAS GIVEN US
27 OFFERS OF PROOF ON IS ONLINE, AND SHE HAS SUGGESTED AS MUCH
28 WHEN SHE HAS SPOKEN TO THE COURT IN THE PAST, SO THIS ISN'T

1 INFORMATION THAT WOULD ONLY BE FOUND HERE IN COURT.

2 I WOULD NOTE THE ONE REQUEST THE DEFENSE WOULD
3 HAVE -- OR I GUESS THERE'S TWO REQUESTS.

4 FIRST, ON MATTERS THAT ARE TAKEN UP OUTSIDE THE
5 PRESENCE OF THE JURY, THAT THE MEDIA NOT BE HERE DURING
6 THAT.

7 THE COURT: THEY'RE BARRED FROM PHOTOGRAPHING,
8 RECORDING, OR BROADCASTING ANY SIDEBAR CONFERENCES OR
9 SIMILAR, AND THE MEDIA, *THE TIMES* IN PARTICULAR, IS WELL
10 FAMILIAR WITH THE COURT RULES ON THAT, SO I'M CERTAIN THAT
11 WE WILL HAVE RESPECT AS TO THOSE RULES IF THE REQUEST IS
12 GRANTED.

13 MR. KELLY: YES. THAT WOULD BE ONE.

14 ALSO, IF THEY DO USE A STILL PHOTOGRAPH, WE
15 WOULD JUST ASK THAT IT NOT BE THROUGHOUT THE ENTIRE PORTION
16 OF THE CASE. IT COULD BE DISTRACTING TO THE JURY.

17 NOW, I UNDERSTAND THAT THERE IS A NEED -- THERE
18 IS A FIRST AMENDMENT RIGHT TO HAVE PRESS ON THIS MATTER;
19 HOWEVER, I THINK JUST SO MUCH THAT IT WON'T DISTRACT THE
20 JURY. AND THAT'S MY MAIN CONCERN, THAT MY CLIENT GETS A
21 FAIR TRIAL HERE.

22 THE COURT: OKAY. WELL, THAT'S EVERYBODY'S INTEREST,
23 OBVIOUSLY.

24 WITH RESPECT TO THE MEDIA REQUEST SUBMITTED BY
25 *THE TIMES*, THE COURT IS GOING TO GRANT THE REQUEST FOR A
26 SINGLE STILL CAMERA. THIS IS A PUBLIC TRIAL.

27 IT'S NOT THE COURT'S PROVINCE TO DETERMINE
28 WHETHER A PHOTOGRAPH IS NEEDED OR NOT NEEDED; THAT'S WHAT

1 THE PRESS DOES. SO AS LONG AS *THE TIMES* KEEPS TO THE RULES
2 SET BY THE LOCAL RULES, AND I'LL SURE THEY WILL, THE COURT
3 WILL PERMIT A SINGLE STILL CAMERA.

4 MS. STREETER: WHAT --

5 THE COURT: YES?

6 MS. STREETER: TWO OTHER THINGS.

7 THE COURT: IT'S NOT ALLOWED, OBVIOUSLY, DURING JURY
8 SELECTION, AND THE PRESS KNOWS THAT.

9 MS. STREETER: TWO OTHER THINGS.

10 THE COURT: YES?

11 MS. STREETER: AS THE COURT CAN SEE, THE PEOPLE HAVE
12 A GREAT DEAL OF EXHIBITS. AND I WAS HOPING TO GET HERE A
13 LITTLE BIT EARLIER, BUT I WASN'T -- I JUST -- BEFORE THE
14 PEOPLE START THEIR DIRECT OF MR. COHEN, IF WE FINISH
15 OPENINGS BEFORE THE NOON HOUR, I WOULD JUST ASK TO BRIEFLY
16 SET UP THE COMPUTER, MY LAPTOP, TO GET MY FIRST C.D. READY.

17 THE COURT: SURE, WE'LL GIVE YOU TIME.

18 MS. STREETER: AND THE SECOND ISSUE IS -- I KNOW I
19 MENTIONED THAT THERE ARE TWO ATTORNEYS AND THERE'S JUST ME.
20 THE ONLY REQUEST THE PEOPLE HAVE -- AND I DON'T WANT TO
21 SOUND LIKE I'M WHINING, YOUR HONOR --

22 THE COURT: YOU ARE, BUT THAT'S OKAY; GO ON.

23 MS. STREETER: THE ONLY REQUEST I HAVE IS THAT
24 PERHAPS COUNSEL COULD PICK ONE TO MAKE THE OBJECTIONS?
25 BECAUSE WHEN BOTH OF THEM --

26 THE COURT: YES. I MEAN, YOU GUYS KNOW THAT,
27 UNDERSTAND?

28 MR. KELLY: YES, THAT WON'T BE AN ISSUE.

1 MR. RAMNANEY: NO, YOUR HONOR.

2 THE COURT: OKAY.

3 MS. STREETER: JUST SO LONG AS I KNOW THERE'S ONE
4 PERSON AND --

5 THE COURT: I THINK DEFENSE COUNSEL IS WELL AWARE OF
6 THAT.

7 MS. STREETER: OKAY.

8 THE COURT: OKAY.

9 MR. KELLY: AND THERE ARE A COUPLE OF MATTERS THAT WE
10 WOULD LIKE TO ADDRESS BEFORE THE JURY COMES IN.

11 THE CLERK: WE'RE MISSING A JUROR.

12 THE COURT: WE'RE STILL MISSING A JUROR.

13 MR. KELLY: FIRST OF ALL, AS COUNSEL MENTIONED, THERE
14 ARE VOLUMES OF DISCOVERY IN THIS CASE, AND THEY'VE
15 SUGGESTED THAT THEY WEREN'T GOING TO PRESENT ALL OF IT IN
16 TESTIMONY. WE WOULD JUST ASK FOR ADVANCE KNOWLEDGE OF WHAT
17 DOCUMENTS THEY PLAN TO ENTER.

18 JUST GOING UP THERE ONE AT TIME, IT'S GOING TO
19 TAKE A WHILE TO GET TO THAT ACTUAL PIECE OF EVIDENCE, THAT
20 PARTICULAR E-MAIL PERHAPS, SO WE WOULD ASK FOR ADVANCE
21 KNOWLEDGE SO WE CAN SEE WHAT'S GOING ON, SEE WHAT'S GOING
22 TO BE DELVED INTO PRIOR TO IT HAPPENING.

23 THAT WOULD BE THE REQUEST.

24 THE COURT: YOU KNOW, WE FOLLOW THE NORMAL RULES OF
25 TRIAL. THE PROSECUTOR WILL GIVE YOU THE NOTICE WHENEVER --
26 YOU KNOW, SHE'LL RUN HER CASE.

27 AND WE TALKED ABOUT HOW WE'RE GOING TO HANDLE
28 THE VOLUMINOUS E-MAILS. WE'RE GOING TO DISCUSS THE

1 RELEVANT PORTIONS. THE EXHIBIT WON'T BE SENT INTO THE JURY
2 ROOM UNLESS REQUESTED, AND THEN WE CAN DEAL WITH ANY
3 REDACTIONS THAT NEED TO BE DONE AT THAT TIME.

4 MR. KELLY: THE SECOND ISSUE. MS. STREETER HAD
5 SUGGESTED YESTERDAY THAT THERE WERE PARTICULAR CHARGES
6 RELATING TO 273.6 THAT WERE AGAINST -- OR WITH THE VICTIMS,
7 THOSE BEING MS. RICE AND MR. KORY. THE COMPLAINT IS SILENT
8 ON THE ISSUE. I JUST THINK THAT WE NEED TO CLARIFY WHAT
9 EACH CHARGE IS AND WHO IT PERTAINS TO. COUNSEL SUGGESTED
10 THAT THERE ARE MULTIPLE VICTIMS OF THE 273.6, SO WE WOULD
11 LIKE TO SQUARE THAT OUT BEFORE WE PROCEED WITH THE TRIAL.

12 THE COURT: WELL, I'M NOT -- WHAT, IN PARTICULAR, ARE
13 YOU LOOKING FOR? THE COUNTS ARE PLED IN THE --

14 MS. STREETER: AS A CONTINUING COURSE.

15 MR. RAMNANEY: WELL, FOR EXAMPLE, YOUR HONOR, I
16 BELIEVE COUNTS 1, 3, THEY DON'T NAME -- THEY DON'T
17 SUFFICIENTLY GIVE NOTICE TO THE DEFENSE AS TO WHAT THE
18 CONDUCT IS THAT IS THE BASIS OF VIOLATION, AND WHAT WE'RE
19 SPECIFICALLY ASKING IS WHICH COUNT GOES TO WHICH VICTIM;
20 WHETHER OR NOT THE PEOPLE ARE ALLEGING THAT MS. LYNCH
21 VIOLATED A RESTRAINING ORDER OR A COURT ORDER BY CONTACTING
22 WHICH PERSON OR BY WHAT ACTION.

23 MS. STREETER: YOUR HONOR, THE PROBLEM THE PEOPLE SEE
24 WITH THIS IS THAT IT'S A CONTINUING COURSE. THE PEOPLE
25 GAVE THE DEFENSE ALL THE E-MAILS. AND THERE'S NOTHING IN
26 273.6 THAT REQUIRES THE PEOPLE TO SAY SPECIFICALLY WHAT ACT
27 IS VIOLATED. YOU VIOLATE 273.6 EITHER BY NOT STAYING AWAY
28 OR VIOLATING ONE PART OF THE NO-CONTACT PROVISION.

1 THE COURT: I MEAN, YOU KNOW, THE COUNTS ARE
2 ADEQUATELY PLED. WE WILL HEAR IN OPENING STATEMENT WHAT
3 THE PEOPLE'S VIEW OF THE EVIDENCE IS.

4 AND THE EVIDENCE WILL COME IN. IF THE COUNT IS
5 SUSTAINED BY EVIDENCE, IT WILL GO FORWARD TO THE JURY; IF
6 IT ISN'T, I'LL DISMISS IT. SO I THINK WE'LL JUST HANDLE IT
7 THE WAY WE NORMALLY HANDLE IT.

8 MS. STREETER: ALL RIGHT. THANK YOU, YOUR HONOR.

9 THE COURT: OKAY, OUR JURORS, WE'RE STILL MISSING --

10 THE CLERK: YES.

11 THE COURT: DO WE HAVE OUR --

12 THE CLERK: WE HAVE OUR ALTERNATES.

13 THE COURT: OKAY, WE'RE GOING TO NEED TO CLEAR ONE
14 ROW FOR TEN JURORS. WE STILL HAVE TO PICK -- SO MAYBE THE
15 FRONT ROW, WE'LL PUT THE JURORS IN THERE. I DON'T MEAN TO
16 DISPLACE YOU.

17 MS. STREETER: YOUR HONOR, IS IT OKAY IF I LET MY
18 WITNESS KNOW THAT THE *L.A. TIMES* IS GOING TO TAKE ONE STILL
19 PHOTO?

20 THE COURT: OF COURSE.

21 MS. STREETER: I'LL BE RIGHT BACK.

22

23 (RECESS TAKEN FROM 10:51 A.M. UNTIL
24 10:56 A.M.)

25

26 (THE FOLLOWING PROCEEDINGS WERE HELD
27 IN OPEN COURT OUTSIDE THE PRESENCE
28 OF THE JURY:)

1 THE COURT: MS. STREETER, THE COPY OF THE COMPLAINT
2 IN MY FILE DOESN'T HAVE COUNTS 7, 8, AND 9, SO IF I COULD
3 HAVE ANOTHER --

4 MS. STREETER: YES, I HAVE THAT.

5 THE COURT: WAIT A MINUTE. IT WAS FARTHER UP. NEVER
6 MIND.

7 MS. STREETER: OKAY.

8
9 (INTERRUPTION IN THE PROCEEDINGS.)

10
11 THE COURT: OKAY, WE'RE GOING TO BRING OUR JURORS IN,
12 AND THEN OUR TEN NEW POTENTIAL ALTERNATES.

13 THE CLERK: DO YOU WANT THEM IN THE FRONT ROW?

14 THE COURT: FRONT ROW.

15 MR. KELLY: YOUR HONOR, DOES THE COURT PLAN ON
16 STATING THE CHARGES AT SOME POINT?

17 THE COURT: ONCE WE HAVE OUR JURY PICKED, I WILL
18 STATE THE CHARGES, READ THE INTRODUCTORY INSTRUCTIONS, AND
19 THEN YOU'LL DO YOUR OPENINGS.

20 MR. KELLY: THANK YOU.

21
22 (THE FOLLOWING PROCEEDINGS WERE HELD
23 IN OPEN COURT IN THE PRESENCE OF THE
24 JURY:)

25
26 THE COURT: WELCOME, LADIES AND GENTLEMEN. I HOPE
27 YOU HAD A GOOD EVENING. I SAW THE NEW *BIG BANG THEORY* LAST
28 EVENING. IT WAS QUITE GOOD.

1 TO OUR NEWER POTENTIAL JURORS, I JUST WANT TO
2 SAY WELCOME. THANK YOU FOR COMING TODAY. I WANT TO SPEND
3 A LITTLE TIME TELLING YOU WHAT YOU'RE DOING HERE AND WHY IT
4 IS PARTICULARLY IMPORTANT.

5 WE ARE IN THE PROCESS OF SELECTING A JURY FOR A
6 MISDEMEANOR CRIMINAL CASE. WE HAVE SELECTED OUR 12 JURORS,
7 WE STILL HAVE TO SELECT TWO ALTERNATES. THIS IS A CASE
8 THAT WILL TAKE A FEW DAYS TO TRY. MY GUESS IS IT WILL GO
9 THROUGH EARLY NEXT WEEK, NO FURTHER, BUT -- YOU KNOW,
10 TRIALS ARE UNPREDICTABLE THINGS, BUT THAT'S OUR BEST
11 ESTIMATE.

12 I KNOW ALL OF YOU DIDN'T VOLUNTEER TO BE HERE.
13 YOU GOT A JURY SUMMONS AND YOU SHOWED UP, AND I APPRECIATE
14 YOUR DOING THAT.

15 YOU KNOW, I KNOW THAT INTERACTIONS WITH THE
16 GOVERNMENT ARE OFTEN FRUSTRATING THINGS. YOU GO DOWN TO
17 THE D.M.V. OR TO THE UNEMPLOYMENT OFFICE OR TO THE VETERANS
18 BUREAU AND YOU SIT AROUND AND WAIT AND YOU GET TREATED LIKE
19 A NUMBER. AND I'M SURE YOU FEEL A LITTLE OF THAT TODAY, AS
20 WELL, BUT JURY SERVICE IS A VERY DIFFERENT KIND OF
21 INTERACTION WITH GOVERNMENT.

22 IF YOU ARE SELECTED AS ALTERNATES ON THIS CASE,
23 YOU WILL BE PART OF A JURY THAT WILL ACTUALLY BE THE JUDGES
24 OF A CRIMINAL CASE. I HAVE THE TITLE OF JUDGE, BUT MY ROLE
25 HERE IS LIMITED TO MAKING SURE THAT THE RIGHT PROCEDURES
26 ARE FOLLOWED, THAT BOTH SIDES GET A FAIR TRIAL, AND THAT
27 THE JURY GETS TOLD WHAT THE LAW IS, BUT YOU WILL BE THE
28 JUDGES OF THIS CASE.

1 THAT IS AN AMAZINGLY AWESOME RESPONSIBILITY, IT
2 IS AN ESSENTIAL PART OF OUR DEMOCRATIC GOVERNMENT, AND IT'S
3 SOMETHING THAT WE HAVE -- I KNOW YOU'VE GUYS HAVE HEARD
4 THIS SPEECH ALREADY, SO BEAR WITH ME -- IT'S SOMETHING WE
5 HAVE BECAUSE WE WERE ONCE A COLONY OF ENGLAND.

6 THERE WERE NOT MANY GOOD THINGS ABOUT BEING A
7 COLONY, BUT ONE OF THE FEW GOOD THINGS ABOUT BEING AN
8 ENGLISH COLONY WAS WHEN THE ENGLISH FINALLY GOT UP AND
9 LEFT, THEY USUALLY LEFT THE JURY SYSTEM WITH THEM. AND
10 WHAT THE JURY SYSTEM IS, IT'S SOMETHING THE ENGLISH PEOPLE
11 DEVELOPED AFTER A LONG HISTORY OF TRIAL AND ERROR.

12 BEFORE THEY HAD A JURY SYSTEM, THE KING OR
13 QUEEN USED TO DECIDE WHO GOT CHARGED WITH A CRIME, AND THEN
14 THE KING'S OR QUEEN'S REPRESENTATIVE WOULD DECIDE IF YOU
15 WERE GUILTY. AND NOT SURPRISINGLY, IF THE KING OR QUEEN
16 LIKED YOU OR YOU KNEW THEM, YOU DIDN'T SEEM TO GET CHARGED
17 WITH MUCH; AND IF YOU WERE ON THE BAD SIDE OF THE KING OR
18 QUEEN, YOU GOT CHARGED WITH A LOT AND FOUND GUILTY A LOT.

19 AND AT SOME POINT, THE ENGLISH PEOPLE DECIDED
20 THAT WAS A PRETTY LOUSY SYSTEM, AND THEY MADE THE KING
21 AGREE THAT WHENEVER ANYONE IN THE COMMUNITY WAS CHARGED
22 WITH VIOLATING THE LAW, THEY WOULD TAKE 12 PEOPLE FROM THE
23 COMMUNITY IN WHICH THAT PERSON LIVED AND THEY, NOT THE
24 GOVERNMENT, WOULD DECIDE IF THE LAW HAD BEEN BROKEN. AND
25 THAT'S THE SYSTEM WE HAVE TODAY, AND IT'S A TERRIFIC
26 SYSTEM.

27 I TRIED CASES FOR ABOUT 35 YEARS BEFORE I WAS A
28 JUDGE AND DEALT WITH JURIES, AND I CAN TELL YOU, IT IS THE

1 BEST SYSTEM ANYONE HAS EVER DEvised FOR COMING UP WITH THE
2 TRUTH IN A CONTESTED PROCEEDING.

3 IF I WERE FALSELY ACCUSED OF A CRIME, I WOULD
4 RATHER HAVE ANY OF YOU 12 DECIDE MY GUILT OR INNOCENCE THAN
5 ANY OF MY FRIENDS WHO SIT AS JUDGES. AND I SAY THAT
6 ABSOLUTELY HONESTLY. AND IT'S NOT BECAUSE JUDGES ARE BAD
7 PEOPLE, IT'S JUST THAT THEY'RE ONE PERSON.

8 AND THE BEAUTY OF THE JURY SYSTEM IS WE TAKE
9 12 STRANGERS, WHO COME FROM ALL DIFFERENT BACKGROUNDS AND
10 LIFESTYLES AND PREJUDICES AND BIASES AND WAYS OF LOOKING AT
11 THINGS, AND WE PUT THEM IN A ROOM TOGETHER, AND IT'S PRETTY
12 HARD TO FOOL THOSE 12 PEOPLE BECAUSE SOMEONE IN THAT ROOM
13 IS GOING TO SAY "WELL, HAVE YOU CONSIDERED THIS" OR "IN MY
14 EXPERIENCE, THIS IS WHAT HAPPENS." AND THROUGH THAT
15 PROCESS, WE GET A MUCH MORE REASONED JUDGMENT THAN WE COULD
16 GET FROM ANY ONE PERSON.

17 SO THIS IS A LONG WAY OF SAYING THAT WHAT
18 YOU'RE DOING HERE IS IMPORTANT. I KNOW YOU'RE BUSY PEOPLE,
19 I KNOW YOU HAVE LIVES, I KNOW YOU'RE IN SOUTHERN CALIFORNIA
20 AND YOU WOULD RATHER BE OUT IN THE SUNSHINE, ENJOYING THAT
21 BRISK BREEZE TODAY, BUT THIS IS AN IMPORTANT PROCESS AND
22 THAT'S WHY YOU'RE HERE, SO THANK YOU FOR COMING.

23 WE'RE GOING TO CONTINUE WHAT WE'VE BEEN IN THE
24 MIDDLE OF DOING, AS I SAID, PICKING THIS JURY. IT IS A
25 MISDEMEANOR CRIMINAL CASE. IT INVOLVES ALLEGATIONS OF
26 VIOLATIONS OF COURT ORDERS AND THE MAKING OF ALLEGEDLY
27 ANNOYING TELEPHONE CALLS AND E-MAILS.

28 THE DEFENDANT HAS PLED NOT GUILTY TO THE

1 CHARGES AGAINST HER. AND UNDER OUR SYSTEM OF JUSTICE SHE
2 IS PRESUMED TO BE INNOCENT, AND THAT -- WHAT THAT
3 PRESUMPTION MEANS IS THAT THE PEOPLE HAVE THE BURDEN OF
4 PROVING TO THE JURY BEYOND A REASONABLE DOUBT -- WHOEVER'S
5 PHONE THAT IS, PLEASE TURN IT OFF -- THE PROSECUTOR HAS THE
6 BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE
7 DEFENDANT IS GUILTY.

8 AND WHAT "BEYOND A REASONABLE DOUBT" MEANS IS,
9 AFTER THE JURY HEARS ALL THE EVIDENCE, THEY ARE LEFT WITH A
10 FIRM, ABIDING CONVICTION, RIGHT HERE (INDICATING), THAT THE
11 CHARGES ARE TRUE. AND IT DOESN'T MEAN THAT THERE CAN BE NO
12 POSSIBLE DOUBT LEFT OR SOME IMAGINARY DOUBT, BUT THAT ALL
13 REASONABLE DOUBTS HAVE BEEN DISPELLED. AND UNLESS THE JURY
14 HAS THAT CONVICTION, THEY MUST FIND THE DEFENDANT NOT
15 GUILTY. THAT'S WHAT THE PRESUMPTION MEANS.

16 SO WITH THAT LONG INTRODUCTION, I WANT TO ASK
17 ERIK TO CALL NINE -- I'M GOING TO SWEAR YOU IN FIRST, OR
18 HAVE HIM SWEAR YOU IN FIRST, AND THEN HE'S GOING TO CALL
19 NINE OF YOU UP INTO THE BOX, AND I'LL EXPLAIN TO YOU WHAT
20 WE'RE GOING TO DO NEXT.

21 THE CLERK: IF I COULD HAVE THE TEN PROSPECTIVE
22 JURORS PLEASE STAND.

23 PLEASE RAISE YOUR RIGHT HAND.

24 DO EACH OF YOU UNDERSTAND AND AGREE THAT YOU
25 WILL ACCURATELY AND TRUTHFULLY ANSWER UNDER PENALTY OF
26 PERJURY ALL QUESTIONS PROPOUNDED TO YOU CONCERNING YOUR
27 QUALIFICATIONS AND COMPETENCY TO SERVE AS A TRIAL JUROR IN
28 THE MATTER PENDING BEFORE THIS COURT, AND THAT FAILURE TO

1 DO SO MAY SUBJECT YOU TO CRIMINAL PROSECUTION?

2 IF YOU UNDERSTAND AND AGREE, PLEASE SAY "I DO."

3

4 (THE PROSPECTIVE ALTERNATE JURORS

5 COLLECTIVELY RESPONDED "I DO.")

6

7 THE CLERK: YOU MAY BE SEATED.

8 THE COURT: OKAY, LADIES AND GENTLEMEN, DON'T BE

9 NERVOUS. WE HAVEN'T THROWN ANY PROSPECTIVE JURORS IN JAIL

10 YET. I KNOW "CRIMINAL PROSECUTION" SOUNDS HARSH, BUT WHAT

11 YOU'VE JUST AGREED TO DO IS SIMPLY ANSWER THE QUESTIONS

12 ASKED OF YOU TRUTHFULLY, AND I'M SURE ALL OF YOU WILL DO

13 THAT.

14 IF YOU COULD SLIDE DOWN TO SEAT NUMBER 13,

15 MA'AM, ERIK IS GOING TO CALL UP FIVE MORE OF YOU, AND WE'LL

16 TAKE IT FROM THERE.

17 THE CLERK: COULD I HAVE JUROR IDENTIFICATION NUMBER

18 6857, PLEASE TAKE SEAT NUMBER 14.

19 CAN I HAVE JUROR IDENTIFICATION NUMBER 0528 --

20 THE BAILIFF: SIR, DOWN HERE.

21 THE COURT: SEAT NUMBER 14, DOWN HERE IN THE FRONT.

22 THANK YOU.

23 THE CLERK: JUROR IDENTIFICATION NUMBER 0528, PLEASE

24 TAKE SEAT NUMBER 15.

25 THE COURT: WHO HAS THEIR PHONE ON? PLEASE, IT'S

26 VERY DISRUPTIVE.

27 THE CLERK: CAN I HAVE JUROR I.D. NUMBER 4506 PLEASE

28 TAKE SEAT NUMBER 16.

1 CAN I HAVE JUROR I.D. NUMBER 9531 PLEASE TAKE
2 SEAT NUMBER 17.

3 AND CAN I HAVE JUROR I.D. NUMBER 9537 PLEASE
4 TAKE SEAT NUMBER 18.

5 THE COURT: ERIK, WE'RE MISSING ONE.

6 THE CLERK: THAT WAS JUROR I.D. NUMBER 9537.

7 UNIDENTIFIED PROSPECTIVE JUROR: 37?

8 THE CLERK: YES.

9 THE COURT: YES. IF YOU WOULD TAKE SEAT NUMBER 18,
10 IN FRONT HERE. IN FRONT. THANK YOU.

11 OKAY. WELCOME TO OUR NEW PROSPECTIVE
12 PANELISTS. WHAT I'M GOING TO ASK YOU TO DO -- THERE ARE
13 QUESTIONS UP ON THIS BOARD HERE THAT HAVE BASIC BACKGROUND
14 INFORMATION WE NEED FROM YOU.

15 YOU DON'T HAVE TO ANSWER THE FIRST QUESTION
16 BECAUSE WE HAVE YOUR JUROR I.D. NUMBER, BUT WHAT WE
17 BASICALLY WANT TO KNOW FROM YOU IS:

18 WHAT PART OF TOWN DO YOU LIVE IN? PLEASE DON'T
19 SAY "LOS ANGELES." YOU KNOW, DOWNTOWN, EAST L.A., BURBANK,
20 THAT SORT OF THING.

21 WHAT YOU DO FOR A LIVING.

22 IF YOU ARE MARRIED OR HAVE A SIGNIFICANT
23 OTHER -- AND WE'RE VERY BROAD-MINDED, IF THERE IS SOMEONE
24 WHO BRINGS A SMILE TO YOUR FACE WHEN YOU COME HOME -- WE'D
25 JUST LIKE TO KNOW WHAT THEY DO FOR A LIVING.

26 AND IF THERE ARE OTHER ADULTS IN THE HOUSEHOLD,
27 WHAT THEY DO FOR A LIVING, AS WELL.

28 AND LAST -- AND THEN IF YOU HAVE ANY ADULT

1 CHILDREN, WHETHER OR NOT THEY LIVE WITH YOU, WHAT THEIR
2 OCCUPATIONS ARE. WE'RE JUST LOOKING FOR POTENTIAL
3 CONFLICTS THAT MIGHT DISQUALIFY YOU FROM SERVING.

4 AND THEN, LASTLY, I'D LIKE TO KNOW IF YOU'VE
5 EVER SERVED ON A JURY BEFORE, AND IF SO, IF IT WAS A CIVIL
6 OR A CRIMINAL CASE, AND WHETHER OR NOT THE JURY REACHED A
7 VERDICT; I DON'T WANT TO KNOW WHAT THE VERDICT WAS.

8 SO IF WE COULD START WITH JUROR NUMBER 14. IF
9 YOU COULD GIVE US THOSE -- THAT BASIC INFORMATION.

10
11 (VOIR DIRE OF THE PROSPECTIVE JURORS;
12 REPORTED, AND NOT TRANSCRIBED HEREIN.)
13

14 MR. RAMNANEY: THE DEFENSE ACCEPTS THE PANEL AS
15 PRESENTLY CONSTITUTED, YOUR HONOR.

16 THE COURT: MS. STREETER.

17 MS. STREETER: I DON'T HAVE ANY ALT- -- ANY
18 PEREMPTORIES.

19 THE COURT: THAT'S RIGHT. I THINK WE'RE ALL SET.

20 THE CLERK: IF I CAN HAVE THE TWO JURORS PLEASE
21 STAND.

22 PLEASE RAISE YOUR RIGHT HAND.

23 DO YOU AND EACH OF YOU UNDERSTAND AND AGREE
24 THAT YOU WILL WELL AND TRULY TRY THE CAUSE NOW PENDING
25 BEFORE THIS COURT AND A TRUE VERDICT RENDER ACCORDING ONLY
26 TO THE EVIDENCE PRESENTED TO YOU AND TO THE INSTRUCTIONS OF
27 THE COURT?

28 IF YOU UNDERSTAND AND AGREE, PLEASE SAY "I DO."

1 (THE ALTERNATE JURORS COLLECTIVELY
2 RESPONDED "I DO.")

3

4 THE COURT: THE PERSON SITTING IN SEAT NUMBER 6, IF
5 YOU COULD TAKE THE SEAT THAT SAYS ALTERNATE NUMBER 1.

6 AND IF YOU COULD TAKE THE SEAT IN FRONT OF HER,
7 WE'LL BE READY TO GO.

8 THE FIVE OF YOU IN THE FRONT ROW CAN GO BACK TO
9 THE JURY ASSEMBLY ROOM. THANK YOU FOR YOUR SERVICE TODAY.

10 OKAY. WELL, LADIES AND GENTLEMEN OF THE JURY,
11 WE ARE READY TO START OUR TRIAL IN THE CASE OF PEOPLE
12 VERSUS KELLEY LYNCH, CASE NUMBER 2CA04539.

13 LET ME EXPLAIN TO YOU WHAT'S GOING TO HAPPEN
14 HERE. I'M GOING TO START BY TELLING YOU THE FORMAL CHARGES
15 IN THE CASE. THIS IS JUST A SUMMARY; YOU CAN TAKE NOTES IF
16 YOU WANT, IT'S NOT REALLY ESSENTIAL AT THIS POINT.

17 THEN I'M GOING TO READ TO YOU SOME BASIC JURY
18 INSTRUCTIONS THAT ARE REALLY NOTHING MORE THAN COMMON-SENSE
19 SUGGESTIONS ABOUT HOW TO APPROACH YOUR JOB. AGAIN, I DOUBT
20 YOU'LL NEED TO TAKE NOTES ON THOSE COMMON-SENSE
21 INSTRUCTIONS, BUT YOU'RE ALWAYS WELCOME.

22 WHEN I'M DONE WITH THE PRELIMINARY
23 INSTRUCTIONS, YOU'RE GOING TO HEAR OPENING STATEMENTS FROM
24 BOTH COUNSEL. THAT WILL PROBABLY BRING US TO LUNCH TIME.
25 AND THEN RIGHT AFTER LUNCH, WE'LL START WITH THE TESTIMONY,
26 AT 1:30.

27 SO LET ME START BY OUTLINING FOR YOU WHAT THE
28 CHARGES ARE. THERE ARE SEVEN --

1 IS IT SEVEN LEFT? I THINK SO.

2 MS. STREETER: I BELIEVE SO.

3 THE CLERK: YES, YOUR HONOR, SEVEN.

4 THE COURT: THERE ARE SEVEN CHARGES THAT YOU WILL BE
5 CALLED UPON TO DECIDE; FIVE OF THEM ARE ALLEGED VIOLATIONS
6 OF COURT ORDERS, AND THEY RELATE TO TIME PERIODS, SO LET ME
7 JUST SKETCH IT OUT FOR YOU.

8 COUNT 1 ALLEGES THAT DURING THE PERIOD OF
9 FEBRUARY 1 THROUGH JUNE 30 OF 2011, THE DEFENDANT VIOLATED
10 THE PROVISIONS OF A PROTECTIVE ORDER ISSUED BY A COURT. SO
11 THAT'S -- THAT TIME PERIOD IS FEBRUARY 1 TO JUNE 30, 2011.

12 IN COUNT 2 -- ACTUALLY, THE NEXT --

13 IN COUNT 3, THE TIME PERIOD IS JULY 1, 2011,
14 THROUGH JANUARY 9, 2012; IN COUNT 7, IT'S DECEMBER 15
15 THROUGH DECEMBER 31 OF 2011; IN COUNT 8, IT'S JANUARY 1
16 THROUGH JANUARY 31, 2012; AND IN COUNT 9, IT'S FEBRUARY 1
17 THROUGH FEBRUARY 29, 2012.

18 SO THOSE ARE THE FIVE CASE -- COUNTS INVOLVING
19 VIOLATIONS OF COURT ORDERS, AND YOU'LL HEAR MORE ABOUT
20 THESE COUNTS. AND AT THE END OF THE TESTIMONY, I WILL GIVE
21 YOU DETAILED INSTRUCTIONS ON WHAT THE ELEMENTS ARE AND READ
22 TO YOU INSTRUCTIONS ON HOW TO FILL OUT THE VERDICT FORMS
23 AND ALL THAT SORT OF STUFF, SO IT WILL BE MUCH MORE
24 DETAILED AFTER THE TESTIMONY.

25 THE OTHER TWO COUNTS RELATE TO ALLEGED ANNOYING
26 E-MAILS AND PHONE CALLS.

27 COUNT 2 CHARGES THAT DURING THE PERIOD OF
28 FEBRUARY 1 THROUGH JUNE 30 OF 2011, THE DEFENDANT MADE

1 ANNOYING PHONE CALLS AND OTHER ELECTRONIC COMMUNICATIONS TO
2 MR. LEONARD COHEN.

3 AND THEN IN COUNT 4, THE SAME ALLEGATION IS
4 MADE WITH RESPECT TO THE TIME PERIOD JULY 1, 2011, THROUGH
5 JANUARY 9, 2012.

6 SO THAT'S BASICALLY AN OVERVIEW OF WHAT THE
7 COUNTS ARE.

8 LET ME NOW READ TO YOU THE PRELIMINARY JURY
9 INSTRUCTIONS. THESE ARE INSTRUCTIONS, AS I SAID, THAT ARE
10 REALLY COMMON-SENSE SUGGESTIONS ABOUT HOW TO APPROACH YOUR
11 JOB.

12
13 JURY INSTRUCTIONS

14 THE COURT: (READING:)

15 BEFORE WE BEGIN THE TRIAL OF THIS
16 CASE, I'M GOING TO DESCRIBE FOR YOU HOW THE
17 TRIAL WILL BE CONDUCTED, AND EXPLAIN TO YOU
18 WHAT THE LAWYERS AND I WILL BE DOING. WHEN I
19 REFER TO "THE PEOPLE," I MEAN THE ATTORNEY FROM
20 THE CITY ATTORNEY'S OFFICE, MS. STREETER, WHO
21 IS TRYING THIS CASE ON BEHALF OF THE PEOPLE OF
22 THE STATE OF CALIFORNIA. WHEN I REFER TO
23 DEFENSE COUNSEL, I MEAN THE TWO ATTORNEYS WHO
24 ARE REPRESENTING THE DEFENDANT IN THIS ACTION.

25 THE TRIAL WILL PROCEED IN THE
26 FOLLOWING MANNER:

27 THE PEOPLE WILL FIRST PRESENT THEIR
28 OPENING STATEMENT. WHILE THE DEFENSE IS NOT

1 REQUIRED TO PRESENT AN OPENING STATEMENT, IF IT
2 CHOOSES TO DO SO, IT CAN EITHER DO IT RIGHT
3 AFTER THE PEOPLE'S OPENING STATEMENT OR AT THE
4 BEGINNING OF THE DEFENSE CASE, IF THERE IS A
5 DEFENSE CASE.

6 THE PURPOSE OF AN OPENING STATEMENT
7 IS SIMPLY TO GIVE YOU AN OVERVIEW OF WHAT THE
8 ATTORNEYS BELIEVE THE EVIDENCE WILL SHOW. AS I
9 WILL TELL YOU A NUMBER OF TIMES, WHAT THE
10 ATTORNEYS SAY TO YOU IS NOT EVIDENCE. IT'S
11 JUST THEIR EXPECTATION OF WHAT THE EVIDENCE IS
12 GOING TO SHOW.

13 NEXT, THE PEOPLE WILL OFFER THEIR
14 ACTUAL EVIDENCE. EVIDENCE USUALLY INCLUDES
15 WITNESS TESTIMONY AND EXHIBITS. THE PEOPLE
16 WILL CALL THE WITNESSES ONE BY ONE. AFTER
17 MS. STREETER HAS EXAMINED HER WITNESS, THE
18 DEFENSE WILL HAVE THE OPPORTUNITY TO
19 CROSS-EXAMINE THAT WITNESS, AND THEN THE
20 QUESTIONING MAY GO BACK AND FORTH FOR A WHILE.

21 AFTER THE PEOPLE FINISH PRESENTING
22 THEIR EVIDENCE, THE DEFENSE MAY PRESENT
23 EVIDENCE, BUT IT IS NOT REQUIRED TO DO SO. AS
24 I TOLD YOU IN THE BEGINNING, BECAUSE THE
25 DEFENDANT IS PRESUMED TO BE INNOCENT, SHE DOES
26 NOT NEED TO PROVE TO YOU THAT SHE'S NOT GUILTY.

27 AFTER YOU'VE HEARD ALL THE EVIDENCE
28 AND BEFORE THE FINAL ARGUMENT, I WILL INSTRUCT

1 YOU ON THE LAW THAT APPLIES TO THIS CASE.

2 AFTER YOU'VE HEARD THE ARGUMENTS
3 AND EVIDENCE -- AND INSTRUCTIONS, YOU WILL GO
4 INTO THE JURY ROOM TO DELIBERATE.

5 LET ME NOW EXPLAIN SOME BASIC RULES
6 OF LAW AND PROCEDURE THAT ARE DESIGNED TO
7 INSURE THAT BOTH SIDES RECEIVE A FAIR TRIAL.

8 DURING THIS TRIAL, DO NOT TALK
9 ABOUT THE CASE OR ABOUT ANY OF THE PEOPLE OR
10 ANY SUBJECT INVOLVED IN IT WITH ANYONE, NOT
11 EVEN YOUR FAMILY, FRIENDS, SPIRITUAL ADVISORS,
12 OR THERAPISTS. DO NOT SHARE INFORMATION ABOUT
13 THE CASE IN WRITING, BY E-MAIL, OR ON THE
14 INTERNET.

15 AND THIS IS PARTICULARLY IMPORTANT IN THIS DAY
16 AND AGE. BELIEVE IT OR NOT, WE HAVE HAD CASES IN THE STATE
17 OF CALIFORNIA THAT HAVE HAD TO BE REVERSED AND RETRIED
18 BECAUSE JURORS HAVE SENT LITTLE "TWEETS" TO THEIR FRIENDS
19 ABOUT THE CASE WHILE THEY WERE HEARING IT.

20 AND THAT'S NOT ALLOWED, AND THE CASE CAN BE A
21 MISTRIAL, HAVE TO BE TRIED ALL OVER AGAIN IF ANY OF YOU DO
22 ANY OF THAT, SO PLEASE DON'T SHARE INFORMATION ABOUT THE
23 CASE WITH ANYONE.

24 IF PEOPLE KNOW YOU'RE ON JURY DUTY AND THEY ASK
25 WHAT YOUR CASE IS ABOUT, JUST TELL THEM YOU CANNOT DISCUSS
26 IT. WHEN THE CASE IS OVER, YOU WILL THEN HAVE THE
27 OPPORTUNITY TO DISCUSS IT WITH ANYONE YOU CHOOSE.

28 (READING, CONTINUED:)

1 AS JURORS, YOU MAY DISCUSS THE CASE
2 TOGETHER ONLY AFTER ALL THE EVIDENCE HAS BEEN
3 HEARD, YOU'VE BEEN GIVEN INSTRUCTIONS AND HEARD
4 ARGUMENTS. AND THEN YOU MAY DISCUSS THE CASE
5 TOGETHER ONLY IN THE JURY ROOM AND ONLY WHEN
6 ALL JURORS ARE PRESENT.

7 YOU CAN'T HAVE LITTLE SIDE CONVERSATIONS OF
8 JURORS, YOU HAVE TO ACT AS A GROUP.

9 (READING, CONTINUED:)

10 YOU MUST NOT ALLOW ANYTHING THAT
11 HAPPENS OUTSIDE THE COURTROOM TO AFFECT YOUR
12 DECISIONS. DURING THE TRIAL, DO NOT READ,
13 LISTEN TO, OR WATCH ANY NEWS REPORTS OR
14 COMMENTARIES ABOUT THIS CASE FROM ANY SOURCE.
15 IT'S EXTREMELY IMPORTANT THAT YOU FOLLOW THAT
16 RULE.

17 IT IS ALSO EXTREMELY IMPORTANT THAT
18 YOU DO NOT DO RESEARCH ON THE CASE ON YOUR OWN
19 OR AS A GROUP. DO NOT GO ONTO THE INTERNET AND
20 TRY TO DO BACKGROUND RESEARCH ABOUT ANY OF THE
21 PEOPLE OR SUBJECTS INVOLVED IN IT. AGAIN, THAT
22 COULD REQUIRE A RETRIAL OF THIS CASE IF DO YOU
23 THAT, SO PLEASE DON'T DO THAT.

24 DO NOT TRY TO INVESTIGATE THE FACTS
25 OR THE LAW. DO NOT CONDUCT ANY TESTS OR
26 EXPERIMENTS OR VISIT THE SCENE OF ANY EVENT
27 INVOLVED IN THE CASE. IF YOU HAPPEN TO PASS BY
28 THE SCENE OF ANY EVENT, DO NOT STOP AND

1 INVESTIGATE.

2 DURING THE TRIAL, DO NOT SPEAK TO
3 ANY PARTY, WITNESS, OR LAWYER INVOLVED IN THE
4 CASE. AND DO NOT LISTEN TO ANYONE WHO TRIES TO
5 TALK TO YOU ABOUT THE CASE. IF SOMEONE ASKS
6 YOU ABOUT THE CASE, SIMPLY TELL THEM YOU CANNOT
7 DISCUSS IT. IF THAT PERSON KEEPS TALKING TO
8 YOU, YOU MUST END THE CONVERSATION.

9 WHEN THE TRIAL HAS ENDED AND YOU'VE
10 BEEN RELEASED AS JURORS, YOU MAY THEN DISCUSS
11 THE CASE WITH ANYONE. BUT UNDER CALIFORNIA
12 LAW, YOU MUST WAIT AT LEAST 90 DAYS BEFORE
13 NEGOTIATING OR AGREEING TO ACCEPT ANY PAYMENT
14 FOR INFORMATION ABOUT THE CASE.

15 IF YOU RECEIVE ANY INFORMATION
16 ABOUT THE CASE FROM ANY SOURCE OUTSIDE OF THE
17 TRIAL, EVEN UNINTENTIONALLY, DO NOT SHARE THAT
18 WITH THE OTHER JURORS. IF YOU DO RECEIVE SUCH
19 INFORMATION OR IF ANYONE TRIES TO INFLUENCE YOU
20 ABOUT THIS CASE, YOU MUST IMMEDIATELY REPORT IT
21 TO THE BAILIFF.

22 SOME WORDS OR PHRASES USED DURING
23 THE TRIAL MAY HAVE LEGAL MEANINGS THAT ARE
24 DIFFERENT FROM THEIR MEANINGS IN EVERYDAY USE.
25 THOSE WORDS AND PHRASES WILL BE DEFINED BY ME
26 IN THE FORMAL INSTRUCTIONS I GIVE YOU AT THE
27 END OF THE CASE. LISTEN CAREFULLY AND FOLLOW
28 ANY DEFINITIONS I GIVE YOU. BUT WORDS AND

1 PHRASES THAT ARE NOT SPECIFICALLY DEFINED IN
2 THE INSTRUCTIONS SHOULD BE USED BY YOU USING
3 THEIR ORDINARY EVERYDAY MEANINGS AS YOU
4 UNDERSTAND THEM.

5 KEEP AN OPEN MIND THROUGHOUT THE
6 CASE. DO NOT MAKE UP YOUR MIND ABOUT THE
7 VERDICT OR ABOUT ANY ISSUE INVOLVED IN THE CASE
8 UNTIL AFTER YOU'VE HEARD ALL THE EVIDENCE AND
9 ARGUMENTS AND YOU'VE HAD THE OPPORTUNITY TO
10 DISCUSS THE CASE WITH THE OTHER JURORS DURING
11 DELIBERATIONS.

12 ALSO, DO NOT TAKE ANYTHING I SAY OR
13 DO DURING THE TRIAL AS AN INDICATION OF WHAT I
14 THINK ABOUT THE CASE, THE WITNESSES, OR WHAT
15 YOUR VERDICT SHOULD BE. MY OPINION IS
16 COMPLETELY IRRELEVANT BECAUSE YOU, NOT ME, ARE
17 THE JUDGES OF THIS CASE.

18 DO NOT LET BIAS, SYMPATHY,
19 PREJUDICE, OR PUBLIC OPINION INFLUENCE YOUR
20 DECISION IN ANY WAY.

21 AND YOU MUST REACH YOUR VERDICT
22 WITHOUT ANY CONSIDERATION OF PUNISHMENT. IF
23 NECESSARY, THAT WOULD BE MY DETERMINATION.

24 YOU HAVE BEEN GIVEN NOTEBOOKS AND
25 MAY TAKE NOTES DURING THE TRIAL. DO NOT REMOVE
26 YOUR NOTEBOOKS FROM THE COURTROOM. YOU MAY
27 TAKE YOUR NOTES INTO THE JURY ROOM DURING
28 DELIBERATIONS.

1 WHILE I DO NOT MEAN TO DISCOURAGE
2 YOU FROM TAKING NOTES, HERE ARE SOME POINTS TO
3 CONSIDER IF YOU DECIDE TO.

4 NOTE-TAKING MAY TEND TO DISTRACT
5 YOU. IT MAY AFFECT YOUR ABILITY TO LISTEN
6 CAREFULLY TO THE WITNESSES, AND MORE
7 IMPORTANTLY TO WATCH THE WITNESSES AS THEY
8 TESTIFY.

9 SECONDLY, THE NOTES ARE ONLY FOR
10 YOUR OWN INDIVIDUAL USE TO HELP YOU REMEMBER
11 WHAT HAPPENED DURING TRIAL. PLEASE REMEMBER
12 THAT YOUR NOTES MAY BE INACCURATE AND THEY
13 CERTAINLY WILL BE INCOMPLETE.

14 IF YOU NEED TESTIMONY READ BACK
15 WHILE YOU'RE DELIBERATING, THE COURT REPORTER
16 HAS A COMPLETE RECORD OF EVERYTHING THAT IS
17 SAID, AND YOU MUST ACCEPT THE COURT REPORTER'S
18 RECORD AS ACCURATE.

19 LET ME AGAIN EXPLAIN TO YOU THE
20 PRESUMPTION OF INNOCENCE AND THE PEOPLE'S
21 BURDEN OF PROOF. THE DEFENDANT HAS PLED NOT
22 GUILTY TO ALL OF THE CHARGES AGAINST HER. THE
23 FACT THAT A CRIMINAL CHARGE HAS BEEN BROUGHT
24 AGAINST HER IS NOT EVIDENCE THAT THE CHARGE IS
25 TRUE. YOU MUST NOT BE BIASED AGAINST THE
26 DEFENDANT JUST BECAUSE SHE WAS ARRESTED,
27 CHARGED WITH A CRIME, AND BROUGHT TO TRIAL.

28 A DEFENDANT IN A CRIMINAL CASE IS

1 PRESUMED TO BE INNOCENT. THIS PRESUMPTION
2 REQUIRES THAT THE PEOPLE PROVE THAT THE
3 DEFENDANT IS GUILTY BEYOND A REASONABLE DOUBT.
4 WHENEVER I TELL YOU THAT THE PEOPLE MUST PROVE
5 SOMETHING, I MEAN THEY MUST PROVE IT BEYOND A
6 REASONABLE DOUBT.

7 PROOF BEYOND A REASONABLE DOUBT IS
8 PROOF THAT LEAVES YOU WITH AN ABIDING OR
9 LASTING CONVICTION THAT THE CHARGE IS TRUE.
10 THE EVIDENCE NEED NOT ELIMINATE ALL POSSIBLE
11 DOUBT BECAUSE EVERYTHING IN LIFE IS OPEN TO
12 SOME POSSIBLE OR IMAGINARY DOUBT.

13 IN DECIDING WHETHER THE PEOPLE HAVE
14 PROVED THEIR CASE BEYOND A REASONABLE DOUBT,
15 YOU MUST IMPARTIALLY COMPARE AND CONSIDER ALL
16 THE EVIDENCE THAT WAS RECEIVED THROUGHOUT THE
17 ENTIRE TRIAL. UNLESS THAT EVIDENCE PROVES THE
18 DEFENDANT GUILTY BEYOND A REASONABLE DOUBT, SHE
19 IS ENTITLED TO AN ACQUITTAL AND YOU MUST FIND
20 HER NOT GUILTY.

21 YOU MUST DECIDE WHAT THE FACTS ARE
22 IN THIS CASE. YOU MUST USE ONLY THE EVIDENCE
23 PRESENTED IN THIS COURTROOM. "EVIDENCE" IS THE
24 SWORN TESTIMONY OF WITNESSES, ANY EXHIBITS THAT
25 ARE ADMITTED INTO EVIDENCE, AND ANYTHING ELSE I
26 TELL YOU TO CONSIDER AS EVIDENCE.

27 AS I SAID, THE MERE FACT THAT THE
28 DEFENDANT IS CHARGED WITH CRIMES IS NOT

1 EVIDENCE OF ANYTHING.

2 NOTHING THAT THE ATTORNEYS SAY TO
3 YOU IS EVIDENCE. IN THEIR OPENING STATEMENTS
4 AND CLOSING ARGUMENTS, THEY WILL DISCUSS THE
5 CASE, BUT THEIR REMARKS ARE NOT EVIDENCE.
6 THEIR QUESTIONS TO WITNESSES ARE NOT EVIDENCE,
7 EITHER. ONLY THE WITNESS'S ANSWERS ARE
8 EVIDENCE. THE QUESTIONS ARE SIGNIFICANT ONLY
9 IF THEY HELP YOU UNDERSTAND THE WITNESS'S
10 ANSWERS. BUT DO NOT ASSUME THAT SOMETHING IS
11 TRUE JUST BECAUSE AN ATTORNEY ASKS A QUESTION
12 THAT SUGGESTS IT'S TRUE.

13 DURING THE TRIAL, ATTORNEYS, FROM
14 TIME TO TIME, WILL OBJECT TO QUESTIONS THAT ARE
15 ASKED BY THEIR OPPOSING COUNSEL. IT'S ENTIRELY
16 APPROPRIATE FOR THEM TO MAKE SUCH OBJECTIONS.
17 THEY'RE DOING THEIR JOB WHEN THEY DO THAT, AND
18 YOU SHOULDN'T HOLD IT AGAINST THEM BECAUSE THEY
19 MAKE AN OBJECTION.

20 I WILL RULE ON THOSE OBJECTIONS
21 ACCORDING TO LAW. IF I SAY "SUSTAINED," IT
22 MEANS I THINK THE OBJECTION IS A GOOD ONE AND
23 THE WITNESS WILL NOT BE PERMITTED TO ANSWER THE
24 QUESTION.

25 OCCASIONALLY, A WITNESS JUMPS THE
26 GUN AND ANSWERS THE QUESTION BEFORE I GET A
27 CHANCE TO RULE ON THE OBJECTION AND I MAY ORDER
28 TESTIMONY STRICKEN FROM THE RECORD. IF I DO

1 THAT, YOU MUST, EVEN THOUGH IT'S HARD TO DO,
2 IGNORE ANYTHING THAT YOU HEARD AND NOT CONSIDER
3 IT AS EVIDENCE.

4 IF I SAY "OVERRULED," IT JUST MEANS
5 I THINK THE OBJECTION IS NOT PROPER, EVEN
6 THOUGH THE ATTORNEY DIDN'T DO ANYTHING WRONG BY
7 MAKING THE OBJECTION, BUT IN THAT CASE THE
8 WITNESS WILL BE PERMITTED TO ANSWER AND YOU CAN
9 CONSIDER THEIR ANSWER.

10 YOU MUST DISREGARD ANYTHING THAT
11 YOU SEE OR HEAR WHEN THE COURT IS NOT IN
12 SESSION, EVEN IF IT'S DONE OR SAID BY ONE OF
13 THE WITNESSES OR PARTIES OR ATTORNEYS.

14 NOW, IF YOU'RE OUT IN THE HALL AND
15 YOU OVERHEAR SOMETHING, THAT'S NOT EVIDENCE.

16 THE COURT -- AS I SAID, THE COURT
17 REPORTER IS MAKING A RECORD OF EVERYTHING SAID
18 DURING THE TRIAL, AND DURING DELIBERATIONS YOU
19 CAN ASK THAT TESTIMONY BE READ BACK THAT WILL
20 HELP YOU. YOU MUST ACCEPT THE COURT REPORTER'S
21 NOTES AS ACCURATE.

22 YOU ALONE MUST JUDGE THE
23 CREDIBILITY OR THE BELIEVABILITY OF THE
24 WITNESSES YOU'RE GOING TO HEAR. IN DECIDING
25 WHETHER TESTIMONY IS TRUE AND ACCURATE, USE
26 YOUR COMMON SENSE AND EXPERIENCE.

27 YOU MUST JUDGE THE TESTIMONY OF
28 EACH WITNESS BY THE SAME STANDARDS, SETTING

1 ASIDE ANY BIASES OR PREJUDICES YOU MAY HAVE.

2 YOU MUST -- YOU MAY CHOOSE TO
3 BELIEVE ALL, PART, OR NONE OF ANY WITNESS'S
4 TESTIMONY. AFTER YOU'VE HEARD THE WITNESS
5 TESTIFY, DECIDE FOR YOURSELF HOW MUCH OF THAT
6 TESTIMONY YOU BELIEVE.

7 IN EVALUATING A WITNESS'S
8 TESTIMONY, YOU MAY CONSIDER ANYTHING THAT
9 REASONABLY TENDS TO PROVE OR DISPROVE THE TRUTH
10 OR ACCURACY OF THAT TESTIMONY. AMONG THE
11 FACTORS YOU MAY CONSIDER ARE THE FOLLOWING:

12 HOW WELL COULD THE WITNESS SEE,
13 HEAR, OR PERCEIVE THE THINGS ABOUT WHICH
14 THEY'RE TESTIFYING?

15 HOW WELL WAS THE WITNESS ABLE TO
16 REMEMBER AND DESCRIBE WHAT HAPPENED?

17 WHAT WAS THE WITNESS'S BEHAVIOR AND
18 ATTITUDE WHILE TESTIFYING?

19 DID THE WITNESS UNDERSTAND THE
20 QUESTIONS AND ANSWER THEM DIRECTLY?

21 WAS THE WITNESS'S TESTIMONY
22 INFLUENCED BY A FACTOR SUCH AS BIAS OR
23 PREJUDICE, A PERSONAL RELATIONSHIP WITH SOMEONE
24 INVOLVED IN THE CASE, OR A PERSONAL INTEREST IN
25 HOW THE CASE IS DECIDED?

26 DID THE WITNESS MAKE STATEMENTS IN
27 THE PAST THAT WERE CONSISTENT OR INCONSISTENT
28 WITH THEIR TESTIMONY IN COURT?

1 AND HOW REASONABLE IS THE TESTIMONY
2 WHEN YOU CONSIDER ALL THE OTHER EVIDENCE IN THE
3 CASE?

4 DO NOT AUTOMATICALLY REJECT
5 TESTIMONY JUST BECAUSE THERE ARE SOME
6 CONSISTENCIES OR CONFLICTS. CONSIDER WHETHER
7 THE DIFFERENCES ARE IMPORTANT OR NOT. PEOPLE
8 SOMETIMES HONESTLY FORGET THINGS OR MAKE
9 MISTAKES ABOUT WHAT THEY REMEMBER. AND, ALSO,
10 AS I'M SURE ALL OF YOU HAVE LEARNED IN LIFE,
11 TWO PEOPLE CAN WITNESS THE SAME EVENT AND YET
12 HONESTLY SEE, HEAR, AND REMEMBER IT
13 DIFFERENTLY.

14 YOU WILL BE PERMITTED TO SEPARATE
15 DURING RECESSES AND AT THE END OF THE DAY.

16 I'M GLAD TO TELL YOU WE'RE NOT GOING TO PUT YOU
17 UP IN A HOTEL ROOM AND SEQUESTER YOU FROM YOUR FAMILY.

18 (READING, CONTINUED:)

19 I WILL TELL YOU WHEN TO RETURN.
20 PLEASE REMEMBER WE CAN'T BEGIN THE TRIAL UNTIL
21 EACH AND EVERY ONE OF YOU IS IN YOUR PLACE, SO
22 PLEASE TRY TO BE ON TIME.

23 AND PLEASE ALWAYS REMEMBER WHEN
24 YOU'RE OUTSIDE THE COURTROOM, DON'T DISCUSS THE
25 CASE, EVEN AMONG YOURSELVES, OR WITH ANYONE
26 ELSE.

27 I WAS GOING TO START OPENING STATEMENTS, BUT,
28 YOU KNOW, IT'S CLOSE TO LUNCH, AND IT'S USUALLY BETTER IF

1 YOU HEAR THEM AND THEN HEAR THE WITNESS RIGHT AWAY, SO
2 WE'RE GOING TO PICK UP AT 1:30 SHARP. PLEASE BE ON TIME.
3 YOU'LL HEAR OPENING STATEMENTS, AND THEN THE FIRST WITNESS.

4 ENJOY YOUR LUNCH. DON'T TALK TO ANYBODY ABOUT
5 THE CASE, AND HAVE A GOOD LUNCH. THANKS.

6
7 (THE FOLLOWING PROCEEDINGS WERE HELD
8 IN OPEN COURT OUTSIDE THE PRESENCE
9 OF THE JURY:)

10
11 THE COURT: YOU CAN SET UP YOUR STUFF NOW IF YOU
12 WANT.

13 MS. STREETER: OKAY, THANK YOU. PERFECT, YOUR HONOR.

14 THE COURT: WHO IS GOING TO BE DOING THE OPENING?

15 MR. KELLY: I WILL BE DOING THE OPENING.

16 THE COURT: OKAY.

17
18 (THE NOON RECESS WAS TAKEN FROM
19 11:51 A.M. UNTIL 1:30 P.M.)

20 //

21 //

1 CASE NUMBER: 2CA04539-01
2 CASE NAME: PEOPLE V. KELLEY LYNCH
3 LOS ANGELES, CA FRIDAY, APRIL 6, 2012
4 DEPARTMENT 52 HON. ROBERT VANDERET, JUDGE
5 REPORTER: NADIA S. GOTT, CSR NO. 12597
6 TIME: P.M. SESSION
7

8 APPEARANCES: DEFENDANT KELLEY LYNCH,
9 PRESENT WITH COUNSELS, MICHAEL KELLY AND
10 NIKHIL ROMNANEY, DEPUTY PUBLIC DEFENDERS;
11 SANDRA STREETER, DEPUTY CITY ATTORNEY,
12 REPRESENTING THE PEOPLE OF THE STATE OF
13 CALIFORNIA.
14

15 (THE FOLLOWING PROCEEDINGS WERE
16 HELD IN OPEN COURT OUTSIDE THE
17 PRESENCE OF THE JURY:)
18

19 THE COURT: WHAT MATTERS DO WE NEED TO TAKE UP
20 BEFORE THE JURY COMES IN?

21 MS. STREETER: I HAVE ADDITIONAL TRANSCRIPTS FOR
22 THE JURY, IF THE COURT WANTS TO GIVE THEM TO THE JURY.
23 I DON'T KNOW, YOU KNOW --

24 THE COURT: WHEN ARE YOU PLANNING ON PLAYING THAT?

25 MS. STREETER: I'M GOING TO START IN MR. COHEN'S
26 TESTIMONY.

27 THE COURT: WHO IS YOUR FIRST WITNESS?

28 MS. STREETER: MR. COHEN.

1 THE COURT: OKAY. DO YOU WANT TO BE HEARD ON
2 THAT?

3 MR. KELLY: I NOTED COUNSEL SAID THAT THEY WERE
4 CONDENSING THE NUMBER OF CALLS THEY WOULD PRESENT TO THE
5 JURY, SO I JUST -- DO YOU HAVE AN EXTRA COPY?

6 MS. STREETER: I GAVE YOU GUYS COPIES. IT'S IN
7 THAT GREEN THING RIGHT THERE.

8 MR. KELLY: THIS ONE?

9 MS. STREETER: YES.

10 MR. KELLY: WILL YOU DIRECT ME A LITTLE BIT?

11 MS. STREETER: I HAD, LIKE, GIVEN YOU --

12 MR. KELLY: IS IT THE FAX?

13 MS. STREETER: IT WAS ATTACHED -- NOT THE FAX, THE
14 E-MAILS I GAVE YOU. I GAVE YOU GUYS E-MAILS. ON THE
15 BOTTOM WAS THE TRANSCRIPT.

16 MR. KELLY: OKAY.

17 THE COURT: I THINK USUALLY WHEN WE LISTEN TO
18 RECORDINGS THAT IT'S HELPFUL TO HAVE THE JURY HAVE A
19 TRANSCRIPT.

20 MS. STREETER: LET ME COUNT, MAKE SURE I HAVE
21 ENOUGH.

22 MR. KELLY: ASSUMING ALL FOUNDATION IS LAID AND
23 THIS IS ACCURATE, WE JUST --

24 MS. STREETER: I MEAN, YOU KNOW IT'S AS ACCURATE
25 AS GETTING MY SECRETARIES TO DO IT.

26 THE COURT: WHAT ELSE DO WE HAVE TO TAKE UP?

27 MS. STREETER: I THINK THAT'S IT, YOUR HONOR.

28 MR. KELLY: FOR THE DEFENSE, PRIOR TO OPENING

1 STATEMENTS -- I KNOW WE HAD ADDRESSED THIS ISSUE
2 BEFORE -- BUT DEFENSE STILL CONTENDS THAT ANY MENTION OF
3 STEALING, MISAPPROPRIATION, ANYTHING REGARDING
4 MS. LYNCH'S -- I GUESS CONDUCT WHILE EMPLOYED BY
5 MR. COHEN AT THIS POINT IS IMPROPER CHARACTER EVIDENCE.

6 THE COURT: DO YOU PLAN TO GO INTO THAT IN OPENING
7 STATEMENT?

8 MS. STREETER: NOT IN OPENING STATEMENT.

9 THE COURT: OKAY. BEFORE YOU GO INTO IT, LET'S
10 TAKE IT UP OUTSIDE THE PRESENCE OF THE JURY.

11 MS. STREETER: DOES THE COURT WANT ME TO ADMONISH
12 MY WITNESS?

13 THE COURT: YES, IT WILL BE HELPFUL. DO YOU WANT
14 TO DO THAT NOW?

15 MS. STREETER: I WAS GOING TO DO IT NOW.

16 MR. KELLY: ONE MORE ISSUE.

17 THE COURT: OKAY.

18 MR. KELLY: IT'S COME TO OUR KNOWLEDGE THAT A
19 REPRESENTATIVE FROM THE LAW OFFICE OF MS. RICE AND
20 MR. KORY IS AND HAS BEEN PRESENT. I DON'T KNOW IF HE
21 WAS INVOLVED IN THE COMPILING THIS INFORMATION.

22 MS. STREETER: RIGHT.

23 MR. KELLY: I DO BELIEVE HE'S A POTENTIAL WITNESS.
24 IF THAT'S THE CASE, WE WOULD ASK TO EXCLUDE HIM.

25 THE COURT: WHO INTENDS TO CALL HIM?

26 MS. STREETER: THE PEOPLE.

27 MR. KELLY: THE DEFENSE MIGHT. IT DOES GO TO
28 BIAS. IT DOES GO TO SHOW THAT THE LAW OFFICE IS VERY

1 INVOLVED IN THIS PROSECUTION AND GOES TO THE BIAS.

2 MS. STREETER: THE PEOPLE HAVE GOTTEN NO
3 ASSISTANCE FROM THE LAW FIRM'S INVESTIGATOR.

4 THE COURT: I WILL ACCEPT YOUR REPRESENTATION
5 THEN.

6 MR. KELLY: AND IN THAT CASE, WE WOULD ASK IF THE
7 COURT WOULD ORDER ANYONE IN THE AUDIENCE TO NOT -- TO
8 THE EXTENT -- TO NOT SHARE TESTIMONY TO OTHER POTENTIAL
9 WITNESSES.

10 MS. STREETER: THAT'S FINE.

11 THE COURT: OKAY.

12 DON'T SHARE INFORMATION WITH ANY POTENTIAL
13 WITNESSES.

14 THE WITNESS: YES, SIR.

15 THE COURT: THEY'RE PRETTY SHADY LOOKING
16 CHARACTERS RIGHT THERE.

17 OKAY, LET'S BRING OUR JURORS IN.

18

19 (THE FOLLOWING PROCEEDINGS WERE HELD IN
20 OPEN COURT IN THE PRESENCE OF THE JURORS.)

21

22 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN.
23 LOOKS LIKE EXCITING THINGS HAPPENING OUTSIDE. BUSY DAY
24 TODAY.

25 SO WE'RE GOING TO GET STARTED RIGHT AWAY.
26 AS I INDICATED, THE FIRST ORDER OF BUSINESS IS GOING TO
27 BE OPENING STATEMENTS AND WE WILL HEAR FIRST FROM THE
28 PEOPLE.

1 SO, MS. STREETER, WHENEVER YOU ARE READY.

2 MS. STREETER: THANK YOU.

3 GOOD AFTERNOON, LADIES AND GENTLEMEN OF THE
4 JURY. NOW, AS THE COURT HAS INFORMED YOU, THIS IS THE
5 STAGE OF THE TRIAL THAT IS REFERRED TO AS THE OPENING
6 STATEMENT. IT'S KIND OF LIKE -- FOR THOSE OF YOU STILL
7 OLD FASHIONED, ARE STILL IN LOVE WITH THE WRITTEN WORD
8 AND LIKE TO BUY BOOKS AT A BOOKSTORE INSTEAD OF HAVING
9 AN E-READER AND YOU WANT TO FIND OUT WHAT THE BOOK IS
10 ABOUT AND YOU LOOK AT THE DUST COVER OF THE BOOK, JUST
11 TO GET AN IDEA WHAT THAT BOOK IS GOING TO BE ABOUT,
12 THAT'S KIND OF WHAT MY JOB HERE IS IN AN OPENING
13 STATEMENT; TO GIVE YOU AN IDEA, A ROAD MAP OF WHAT THE
14 PEOPLE BELIEVE THE EVIDENCE IN THIS CASE IS GOING TO
15 SHOW.

16 SO THE PEOPLE BELIEVE THAT THE EVIDENCE
17 WILL SHOW IN THE CASE OF PEOPLE OF THE STATE OF
18 CALIFORNIA VERSUS KELLEY LYNCH THAT DURING THE 80S,
19 MR. LEONARD COHEN, WHO WAS A SINGER -- WAS AND IS A
20 SINGER/SONGWRITER, BUT ALSO A POET, STRUCK UP A
21 RELATIONSHIP WITH MS. LYNCH. THEY HAD A BRIEF INTIMATE
22 RELATIONSHIP, AND THEN AT SOME POINT AFTER THAT THE
23 RELATIONSHIP ENDED IN THE LATE 80S WHEN MR. COHEN'S
24 BUSINESS MANAGER DIED, MR. COHEN HIRED MS. LYNCH, FIRST
25 AS HIS PERSONAL ASSISTANT, AND THEN ULTIMATELY AS HIS
26 BUSINESS MANAGER.

27 BUT UNFORTUNATELY AROUND 2004 OR SO, THINGS
28 STARTED TO GO NOT VERY WELL BETWEEN MR. COHEN AND

1 MS. LYNCH. AND MR. COHEN ENDED THE BUSINESS
2 RELATIONSHIP THAT HE HAD WITH MS. LYNCH. UNFORTUNATELY,
3 THAT WAS NOT THE END OF IT FOR MS. LYNCH, THE EVIDENCE
4 WILL SHOW. THE EVIDENCE WILL SHOW THAT SHORTLY AFTER
5 THE TERMINATION OF THE BUSINESS RELATIONSHIP BY
6 MR. COHEN THAT MS. LYNCH BEGAN AN ONSLAUGHT, A CAMPAIGN
7 OF HARASSMENT ON MR. COHEN. AND THAT HARASSMENT --

8 MR. KELLY: OBJECTION; ARGUMENTATIVE.

9 THE COURT: OVERRULED.

10 MS. STREETER: -- THAT HARASSMENT HAS CONTINUED OR
11 DID CONTINUE UP UNTIL FEBRUARY 29, 2012.

12 NOW, LET'S TALK A LITTLE BIT HOW WE GOT
13 FROM 2005 TO WHERE WE ARE RIGHT NOW. SO ORIGINALLY WHEN
14 THE RELATIONSHIP ENDED, MS. LYNCH WOULD DO THINGS, SUCH
15 AS SEND E-MAILS STATING, "IF ANYBODY ELSE WERE IN MY
16 SHOES YOU WOULD BE DEAD BY NOW." SHE WOULD ALSO SEND
17 E-MAILS STATING THINGS LIKE, "ACCIDENTS HAPPEN." OKAY?
18 OR SHE WOULD LEAVE VOICEMAIL MESSAGES, NUMEROUS
19 VOICEMAIL MESSAGES ON THE CALL MACHINE, SAYING, "I'M
20 TAKING YOU DOWN BITCH."

21 BUT DURING THIS CAMPAIGN, THE EVIDENCE WILL
22 SHOW, THAT MS. LYNCH STARTED AGAINST MR. COHEN, SHE DID
23 NOT JUST LIMIT HER CONTACT TOWARD MR. COHEN. MS. LYNCH
24 CONTACTED OTHER PEOPLE THAT WERE CLOSE TO MR. COHEN.
25 FOR EXAMPLE, MR. COHEN WAS FORWARDING E-MAIL THAT A
26 FRIEND OF HIS RECEIVED, A BUSINESS PARTNER, RECEIVED
27 WHERE MS. LYNCH SAID, MR. COHEN OR LEONARD "SHOULD BE
28 TAKEN OUT IN FRONT OF A FIRING SQUAD AND SHOT."

1 MS. LYNCH WOULD ALSO DO THINGS, THE EVIDENCE WILL SHOW,
2 SUCH AS WHEN SHE SENT OUT E-MAILS CC-ING THIRD PARTIES
3 WHEN SHE SENT IT TO MR. COHEN, BUT CC-ING THIRD PARTIES
4 THAT HAD PERSONAL INFORMATION ON MR. COHEN; HIS HOME
5 ADDRESS, HIS PHONE NUMBER, HIS SOCIAL SECURITY NUMBER.

6 THE EVIDENCE WILL ALSO SHOW THAT MS. LYNCH
7 STARTED SENDING E-MAILS AND VOICEMAILS TO MR. COHEN'S
8 ATTORNEYS, MICHELLE RICE AND ROBERT KORY. IN FACT,
9 THERE IS A VOICEMAIL THAT MR. KORY RECEIVED FROM
10 MS. LYNCH WHERE MS. LYNCH SAYS, "THIS IS NEVER GOING TO
11 END. NOTHING WILL ABATE, EVEN IF I FUCKING DROP DEAD."
12 OKAY?

13 SO FAST FORWARD TO 2008. IN 2008, WHEN
14 MS. LYNCH AT THE TIME WAS LIVING, MR. COHEN GETS A
15 RESTRAINING ORDER AGAINST MS. LYNCH TO TRY TO GET HER TO
16 LEAVE HIM ALONE. OKAY? AND IT'S NOT JUST A ONE-YEAR
17 RESTRAINING ORDER, OR A FIVE-YEAR RESTRAINING ORDER, THE
18 EVIDENCE WILL SHOW THAT MR. COHEN APPLIED AND GOT A
19 PERMANENT FOREVER RESTRAINING ORDER, NO CONTACT ORDER
20 AGAINST MS. LYNCH.

21 BUT YOU WANT TO KNOW WHAT ELSE THE EVIDENCE
22 IS GOING TO SHOW? MS. LYNCH CAME TO THAT HEARING WHERE
23 THE COURT ISSUED THE PERMANENT RESTRAINING ORDER. AND
24 THERE WAS A DISCUSSION ABOUT WHETHER OR NOT MS. LYNCH
25 SHOULD BE ORDERED TO STAY AWAY FROM MR. COHEN. AND
26 GUESS WHAT THE EVIDENCE IS GOING TO SHOW? MS. LYNCH
27 AGREED. "OKAY, FINE. I'LL LEAVE HIM ALONE." THE END
28 OF IT; RIGHT, ONE WOULD THINK. ONE WOULD THINK THE

1 EVIDENCE WILL SHOW. NO SUCH LUCK. THE EVIDENCE WILL
2 SHOW, NO MORE THAN THE INK WAS BARELY DRY ON THE
3 RESTRAINING ORDER IN COLORADO, MS. LYNCH WAS AT IT
4 AGAIN; VOICEMAIL, E-MAIL MESSAGES. THE EXACT SAME TYPE
5 OF COMMENTS SHE HAD SENT PREVIOUSLY TO MR. COHEN. OKAY?
6 AND THE EVIDENCE WILL ALSO SHOW THAT HER CONTACT TO
7 MR. COHEN CONTINUED TO HIM, TO THIRD PARTIES, TO PEOPLE
8 THAT MR. COHEN DIDN'T EVEN KNOW.

9 THERE IS -- THE EVIDENCE WILL SHOW THAT
10 MS. LYNCH WAS UPSET AND MR. COHEN AND FOUGHT WITH THE
11 DISTRICT ATTORNEY'S TO FILE CHARGES AGAINST HIM. WAS
12 UPSET WITH THE DISTRICT ATTORNEY, THE L.A. COUNTY
13 DISTRICT ATTORNEY'S DIDN'T FILE CHARGES AGAINST MR.
14 COHEN. AND SOME OF THOSE E-MAILS THAT WERE SENT TO
15 MR. COOLEY, THE E-MAIL WILL SAY, "EXECUTE STEVE COOLEY."

16 THE EVIDENCE WILL SHOW EVEN WITH ALL OF
17 THAT, EVEN WITH ALL THESE E-MAILS, IT DID STOP DURING
18 ONE PERIOD. WHEN WAS THAT? WHEN MR. COHEN WENT ON TOUR
19 IN 2010. NO E-MAILS. NO VOICEMAIL. MR. COHEN IS GONE,
20 TRAVELING AROUND THE WORLD. THE EVIDENCE WILL SHOW THE
21 EVIDENCE STOPPED, VIRTUALLY STOPPED. NONE FROM
22 MS. LYNCH. WHEN DID THEY START BACK UP? ABOUT THE TIME
23 MR. COHEN'S WORLD TOUR WAS OVER IN 2011, WHEN THE
24 E-MAILS AND THE VOICEMAIL AND ONSLAUGHT STARTED AGAIN,
25 THE EVIDENCE WILL SHOW. MS. RICE, ONE OF MR. COHEN'S
26 ATTORNEYS, DECIDED TO SEND OUT A LETTER, OKAY? PERHAPS
27 IT MIGHT HAVE APPEARED A BIT FORCEFUL. BUT THE EVIDENCE
28 WILL SHOW MS. RICE HAS A JOB TO DO TO PROTECT HER

1 CLIENT'S INTEREST, SHARE A LETTER IN FEBRUARY 2011
2 REMINDING MS. COHEN [SIC] THAT THERE IS A PERMANENT
3 COLORADO RESTRAINING ORDER. AND THAT THE CALIFORNIA
4 COURTS WILL ENFORCE THAT RESTRAINING ORDER. AND THE
5 EVIDENCE WILL SHOW THAT MS. RICE INFORMED MS. LYNCH THAT
6 IF SHE PERSISTS THEY WILL SEEK ASSISTANCE OF LAW
7 ENFORCEMENT TO ENFORCE THAT ORDER. AND HOW DID
8 MS. LYNCH RESPOND TO THAT E-MAIL BY MS. RICE? NOW, THE
9 EVIDENCE IS GOING TO SHOW BEFORE MS. RICE SENT OUT THAT
10 E-MAIL, MS. COHEN [SIC] HAD STARTED GRADUALLY SENDING
11 MORE E-MAILS. NOT LIKE SHE HAD PREVIOUSLY, BUT STARTED
12 TO SEND MORE. AND IN THAT MONTH OF FEBRUARY, WHEN
13 E-MAILS WERE BEING SENT BY MS. LYNCH BEFORE THE LETTER
14 TO -- LETTER FROM MS. RICE, MR. KORY MR. COHEN'S OTHER
15 ATTORNEY, AND MR. COHEN WERE THE ONLY PEOPLE GETTING
16 E-MAILS FROM MS. LYNCH.

17 BUT ONCE THAT LETTER WENT OUT FROM
18 MS. RICE -- MS. RICE -- THE EVIDENCE WILL SHOW, RECEIVED
19 ABOUT 95 E-MAILS, ANGRY E-MAILS FROM MS. LYNCH IN A
20 24-HOUR PERIOD.

21 LET'S TALK AGAIN ABOUT THAT COLORADO
22 RESTRAINING ORDER THAT THE EVIDENCE WILL SHOW MS. LYNCH
23 AGREED TO. IT'S NOT JUST THAT COLORADO COURT SAID,
24 "STAY FAR, FAR, FAR AWAY FROM MR. COHEN." NO. THAT'S
25 NOT JUST WHAT IT SAYS. IT SAYS, "DO NOT CONTACT
26 MR. COHEN'S ATTORNEYS, MICHELLE RICE AND ROBERT KORY."
27 THAT'S WHAT IT SAYS. AND SHE SAID OKAY.

28 OKAY, SO ONCE THE LETTER WAS SENT, THE

1 ONSLAUGHT BEGAN; E-MAILS, VOICEMAILS. E-MAILS AGAIN TO
2 STEVE COOLEY, THE FBI, SOPKO. YOU NAME IT, SHE SENT IT.
3 EVERYBODY, SAME TYPE OF THINGS. SOME DAYS THERE WOULD
4 BE E-MAILS JUST NONSTOP. FOR EXAMPLE, THE EVIDENCE WILL
5 SHOW, THAT ON THE DATE OF DECEMBER 18, 2011, MS. LYNCH,
6 THE EVIDENCE WILL SHOW, SENT E-MAILS TO MR. COHEN AT
7 4:27, 4:34 P.M., 4:37 P.M., 4:39 P.M., 4:40 P.M., 4:42
8 P.M., AND ON AND ON AND ON.

9 NOW, IN SOME OF THE E-MAILS THERE ARE
10 MENTION BY MS. LYNCH OF FAILED BUSINESS AGREEMENTS AND
11 FAILURE BY MR. COHEN TO LIVE UP TO HIS AGREEMENT OF WHAT
12 SHE BELIEVED THEIR BUSINESS RELATIONSHIP WAS. AND
13 INDEED ONE OF THE THINGS, THE EVIDENCE WILL SHOW, THAT
14 SHE TALKS A LOT ABOUT IS TAX FRAUD AND THE NEED TO HAVE
15 THE TAX RETURN. BUT THE PEOPLE WILL SUBMIT TO YOU OR
16 SHOW TO YOU THAT THIS SO-CALLED BUSINESS RELATIONSHIP,
17 OR NOT HONORING THEIR BUSINESS RELATIONSHIP, INDEED THE
18 MOST IMPORTANT THING THAT SHE MENTIONS EVERY SO OFTEN
19 THE TAX STATEMENT IS MERELY A RUSE. FOR EXAMPLE, THE
20 EVIDENCE WILL SHOW, THAT IN A THREE-DAY PERIOD FROM
21 JANUARY 19 TO JANUARY 21 WHERE AGAIN, LIKE, THE EVIDENCE
22 YOU WILL SEE FROM DECEMBER 18, WHERE THERE WERE NUMEROUS
23 E-MAILS BY MS. LYNCH TO MR. COHEN, EXACTLY ONE OF ALL
24 THOSE E-MAILS THAT MS. LYNCH SPECIFICALLY ASKED FOR HER
25 K-1 FORM IT IS.

26 LET'S TALK A LITTLE BIT ABOUT MS. LYNCH'S
27 NEED FOR THE TAX FORM OR TAX RETURN --

28 MR. KELLY: OBJECTION; ARGUMENTATIVE.

1 THE COURT: SUSTAINED.

2 MS. STREETER: THE EVIDENCE WILL SHOW THAT
3 MS. LYNCH WAS MR. COHEN'S BUSINESS MANAGER. THE
4 EVIDENCE WILL SHOW THAT MR. LYNCH -- MR. COHEN HAS NO
5 CLUE AS TO WHAT A W-2 FORM IS, A 1099 IS, A K-1 FORM.
6 THE EVIDENCE WILL SHOW THAT MS. LYNCH IS THE ONE THAT
7 HAD ALL OF THAT INFORMATION, KNEW ALL THAT INFORMATION.
8 MR. COHEN DID NOT HAVE IT, DOES NOT HAVE IT AND DOES NOT
9 UNDERSTAND WHAT IT MEANS. OKAY.

10 NOW, IN ADDITION TO JUST THE E-MAILS, THE
11 EVIDENCE WILL ALSO SHOW THAT MS. LYNCH ALSO SENT SEVERAL
12 E-MAIL MESSAGES TO MR. COHEN, WHERE SHE REFERS TO HIM AS
13 AN ASS, AND THAT SHE'S GOING TO TAKE HIM DOWN.

14 NOW, THIS IS NOT THE FIRST TIME THAT
15 MR. COHEN HAS GOT A RESTRAINING ORDER AGAINST MS. LYNCH.
16 THIS IS WHAT THE EVIDENCE IS GOING TO SHOW. YOU'LL
17 RECALL THE PEOPLE MENTIONED THAT ONCE THEIR RELATIONSHIP
18 ENDED MR. COHEN WAS RECEIVED ALL THESE E-MAIL MESSAGES,
19 VOICEMAIL MESSAGES FROM MS. LYNCH. SO 2006,
20 THEREABOUTS, MR. COHEN ALSO GOT A RESTRAINING ORDER IN
21 CALIFORNIA AGAINST MS. LYNCH. AND YOU WILL SEE FROM THE
22 E-MAIL SHE ACKNOWLEDGES THE CALIFORNIA RESTRAINING
23 ORDER, AS WELL AS THE COLORADO RESTRAINING ORDER. THE
24 PEOPLE AREN'T GOING TO GO INTO GREATER DETAIL AS TO WHAT
25 EXACTLY IS IN ALL THE E-MAILS OR HOW THIS IMPACTED
26 MR. COHEN'S LIFE. REMEMBER WHAT THE PEOPLE SAID THE
27 PURPOSE OF THE OPENING STATEMENT IS TO GIVE YOU AN
28 OUTLINE, OVERVIEW OF WHAT THE PEOPLE BELIEVE THE

1 EVIDENCE WILL SHOW.

2 THANK YOU VERY MUCH.

3 THE COURT: THANK YOU, MS. STREETER.

4 MR. KELLY.

5 MR. KELLY: YES, YOUR HONOR.

6 GOOD AFTERNOON, MEMBERS OF THE JURY. LIKE
7 WE TALKED ABOUT DURING THAT JURY SELECTION PROCESS, THIS
8 CASE IS VERY MUCH ABOUT RELATIONSHIPS AND HOW
9 RELATIONSHIPS CAN OFTEN TIMES GET MESSY. YOU'RE GOING
10 TO HEAR ABOUT A MESSY PERSONAL RELATIONSHIP. KIND OF
11 INTERWEAVED WITH A MESSY PROFESSIONAL RELATIONSHIP. AND
12 THAT LED TO A MESSY BUSINESS RELATIONSHIP. THAT'S WHEN
13 YOU'RE GOING TO HEAR THAT ONCE MONEY BECAME INVOLVED,
14 WELL THEN ATTORNEYS BECAME INVOLVED. AND ONCE ATTORNEYS
15 BECAME INVOLVED, THERE IS A LOT OF FINGER POINTING. AND
16 THAT'S WHAT THIS CASE IS TRULY ABOUT.

17 NOW, THERE IS, AS MS. STREETER MENTIONED,
18 THE RELATIONSHIP BETWEEN MR. LEONARD COHEN AND
19 MS. KELLEY LYNCH. IT'S A LONG HISTORY. THEY STARTED
20 WORKING TOGETHER IN 1988. AND YOU'RE GOING TO HEAR THAT
21 THEY HAD A VERY SUCCESSFUL WORKING RELATIONSHIP FOR
22 MANY -- MOST OF THOSE YEARS. IN 1998 HE GAVE HER A
23 RAISE AND GAVE HER MORE RESPONSIBILITIES. DURING THAT
24 TIME THAT'S WHEN IT BECAME MORE THAN JUST A BUSINESS
25 RELATIONSHIP. IT ALSO BECAME A SEXUAL RELATIONSHIP.

26 YOU'RE GOING TO HEAR, EVEN THOUGH
27 MS. STREETER SAID IT WAS A BRIEF ENCOUNTER, THAT THIS
28 WAS A LONGSTANDING INTIMATE RELATIONSHIP. AND THEN

1 AROUND 2005, THAT'S WHEN THINGS BEGAN TO CHANGE.
2 MR. COHEN FOUND HIMSELF IN A BIT OF A FINANCIAL CRISIS.
3 LIKE MS. STREETER MENTIONED, THERE WERE QUESTIONS ABOUT
4 THE IRS AND TAXES. AND SO HE PANICKED. HE GOT HIS
5 ATTORNEYS INVOLVED AND THE FINGER POINTING STARTED.

6 AND HIS ATTORNEYS HAD A PLAN. THE PLAN WAS
7 TO GET MS. LUNCH TO WORK WITH MR. COHEN AND TO PIN THE
8 BLAME ON HIS FINANCIAL CONSULTANT. BUT MS. LYNCH
9 REFUSED TO GO ALONG WITH THAT PLAN. SHE SAID NO, I'M
10 NOT GOING TO FALSIFY ANYTHING. I'M NOT GOING TO GO OUT
11 AND DO WHAT YOU TELL ME TO DO, AND SHE REFUSED.

12 AND SO WHAT HIS ATTORNEYS DID AT THAT
13 POINT, WELL, THEY SAID, WELL SHE'S NOT GOING TO HELP US.
14 THAT MEANS SHE'S GOING TO HURT US. SO THEY WENT AFTER
15 MS. LYNCH THE BEST WAY THEY KNEW HOW. USING THE LEGAL
16 PROCESS. AS MS. STREETER MENTIONED, THESE ARE HIS
17 ATTORNEYS. THEY HAVE ONE JOB AND ONE JOB ONLY. TO
18 PROTECT THEIR CLIENT AT ALL COSTS. THAT'S WHAT THE
19 EVIDENCE IS GOING TO SHOW HAPPENED HERE.

20 SINCE THAT DAY, YOU'RE GOING TO FIND OUT
21 THAT THE ATTORNEYS HAVE DONE EVERYTHING IN THEIR POWER
22 TO HARM MS. LYNCH. THAT SHE'S LOST EVERYTHING. HER
23 JOB, HER MONEY, HER CHILD, ALL ORCHESTRATED AND INVOLVED
24 WITH THE ATTORNEYS IN THIS CASE. THEY ARE INVOLVED IN
25 THAT ENTIRE PROCESS. BECAUSE IF THEY RUIN HER
26 CREDIBILITY, WELL, THAT HELPS MR. COHEN.

27 AND THEY HAVE DONE EVERYTHING IN THEIR
28 POWER TO HURT MS. LYNCH'S CREDIBILITY. YOU'RE GOING TO

1 HEAR THAT THERE IS SOMETHING THAT MS. LYNCH JUST CANNOT
2 OVERCOME. HER NAME IS NOT LEONARD COHEN. SHE'S NOT A
3 CELEBRITY. SHE'S NOT IN THE ROCK AND ROLL HALL OF FAME
4 SHE DOESN'T COME WITH THAT PACKAGE, THAT CREDIBILITY,
5 THAT MR. COHEN IMMEDIATELY COMES WITH. SHE'S AT A
6 DISADVANTAGE HERE. YOU'RE GOING TO LEARN SHE DIDN'T
7 HAVE THE ATTORNEYS THAT MR. COHEN HAD. IN FACT, YOU'RE
8 GOING TO HEAR THAT THROUGHOUT MUCH OF THIS PROCESS SHE
9 HAD NOT A SINGLE ATTORNEY. ZERO. AND YET THEY WANTED
10 TO GO AND THEY WENT AND TRIED TO HURT HER ECONOMICALLY
11 AND TO PUT A RESTRAINING ORDER SO THEY COULDN'T HAVE ANY
12 CONTACT DURING THE LITIGATION. THAT WAS THEIR INTENT.
13 THAT WAS THEIR PURPOSE.

14 NOW, MEMBERS OF THE JURY, YOU --
15 MS. STREETER MENTIONED THERE WAS GOING TO BE E-MAILS IN
16 THIS CASE. AS YOU CAN SEE THERE IS GOING TO BE A LOT OF
17 DOCUMENTS PERHAPS IN THIS CASE. YOU'RE GOING TO SEE
18 THAT A LOT OF THIS IS ASKING FOR LEGITIMATE PURPOSES TO
19 GET INFORMATION THAT SHE NEEDED FOR HER TAXES.
20 INFORMATION THAT HE DID NOT WANT HER TO HAVE.
21 INFORMATION THAT HIS ATTORNEYS DID NOT WANT TO GIVE TO
22 HER.

23 NOW, AS THE JUDGE MENTIONED THROUGHOUT IN
24 THE BEGINNING, THROUGHOUT THIS ENTIRE PROCESS, THIS
25 ENTIRE PROCEEDINGS, MS. LYNCH IS PRESUMED INNOCENT.
26 THAT MEANS EVERY SINGLE TIME SHE TAKES THAT CHAIR SHE IS
27 PRESUMED INNOCENT. AND IT'S THE BURDEN OF THE
28 PROSECUTION --

1 MS. STREETER: OBJECTION; ARGUMENTATIVE.

2 THE COURT: OVERRULED.

3 MR. KELLY: YOU FIND OUT IT'S THEIR BURDEN TO
4 PROVE HER GUILT BEYOND A REASONABLE DOUBT. THAT'S WHAT
5 THEIR JOB IS. AND UNLESS THEY CAN MEET THAT JOB, YOU
6 MUST GO WITH THAT PRESUMPTION.

7 MS. STREETER: OBJECTION; ARGUMENTATIVE.

8 THE COURT: THIS IS ARGUMENT, THANK YOU.

9 MR. KELLY: THAT'S WHAT YOU'RE GOING TO HAVE TO
10 DEAL WITH IS THAT PRESUMPTION THROUGHOUT THIS PROCESS.

11 WHAT WE'RE GOING TO ASK IS THAT YOU KEEP AN
12 OPEN MIND. THAT YOU DON'T JUST TAKE MR. COHEN'S WORD
13 FOR IT. HE'S A CELEBRITY. HE'S A PERFORMER. HE'S AN
14 ENTERTAINER. THAT MEANS -- THAT MEANS HE'S CHARISMATIC.
15 HE KNOWS HOW TO GET PEOPLE ON HIS SIDE. WE WANT YOU TO
16 AVOID THAT IMMEDIATE RUSH AND JUST FOCUS ON THE EVIDENCE
17 AND FOCUS ON THE ELEMENTS OF THE CHARGE, BECAUSE IT'S
18 THEIR BURDEN TO PROVE EVERY SINGLE ELEMENT BEYOND A
19 REASONABLE DOUBT.

20 NOW WE'RE CONFIDENT AFTER YOU LISTEN TO ALL
21 THE TESTIMONY AND REVIEWED ALL THE EVIDENCE THAT YOU
22 WILL COME BACK WITH THE ONLY VERDICT SUPPORTED BY THE
23 FACTS AND THE LAW: A VERDICT OF NOT GUILTY.

24 THANK YOU FOR YOUR TIME.

25 THE COURT: THANK YOU, MR. KELLY.

26 MS. STREETER, ARE THE PEOPLE READY TO
27 PROCEED?

28 MS. STREETER: YES.

1 THE COURT: WILL YOU CALL YOUR FIRST WITNESS,
2 PLEASE.

3 MS. STREETER: PEOPLE CALL LEONARD COHEN TO THE
4 WITNESS STAND.

5
6 LEONARD COHEN,
7 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN
8 AND TESTIFIED AS FOLLOWS:

9
10 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

11 YOU DO SOLEMNLY STATE THE TESTIMONY YOU MAY
12 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE
13 THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
14 SO HELP YOU GOD?

15 THE WITNESS: YES, SIR, I DO.

16 THE CLERK: YOU MAY BE SEATED ON THE WITNESS
17 STAND.

18 THE COURT: HAVE A SEAT RIGHT UP HERE. GOOD
19 AFTERNOON, SIR.

20 THE WITNESS: GOOD AFTERNOON, SIR.

21 THE CLERK: PLEASE STATE AND SPELL YOUR FIRST AND
22 LAST NAME FOR THE RECORD.

23 THE WITNESS: STATE AND SPELL?

24 THE COURT: YES.

25 THE WITNESS: LEONARD COHEN; L-E-O-N-A-R-D,
26 C-O-H-E-N.

27 THE CLERK: THANK YOU.

28 THE COURT: WHENEVER YOU'RE READY, MS. STREETER.

1 DIRECT EXAMINATION

2 BY MS. STREETER:

3 Q. GOOD AFTERNOON, MR. COHEN.

4 A. GOOD AFTERNOON.

5 Q. NOW, IF YOU LIKE YOU CAN ADJUST THE
6 MICROPHONE. YOU CAN PULL IT FORWARD SO YOU DON'T HAVE
7 TO LEAN UP.

8 A. THANK YOU.

9 Q. OKAY. ALL RIGHT. MR. COHEN, WHAT DO YOU
10 DO FOR A LIVING?

11 A. I'M SORRY?

12 Q. WHAT DO YOU DO FOR A LIVING?

13 A. I'M A SONGWRITER AND SINGER.

14 Q. OKAY. AND DO YOU KNOW A WOMAN BY THE NAME
15 OF KELLEY LYNCH?

16 A. YES, MA'AM, I DO.

17 Q. IS SHE HERE IN COURT TODAY?

18 A. YES, MA'AM, SHE'S AT THE FAR END OF THE
19 TABLE.20 THE COURT: THE RECORD WILL REFLECT THAT THE
21 WITNESS HAS IDENTIFIED THE DEFENDANT.22 Q. BY MS. STREETER: ALL RIGHT. NOW, HOW DO
23 YOU KNOW MS. LYNCH?24 A. MS. LYNCH WORKED FOR ME AS A BUSINESS AND
25 PERSONAL MANAGER FOR ABOUT 17 YEARS.26 Q. OKAY. AND DID YOU EVER HAVE AN INTIMATE
27 RELATIONSHIP WITH HER?

28 A. YES, I HAD A BRIEF INTIMATE RELATIONSHIP

1 WITH HER.

2 Q. AND DO YOU STILL HAVE A BUSINESS
3 RELATIONSHIP WITH MS. LYNCH?

4 A. NO, MA'AM, SHE WAS DISMISSED IN 2004.

5 Q. OKAY. ALL RIGHT. NOW WHAT HAPPENED AFTER
6 YOU ENDED YOUR BUSINESS RELATIONSHIP WITH MS. LYNCH?

7 A. AS SOON AS THE RELATIONSHIP ENDED IN 2004,
8 MS. LYNCH BEGAN TO E-MAIL ME MANY E-MAILS A DAY.

9 Q. HOW MANY E-MAILS A DAY WOULD YOU GET FROM
10 HER?

11 A. WELL, IT STARTED WITH JUST A FEW NOW AND
12 THEN, BUT EVENTUALLY ACCELERATED TO 20 OR 30 A DAY.

13 Q. SO LET'S TALK A LITTLE BIT ABOUT THAT. AT
14 WHAT POINT DID IT PROGRESS TO JUST A FEW A DAY TO 20 TO
15 30 A DAY?

16 A. WELL, IT WAS -- I BELIEVE IT WAS AFTER WE
17 FILED A SUIT AGAINST MS. LYNCH AND WE RECEIVED DEFAULT
18 JUDGMENT IN OUR FAVOR.

19 MR. KELLY: OBJECTION; FOUNDATION.

20 THE COURT: OVERRULED.

21 Q. BY MS. STREETER: OKAY. AND WHAT TIME
22 PERIOD WAS THAT? WAS THAT 2004 OR LATER?

23 A. THAT WAS LATER. THAT WAS I BELIEVE 2005.

24 Q. OKAY. ALL RIGHT. AND WHAT'S THE -- WHAT'S
25 THE NAME ON YOUR E-MAIL, OR WAS THE NAME ON YOUR E-MAIL
26 ACCOUNT AT THAT TIME?

27 A. BALDYMONK-AT-AOL-DOT-COM.

28 Q. IS THAT STILL YOUR E-MAIL ACCOUNT?

1 A. YES, MA'AM, IT IS.

2 Q. LET ME ASK YOU THIS: YOU MENTIONED THAT
3 YOU HAD A LONGSTANDING RELATIONSHIP WITH MS. LYNCH PRIOR
4 TO 2004. DID SHE HAVE YOUR HOME NUMBER?

5 A. YES, SHE HAD MY HOME NUMBER. SHE HAD A KEY
6 TO MY HOUSE.

7 Q. OKAY. DID -- AFTER YOU ENDED THE
8 RELATIONSHIP WITH HER, DID YOU CHANGE YOUR HOME NUMBER?

9 A. NO, I DIDN'T CHANGE MY HOME NUMBER.

10 Q. DID YOU -- HAVE YOU EVER CHANGED YOUR HOME
11 NUMBER?

12 A. NO, I HAVEN'T. PERHAPS, BUT IT WAS BEEN
13 THE SAME NUMBER I BELIEVE SINCE THE MID 80S.

14 Q. SINCE YOUR RELATIONSHIP ENDED WITH
15 MS. LYNCH YOU HAVE NOT CHANGED IT?

16 A. NO, MA'AM, I DIDN'T.

17 Q. AND MS. LYNCH HAD THAT PARTICULAR NUMBER?

18 A. THAT'S CORRECT.

19 MR. KELLY: OBJECTION; SPECULATION.

20 THE COURT: OVERRULED.

21 Q. BY MS. STREETER: ALL RIGHT. DID YOU --
22 WHEN YOU ENDED YOUR RELATIONSHIP DID SHE EVER CALL YOU?

23 A. YES, SHE CALLED ME MANY, MANY TIMES.

24 Q. HOW LONG AFTER YOU ENDED YOUR RELATIONSHIP
25 DID SHE START CALLING YOU?

26 A. ALMOST IMMEDIATELY.

27 Q. OKAY. AND WAS THE NUMBER OF PHONE CALLS
28 YOU GOT AT THE END OF THE RELATIONSHIP THE SAME AS THE

1 NUMBER OF E-MAILS, OR WAS IT MORE?

2 A. I CAN'T PARSE IT EXACTLY, BUT CERTAINLY
3 TOWARDS THE END THEY WERE NUMEROUS.

4 Q. OKAY. TOWARD THE END OF WHAT? 2004?

5 A. TOWARDS THE END OF LAST -- OF MARCH.

6 Q. OF LAST YEAR?

7 A. OF THIS YEAR.

8 Q. THIS YEAR. OKAY. LET'S STICK WITH WHEN
9 YOU FIRST ENDED THE RELATIONSHIP. THAT ONE-YEAR PERIOD
10 ABOUT WHEN YOU ENDED THE RELATIONSHIP, ON AVERAGE HOW
11 OFTEN WOULD MS. LYNCH CALL YOU AT HOME?

12 MR. KELLY: OBJECTION; RELEVANCE.

13 THE COURT: OVERRULED.

14 THE WITNESS: I'M NOT SURE. THERE HAVE BEEN SO
15 MANY PHONE CALLS OVER THE LAST SIX YEARS THAT IT'S HARD
16 TO DETERMINE EXACTLY WHEN THE LONGER -- WHEN THE MORE
17 ABUNDANT PERIODS WERE.

18 Q. BY MS. STREETER: OKAY, WHEN YOU FIRST
19 STARTED GETTING THE PHONE CALLS FROM MS. LYNCH DID YOU
20 TALK TO HER?

21 A. NO.

22 Q. IT WENT STRAIGHT TO VOICEMAIL?

23 A. YES, MA'AM.

24 Q. AT ANY POINT BETWEEN 2000 AND WHEN YOUR
25 RELATIONSHIP ENDED IN 2004 TO NOW, DID YOU EVER TALK TO
26 HER ON THE TELEPHONE?

27 A. I DID ONCE INADVERTENTLY. A COUPLE OF
28 MONTHS AGO I WAS TALKING ON THE PHONE AND CALL WAITING

1 SIGNALLED AND I SWITCHED AND IT WAS MS. LYNCH AND I TOLD
2 HER SHE'S NOT SUPPOSED TO BE CALLING AND HUNG UP.

3 Q. HOW COME YOU STOPPED TALKING TO HER ON THE
4 TELEPHONE?

5 A. WELL, THEY WEREN'T REALLY INVITATIONS OF
6 CONVERSATION. THEY WERE ACCUSATIONS AND THREATS.

7 MR. KELLY: OBJECTION; FOUNDATION.

8 THE COURT: OVERRULED.

9 Q. BY MS. STREETER: WHAT DO YOU MEAN THE
10 PHONE CALLS WERE ACCUSATIONS?

11 A. WELL -- WELL, SHE BEGAN TO INDICATE THAT I
12 WAS THE AUTHOR OF HER MISFORTUNES AND EVERYTHING
13 HAPPENING TO HER WAS MY FAULT AND THAT SHE WOULD SHE
14 WOULD REPAY ME WITH THE SAME KIND OF KINDNESS AS I HAD
15 SHOWN HER. THAT WAS SAID IN A VERY MENACING TONE.

16 MR. KELLY: OBJECTION; NONRESPONSIVE.

17 THE COURT: OVERRULED.

18 Q. BY MS. STREETER: OKAY WHEN YOU SAY "AUTHOR
19 OF HER MISFORTUNE," DID SHE ELABORATE WHAT HER
20 MISFORTUNE WAS?

21 A. WELL, SHE -- THESE WEREN'T THE VERY
22 EARLIEST, BUT AT A CERTAIN POINT, ESPECIALLY AFTER THE
23 DEFAULT JUDGMENT, SHE BEGAN TO BE VERY CLEAR THAT I HAD
24 FINGER COUNTED SOME KIND OF FRAUDULENT ACTION AGAINST
25 HER AND I DESERVED TO BE TAKEN DOWN AND SHOT.

26 Q. DID SHE TELL YOU THAT MORE THAN ONCE?

27 A. MANY TIMES.

28 Q. HOW DID THAT MAKE YOU -- LET'S TALK ABOUT

1 THE FIRST TIME SHE EVER TOLD YOU -- LET ME BACK UP.

2 YOU MENTIONED YOU DIDN'T TALK TO HER, SO
3 ARE THE PEOPLE CORRECT IN UNDERSTANDING THAT THESE
4 STATEMENTS YOU'RE TELLING THE JURY WERE VOICEMAIL
5 MESSAGES?

6 A. THERE ARE SOME VOICEMAIL MESSAGES THAT
7 SAID, "YOU'RE GOING TO BE SORRY YOU EVER MET ME."

8 MR. KELLY: OBJECTION; NONRESPONSIVE.

9 THE COURT: OVERRULED.

10 THE WITNESS: THERE WAS A -- THE VOICE MESSAGES
11 WERE MEANT WERE MEANT TO PRODUCE A FEELING OF MENACE.

12 MR. KELLY: OBJECTION; SPECULATION.

13 THE COURT: SUSTAINED.

14 MR. KELLY: MOTION TO STRIKE.

15 THE COURT: YES, THAT ANSWER IS STRICKEN.

16 MS. STREETER: I CAN REPHRASE.

17 Q. BY MS. STREETER: WHEN YOU HEARD THOSE
18 VOICEMAIL MESSAGES, HOW DID IT MAKE YOU FEEL?

19 A. IT ALARMED ME AND FRIGHTENED ME.

20 Q. WERE YOU CONCERNED ABOUT YOUR SAFETY?

21 A. I WAS CONCERNED ABOUT MY SAFETY, AND MORE
22 THE SAFETY OF MY CHILDREN AND MY GRANDCHILDREN.

23 MR. KELLY: OBJECTION; NONRESPONSIVE.

24 THE COURT: OVERRULED.

25 Q. BY MS. STREETER: DID YOU EVER START TO
26 SAVE ANY OF THESE VOICEMAIL MESSAGES?

27 A. I SAVED -- TO MY KNOWLEDGE I SAVED THEM
28 ALL.

1 Q. CAN YOU TELL US A LITTLE BIT ABOUT HOW YOU
2 SAVED THE VOICEMAIL MESSAGES? DID YOU --

3 A. WELL --

4 Q. KEEP ON.

5 A. THE FIRST GROUP I TRANSCRIBED MYSELF AND
6 TYPED INTO MY COMPUTER AND E-MAILED THEM TO MY ATTORNEY.

7 Q. WHO ARE YOUR ATTORNEY OR ATTORNEYS?

8 A. MY ATTORNEYS ARE ROBERT KORY AND MICHELLE
9 RICE.

10 Q. DO YOU HAVE A BUSINESS OFFICE IN OR NEAR
11 THEIR LAW OFFICE?

12 A. YES, I HAVE AN OFFICE IN THEIR OFFICE AT
13 9300 WILSHIRE.

14 Q. ALL RIGHT. SO THE FIRST ONES YOU'RE SAYING
15 YOU WOULD TRANSCRIBE AND SEND --

16 A. THE FIRST FEW I TRANSCRIBED BY HAND. THE
17 NEXT BATCH I RECORDED. I RECORDED THEM FROM MY HOME
18 ANSWERING MACHINE INTO A SONY CASSETTE PLAYER AND I GAVE
19 THE CASSETTES TO MY LAWYERS.

20 Q. DO YOU CONTINUE TO DO THAT NOW?

21 A. YES. WELL, NOW. THEN THE THIRD BATCH I
22 RECORDED WITH MY SOUND ENGINEER; THEY WORK WITH MY OWN
23 RECORDINGS. WE PUT THEM ON CD'S AND THOSE I HANDED TO
24 THE LAWYER. AND THEN RECENTLY I HAVE A LITTLE
25 SOPHISTICATED RECORDER THAT ALLOWS ME TO TURN IT INTO
26 MP3 THAT I CAN MAIL TO MY LAWYERS.

27 Q. NOW, HOW DO YOU GO ABOUT DATING YOUR -- THE
28 VOICEMAIL MESSAGES THAT YOU GET FROM MS. LYNCH?

1 A. USUALLY I WOULD SEND THEM UNDER A LETTER
2 COVER, AN E-MAIL LETTER COVER, WITH THE DATE AND THE
3 TIME AND THE TELEPHONE NUMBER THAT THE CALL ORIGINATED
4 FROM.

5 Q. AS FAR AS YOU KNOW YOUR ATTORNEYS HAVE KEPT
6 ALL THOSE VOICEMAIL MESSAGES THAT YOU FORWARDED TO THEM?

7 A. YES, MA'AM.

8 MR. KELLY: OBJECTION; LEADING.

9 THE COURT: OVERRULED.

10 Q. BY MS. STREETER: HAVE YOU HEARD RECENTLY
11 ANY OF THOSE VOICEMAIL MESSAGES THAT YOU FORWARDED TO
12 YOUR ATTORNEYS?

13 A. LAST NIGHT I LISTENED TO MOST OF THE
14 MESSAGES FROM THE PAST MONTH. OR I SHOULD SAY MARCH.

15 Q. OKAY, ALL RIGHT. NOW, LET'S TALK ABOUT THE
16 VOICEMAIL MESSAGES. IN ANY OF THOSE VOICEMAIL MESSAGES,
17 DID MS. LYNCH EVER MENTION PEOPLE THAT BOTH YOU AND SHE
18 KNEW?

19 A. I'M NOT SURE. IN ONE PARTICULARLY DRUNKEN
20 VOICE MESSAGE --

21 MR. KELLY: OBJECTION; FOUNDATION.

22 THE COURT: OVERRULED.

23 THE WITNESS: IN ONE PARTICULAR DRUNKEN VOICE
24 MESSAGE SHE TALKS ABOUT SOME WELL-KNOWN SINGERS THAT
25 BOTH OF US KNOW.

26 Q. BY MS. STREETER: I'M SORRY. WELL-KNOWN --

27 A. SHE TALKED ABOUT SOME WELL-KNOWN SINGERS
28 THAT BOTH OF US KNEW.

1 Q. SUCH AS WHO, MR. COHEN?

2 A. SUCH AS BOB DYLAN.

3 Q. WHAT ABOUT -- DID SHE EVER MENTION PHIL
4 SPECTOR OR PHILIP IN ANY OF THOSE?

5 A. YES, SHE ACCUSED ME OF --

6 MR. KELLY: OBJECTION; NONRESPONSIVE.

7 THE COURT: OVERRULED.

8 THE WITNESS: SHE ACCUSED ME OF TESTIFYING BEFORE
9 A SECRET GRAND JURY WHICH RESULTED IN THE CONVICTION OF
10 PHIL SPECTOR.

11 Q. BY MS. STREETER: DO YOU KNOW MR. SPECTOR?

12 A. I KNEW HIM. HE PRODUCED A RECORD OF SONGS
13 THAT WE WROTE TOGETHER. IT WAS IN 1977.

14 Q. BUT YOU HAD NO DEALINGS WITH HIM SINCE
15 THEN; IS THAT RIGHT?

16 A. NO, I DON'T BELIEVE -- I HAVEN'T SEEN HIM.
17 I DON'T REMEMBER IF IT WAS '77 OR '78 THAT THE RECORD
18 CAME OUT. BUT SINCE THEN, NO, I HAVE HAD NO CONTACT
19 WITH HIM.

20 Q. ALL RIGHT. DID DOES MS. COHEN HAVE ANY
21 CHILDREN?

22 THE COURT: MS. KELLEY -- MS. LYNCH?

23 Q. BY MS. STREETER: I'M SORRY. DOES
24 MS. LYNCH HAVE ANY CHILDREN?

25 A. YES, MA'AM. SHE HAS TWO SONS.

26 Q. DID SHE EVER MENTION ANY OF HER CHILDREN IN
27 ANY OF THE VOICEMAIL MESSAGES?

28 A. YES, MANY TIMES. SHE -- SHE ACCUSED ME OF

1 BEING INDIRECTLY RESPONSIBLE FOR HER LOSING CUSTODY OF
2 ONE CHILD.

3 Q. WHAT WAS THAT CHILD'S NAME?

4 A. THAT CHILD'S NAME WAS RAY LINDSEY AND --

5 Q. DOES SHE HAVE ANOTHER CHILD?

6 A. YES, SHE HAS ANOTHER CHILD.

7 Q. WHAT'S THAT CHILD'S NAME?

8 A. HIS NAME IS RUTGER BENNETT.

9 Q. DOES SHE EVER MENTION RUTGER --

10 A. YES, MANY TIMES SHE SUGGESTED I WAS
11 RESPONSIBLE FOR AN ACCIDENT THAT BEFELL HIM.

12 Q. OKAY. ANY OF THE VOICEMAIL MESSAGES, WOULD
13 YOU SAY THE VOICEMAIL MESSAGES WERE BRIEF, OR WERE THEY
14 LONG?

15 A. SOME SEEMED --

16 MR. KELLY: OBJECTION; VAGUE.

17 THE COURT: OVERRULED.

18 THE WITNESS: SOME SEEMED CALCULATED TO FILL UP
19 MY --

20 MR. KELLY: OBJECTION; SPECULATION.

21 THE COURT: SUSTAINED.

22 MR. KELLY: MOTION TO STRIKE.

23 THE COURT: THE LAST ANSWER IS STRICKEN.

24 THE WITNESS: SOME WERE AS LONG AS 10 MINUTES.

25 Q. BY MS. STREETER: OKAY. NOW, YOU MENTIONED
26 THAT MS. LYNCH SENT YOU E-MAILS. WOULD YOU SAY HER
27 E-MAILS WERE SHORT OR LONG?

28 A. HER E-MAILS WERE --

1 MR. KELLY: OBJECTION; LEADING.

2 THE COURT: OVERRULED.

3 THE WITNESS: HER E-MAILS WERE ROUTINELY VERY
4 LONG. SOMETIMES AS LONG AS 50 PAGES.

5 Q. BY MS. STREETER: OKAY, DID -- WAS THERE
6 EVER ANY DISCUSSION ABOUT ALCOHOL OR DRUGS IN ANY OF THE
7 VOICEMAIL MESSAGES?

8 A. IN --

9 MR. KELLY: OBJECTION; 352.

10 THE COURT: OVERRULED.

11 THE WITNESS: THERE WERE ACCUSATIONS THAT I WAS ON
12 DRUGS OR CRACK OR --

13 MR. KELLY: OBJECTION; BEST EVIDENCE.

14 THE COURT: OVERRULED.

15 THE WITNESS: YEAH, SHE OFTEN ACCUSED ME OF BEING
16 ON DRUGS, PARTICULARLY WHEN HER OWN VOICE WAS SLURRED
17 AND INTOXICATED.

18 Q. BY MS. STREETER: OKAY. DID SHE EVER TALK
19 ABOUT YOUR PRIOR BUSINESS RELATIONSHIP ON ANY OF THE
20 VOICEMAIL MESSAGES?

21 A. YES, OFTEN. ESPECIALLY TOWARD THE END IT
22 WAS OFTEN PART OF THE CONTENT.

23 Q. DID MS. LYNCH EVER CURSE ON THE VOICEMAIL
24 MESSAGES?

25 A. YES, ROUTINELY SHE WOULD CURSE ON HER
26 MESSAGES.

27 Q. OKAY. DID SHE EVER MAKE THREATS ON ANY OF
28 THE VOICEMAILS?

1 MR. KELLY: YOUR HONOR, BEST EVIDENCE. IF WE MAY
2 BE HEARD.

3 THE COURT: NO. OVERRULED.

4 THE WITNESS: THE VERY TONE AND VOLUME OF THE
5 E-MAILS SUGGESTED A THREAT --

6 MR. KELLY: OBJECTION; SPECULATION.

7 THE COURT: OVERRULED.

8 THE WITNESS: BUT VOICEMAIL, BUT SHE OFTEN SAID
9 SHE WAS GOING TO TAKE ME DOWN.

10 Q. BY MS. STREETER: DID SHE ALSO MENTION
11 TAKING YOU DOWN IN ANY OF HER E-MAIL MESSAGES?

12 A. YES, HER E-MAIL MESSAGES OFTEN THREATENED
13 TO TAKE ME DOWN AND WORSE.

14 Q. DO YOU KNOW WHAT MS. LYNCH'S E-MAIL ADDRESS
15 IS?

16 A. I -- SHE'S CHANGED HER E-MAIL ADDRESS
17 SEVERAL TIMES.

18 MR. KELLY: OBJECTION; SPECULATION.

19 THE COURT: OVERRULED.

20 MR. KELLY: LACK OF FOUNDATION.

21 THE COURT: OVERRULED.

22 Q. BY MS. STREETER: DO YOU RECALL WHAT HER
23 LAST E-MAIL ADDRESS IS?

24 A. I THINK IT'S "KELLEY LYNCH HOTMAIL."

25 MR. KELLY: OBJECTION; SPECULATION.

26 THE COURT: OVERRULED.

27 Q. BY MS. STREETER: OKAY, IN ANY OF HER
28 E-MAILS, DID SHE EVER MENTION PHIL SPECTOR?

1 A. SHE OFTEN MENTIONED PHIL SPECTOR, REPEATING
2 OVER AND OVER THAT I HAD TESTIFIED BEFORE A GRAND JURY
3 AND I WAS INVOLVED IN THE IN THE CONVICTION OF PHIL
4 SPECTOR.

5 Q. IN ANY OF MS. LYNCH'S E-MAILS, DID SHE EVER
6 TALK ABOUT YOUR PRIOR BUSINESS RELATIONSHIP?

7 A. YES, SHE TALKED ABOUT THAT OFTEN,
8 ESPECIALLY TOWARDS THE END OF THOSE E-MAILS, WHICH WAS
9 LAST MONTH.

10 Q. OKAY. IN ANY OF THE E-MAILS DO YOU RECALL
11 IF SHE EVER ACCUSED YOU OF ALCOHOL OR DRUG USAGE?

12 A. YES, SHE ROUTINELY --

13 MR. KELLY: OBJECTION; BEST EVIDENCE.

14 THE COURT: OVERRULED.

15 THE WITNESS: SHE ROUTINELY ACCUSED ME OF DRUG
16 ABUSE. NOT ALCOHOLISM, BUT DRUG ABUSE.

17 Q. BY MS. STREETER: DO YOU RECALL IF
18 MS. LYNCH EVER CURSED IN ANY OF HER E-MAILS?

19 A. OFTEN.

20 Q. DID MS. LYNCH EVER MAKE THREATS AGAINST YOU
21 IN THE E-MAILS?

22 A. YES, MA'AM, MANY TIMES.

23 MR. KELLY: OBJECTION; BEST EVIDENCE AS TO THIS.

24 THE COURT: OVERRULED.

25 Q. BY MS. STREETER: OKAY, AND ANY OF THE
26 E-MAILS DID SHE EVER MENTION HER SON RAY LINDSEY?

27 A. YES SHE DID.

28 Q. DID SHE MENTION HER SON RUTGER IN THE

1 E-MAILS?

2 A. YES, MA'AM.

3 Q. ALL RIGHT NOW YOU MENTIONED THAT YOU SAVED
4 SOME OF THE E-MAILS. DO YOU RECALL IF YOU RECEIVED
5 VOICEMAIL MESSAGES FROM MS. LYNCH IN 2008?

6 A. I THINK I WAS ON TOUR IN 2008.

7 Q. WHAT ABOUT THE END OF 2008?

8 A. YES, I THINK THERE ARE SOME FROM THAT
9 PERIOD, BUT I -- I'M NOT UNCERTAIN.

10 Q. IF I SHOW YOU A TRANSCRIPT, WOULD THAT HELP
11 REFRESH YOUR RECOLLECTION?

12 A. YES, MA'AM.

13 MS. STREETER: IF I COULD HAVE THIS -- IT'S A
14 21-PAGE DOCUMENT -- MARKED AS PEOPLE'S 1.

15 THE COURT: THAT DOCUMENT WILL BE MARKED AS
16 PEOPLE'S 1 FOR IDENTIFICATION ONLY.

17

18 (PEOPLE'S EXHIBIT 1 WAS MARKED FOR
19 IDENTIFICATION.)

20

21 THE COURT: LADIES AND GENTLEMEN, WHEN WE MARK FOR
22 IDENTIFICATION, WE DO SO TO JUST KEEP TRACK OF IT. I'LL
23 LET YOU KNOW WHEN IT'S ENTERED INTO EVIDENCE, IF EVER.
24 THANK YOU.

25 MS. STREETER: YOUR HONOR, I THINK I COUNTED
26 WRONG. I HAVE 13 TRANSCRIPTS, NOT 14.

27 THE COURT: YOU'RE WELCOME TO --

28 MS. STREETER: OKAY, THANK YOU, YOUR HONOR.

1 THE COURT: -- USE MINE.

2 MS. STREETER: DO YOU WANT ME TO PASS THEM OUT TO
3 THE JURY NOW?

4 THE COURT: IF THAT'S WHAT YOU WANT TO DO.

5 MR. KELLY: YOUR HONOR, I WOULD OBJECT AT THIS
6 TIME.

7 THE COURT: ARE YOU GOING TO PLAY THEM NOW?

8 MS. STREETER: I'M GOING TO REFRESH RECOLLECTION,
9 THEN I'LL PLAY IT.

10 THE COURT: OKAY, REFRESH HIS RECOLLECTION FIRST.

11 MS. STREETER: OKAY.

12 IF I CAN APPROACH, YOUR HONOR.

13 THE COURT: YES, PLEASE.

14 Q. BY MS. STREETER: I'M SHOWING YOU WHAT'S
15 BEEN MARKED PEOPLE'S 1. JUST TAKE A LOOK AT THE FIRST
16 PAGE, SEE IF THAT REFRESHES YOUR RECOLLECTION --

17 A. YES, MA'AM. I REMEMBER THIS VOICEMAIL.

18 Q. SO IT DOES REFRESH YOUR RECOLLECTION THAT
19 YOU RECEIVED A VOICEMAIL IN 2008?

20 A. THAT IS RIGHT, YES, I DID.

21 Q. ALL RIGHT.

22 MS. STREETER: I HAVE A CD, YOUR HONOR.

23 THE COURT: YES.

24 MS. STREETER: IT HAS A PURPLE CASE. I PUT THE CD
25 IN THE PEOPLE'S LAPTOP. I WILL HAVE THAT MARKED AS
26 PEOPLE'S 2.

27 THE COURT: THAT WILL BE MARKED OUT AS PEOPLE'S 2
28 FOR IDENTIFICATION.

1 (PEOPLE'S EXHIBIT 2 WAS MARKED FOR
2 IDENTIFICATION.)
3

4 MS. STREETER: AND IF I CAN PASS THE TRANSCRIPTS
5 OUT NOW.

6 THE COURT: YES.

7 MR. KELLY: YOUR HONOR, I STILL DO HAVE AN
8 OBJECTION.

9 THE COURT: I THINK THE OBJECTION -- IS IT THAT IT
10 HAS LOTS OF --

11 MR. KELLY: YES.

12 THE COURT: DO YOU PLAN ON PLAYING THE OTHERS
13 RIGHT NOW?

14 MS. STREETER: YES. WELL, AT SOME POINT. BUT --

15 THE COURT: OKAY, I'LL INSTRUCT THE JURY -- AND
16 I'M SURE THEY'LL FOLLOW MY INSTRUCTION -- TO CONFINE
17 THEIR -- WE'RE GOING TO BE PASSING OUT TRANSCRIPTS, AND
18 THE FIRST CONVERSATION THAT MS. STREETER IS GOING TO
19 ADDRESS IS ON THE TRANSCRIPT. SO IF YOU'LL CONFINE YOUR
20 REVIEW JUST TO THE FIRST PAGE. I'LL LET YOU KNOW WHEN
21 WE GET TO ANY OTHER PAGES, OKAY? DON'T GO THUMBING
22 THROUGH IT AHEAD OF TIME. THANK YOU.

23 MS. STREETER: IT APPEARS I FOUND MY EXTRA
24 TRANSCRIPT.

25 THE COURT: WELL, THANK YOU. I'M GLAD.

26 MR. KELLY: CAN I SEE WHICH?

27 MS. STREETER: IF I CAN HAVE A MOMENT TO SHOW
28 COUNSEL.

1 THE COURT: SURE.

2 Q. BY MS. STREETER: I'M GOING TO PLAY FOR YOU
3 WHAT'S BEEN MARKED AS PEOPLE'S 2 FOR IDENTIFICATION.

4 MR. COHEN, I WANT YOU TO LISTEN TO IT A
5 LITTLE BIT AND I'M GOING TO ASK YOU SOME QUESTIONS.
6 HOPEFULLY THIS WILL WORK.

7 MR. KELLY: YOUR HONOR, I DO HAVE OBJECTION AS
8 TO --

9 THE COURT: JUST A MOMENT.

10 MR. KELLY: -- FOUNDATION AS TO DATE.

11 THE COURT: OVERRULED. SHE CAN PLAY IT AND TRY TO
12 LAY A FOUNDATION.

13

14 (CD IS PLAYED IN OPEN COURT FOR THE COURT
15 AND JURY.)

16

17 MS. STREETER: CAN THE JURORS HEAR?

18 THE COURT: THAT'S THE END.

19 Q. BY MS. STREETER: OKAY. ALL RIGHT. NOW, I
20 JUST PLAYED YOU PEOPLE'S NUMBER 2. DO YOU RECOGNIZE THE
21 PERSON'S VOICE IN PEOPLE'S NO. 2?

22 A. YES, MA'AM.

23 Q. WHO IS THAT?

24 A. THAT'S KELLEY LYNCH.

25 Q. NOW, WE WERE TALKING ABOUT THE DATES AND
26 HOW YOU DATED -- YOU MENTIONED THAT YOU WOULD SEND THE
27 VOICEMAIL MESSAGE ALMOST IMMEDIATELY TO YOUR ATTORNEYS;
28 IS THAT CORRECT?

1 A. THAT'S CORRECT.

2 Q. AND IS YOUR UNDERSTANDING THAT YOUR
3 ATTORNEYS WOULD KEEP A LOG OF THE DATES OF THE --

4 MR. KELLY: OBJECTION; LEADING.

5 THE COURT: SUSTAINED.

6 Q. BY MS. STREETER: DO YOU KNOW IF YOUR
7 ATTORNEYS KEPT A LOG OF THE DATES OF EACH VOICEMAIL?

8 A. YES, THEY DID.

9 MR. KELLY: OBJECTION; FOUNDATION.

10 THE COURT: HOW DO YOU KNOW THAT, SIR?

11 THE WITNESS: THEY SHOWED ME A BINDER IN WHICH ALL
12 THE ALL THE CASSETTES, AND THE CD'S AND THE MP3'S WERE
13 KEPT.

14 Q. BY MS. STREETER: AND THAT BINDER THAT THEY
15 SHOWED YOU, DID IT HAVE THE DATES ON THE VARIOUS MP3 OR
16 CD'S?

17 A. YES, MA'AM.

18 Q. BY MS. STREETER: NOW, AT SOME POINT, MR.
19 COHEN, DID YOU EVER GET A RESTRAINING ORDER AGAINST
20 MS. LYNCH?

21 A. YES, MA'AM.

22 Q. WHEN WAS THAT?

23 A. THAT WAS 2006, I BELIEVE.

24 Q. OKAY. DID YOU -- EXCUSE ME -- DID YOU GET
25 MORE THAN ONE RESTRAINING ORDER AGAINST MS. LYNCH?

26 A. YES, WE GOT ONE, 2006. AND THEN MS. LYNCH
27 LEFT THE JURISDICTION, MOVED TO COLORADO. AND IN 2008
28 WE GOT A PERMANENT RESTRAINING ORDER AGAINST MS. LYNCH

1 FROM COLORADO; AND THEN IN 2011 WE GOT ANOTHER
2 RESTRAINING ORDER. IT WAS THE COLORADO RESTRAINING
3 ORDER DOMESTICATED, MADE APPLICABLE IN CALIFORNIA. THAT
4 WAS IN 2011.

5 Q. LET'S TALK ABOUT WHAT FINALLY MADE YOU OR
6 WHAT CAUSED YOU TO GET A RESTRAINING ORDER FOR THE FIRST
7 TIME IN 2005 AGAINST MS. LYNCH?

8 A. THERE WAS THE VOLUME AND MENACING QUALITY
9 OF THE E-MAILS AND VOICEMAILS. IT WOULD BE IMPRUDENT
10 NOT TO TAKE THOSE THREATS IN THE SENSE OF MENACE
11 SERIOUSLY. SO THAT PROMPTED ME TO ASK MY LAWYERS IF
12 THERE WERE ANY REMEDIES AVAILABLE, AND THEY SAID, YES,
13 AND I SAID, "PLEASE TAKE WHATEVER STEPS ARE NECESSARY."

14 Q. NOW, YOU MENTIONED THAT YOU HAD THIS LONG
15 RELATIONSHIP WITH MS. LYNCH FOR, LIKE, 17 YEARS?

16 A. THAT'S CORRECT.

17 Q. SHE KNEW YOUR CHILDREN?

18 A. YES, SHE WAS VERY HELPFUL AND DROVE MY
19 DAUGHTER TO SCHOOL. AND OUR FAMILIES WERE CLOSE. HER
20 FATHER WAS MY BOOKKEEPER; HER MOTHER WAS THE OFFICE
21 MANAGER. WE SPENT THANKSGIVING, CHRISTMASSES TOGETHER.
22 MS. LYNCH AT VARIOUS PERIODS, WHEN I WAS RECORDING AT MY
23 OWN STUDIO IN THE BACK OF MY HOUSE, WOULD COME EVERY DAY
24 AND EAT LUNCH WITH US. THE FAMILIES WERE VERY CLOSE.

25 Q. AND DID YOU -- WERE YOU CLOSE TO HER
26 CHILDREN?

27 A. YES, I KNEW HER CHILDREN WELL. THEY WERE
28 AROUND OFTEN. I CAN'T SAY I KNEW THEM WELL, BUT I

1 CERTAINLY KNEW THEM AND THEY WERE AROUND FROM TIME TO
2 TIME.

3 Q. WAS IT HARD TO GET THE RESTRAINING ORDER IN
4 2005?

5 MR. KELLY: OBJECTION; RELEVANCE.

6 THE COURT: WELL, IT'S ALSO AMBIGUOUS. I DON'T
7 KNOW WHAT YOU MEAN BY THAT.

8 MS. STREETER: THAT'S FINE. THAT'S FINE.

9 I HAVE A DOCUMENT. ACTUALLY TWO DOCUMENTS
10 THAT I WANT TO HAVE MARKED 2 AND 3 --

11 THE COURT: 3 AND 4.

12 MS. STREETER: 3 AND 4. I'M SORRY, YOUR HONOR.
13 THE FIRST ONE IS THREE PAGES. THE SECOND ONE IS ONE
14 PAGE.

15 MR. KELLY: MAY WE APPROACH?

16 THE COURT: SURE. LET'S GO IN THE HALL FOR A
17 SECOND. WE DON'T NEED THE REPORTER THANK YOU.

18

19 (DISCUSSION HELD OFF THE RECORD.)

20

21 THE COURT: THANK YOU FOR YOUR PATIENCE, LADIES
22 AND GENTLEMEN. SOMETIMES WE JUST HAVE TO SORT SOME
23 LEGAL THINGS OUT. I'M SURE YOU WOULD BE BORED TO DEATH
24 IF YOU KNEW WHAT WE TALKED ABOUT.

25 MS. STREETER: DOES THE COURT WANT ME TO PUT
26 NUMBERS ON THE BACK OF THEM?

27 THE COURT: YES, IF YOU WOULD, AND TELL ME WHAT'S
28 3 AND WHAT'S 4?

1 MS. STREETER: NO. 4 IS THE ONE-PAGE DOCUMENT, AND
2 NO. 3 IS THE THREE-PAGE DOCUMENT.

3 THE COURT: WHAT IS THE ONE-PAGE DOCUMENT?

4 MS. STREETER: PROOF OF SERVICE, YOUR HONOR.

5 THE COURT: OKAY AND THE THREE-PAGE IS --

6 MS. STREETER: IS THE ORDER.

7 THE COURT: IS THE ORDER.

8 OKAY, THOSE WILL BE MARKED FOR
9 IDENTIFICATION ONLY, PEOPLE'S 3 AND 4.

10
11 (PEOPLE'S EXHIBITS 3 AND 4 WERE
12 MARKED FOR IDENTIFICATION.)

13
14 MS. STREETER: THANK YOU, YOUR HONOR. IF I CAN
15 APPROACH.

16 THE COURT: YES, YOU CAN DO SO WITHOUT ASKING.

17 Q. BY MS. STREETER: MR. COHEN, I'M GOING TO
18 SHOW YOU WHAT'S BEEN MARKED PEOPLE'S 3 FOR
19 IDENTIFICATION. LET'S JUST DEAL WITH THAT ONE. TAKE A
20 MOMENT TO LOOK AT IT. LET ME KNOW ONCE YOU LOOKED AT IT
21 AND I'LL ASK YOU SOME QUESTIONS.

22 THE COURT: WHENEVER YOU'RE READY, MS. STREETER.

23 BY MS. STREETER: OKAY.

24 Q. BY MS. STREETER: AFTER LOOKING AT THAT
25 DOCUMENT, PEOPLE'S NO. 3 FOR IDENTIFICATION, DO YOU
26 RECOGNIZE THAT DOCUMENT?

27 A. YES, MA'AM.

28 Q. WHAT IS THAT?

1 A. THAT'S THE RESTRAINING ORDER.

2 Q. FROM 2005?

3 A. FROM 2005.

4 Q. LET ME ASK YOU SOMETHING BEFORE I START
5 ASKING YOU SOME QUESTIONS ABOUT THE 2005 RESTRAINING
6 ORDER.

7 THE PEOPLE JUST PLAYED FOR YOU PEOPLE'S NO.
8 2, WHICH WAS A VOICEMAIL MESSAGE FROM DECEMBER OF 2008.
9 YOU HAVE THIS COLLOQUY OF WHAT WAS INCLUDED IN THE
10 VOICEMAIL MESSAGES THAT WAS LEFT BY MS. LYNCH PRIOR TO
11 2011. WOULD YOU SAY THAT VOICEMAIL THE PEOPLE PLAYED
12 FOR YOU AND THE JURY WAS A FAIR REPRESENTATION OF THE
13 TYPE OF VOICEMAIL MESSAGES THAT MS. COHEN -- I'M SORRY.
14 I APOLOGIZE.

15 MS. STREETER: TOO MANY NAMES, YOUR HONOR.

16 Q. BY MS. STREETER: -- THAT MS. LYNCH WAS
17 LEAVING ON YOUR ANSWERING MACHINE PRIOR TO 2005?

18 A. YES.

19 MR. KELLY: OBJECTION; YOUR HONOR, PURSUANT TO
20 1523 OF THE EVIDENCE CODE.

21 THE COURT: OVERRULED.

22 THE WITNESS: YES, THAT WAS A FAIR EXAMPLE.

23 Q. BY MS. STREETER: ALL RIGHT. NOW, AFTER
24 YOU GOT THE RESTRAINING ORDER IN 2005, CAN YOU TELL US
25 WHAT HAPPENED?

26 MR. KELLY: OBJECTION; VAGUE.

27 THE COURT: OVERRULED.

28 THE WITNESS: THE E-MAILS CERTAINLY DID NOT STOP

1 OR ABATE. IF ANYTHING, THEY CONTINUED AND GREW MORE AND
2 MORE THREATENING AND VIOLENT.

3 Q. BY MS. STREETER: WHAT ABOUT THE VOICEMAIL
4 MESSAGES? DID THEY STOP AFTER YOU GOT THE RESTRAINING
5 ORDER THE FIRST TIME? DID THOSE STOP?

6 A. NO, IT DIDN'T STOP. I CAN'T RECALL THEM
7 EXACTLY. THEY CERTAINLY DIDN'T STOP.

8 Q. OKAY, HOW -- HOW DID THAT --

9 A. NO, THEY -- EXCUSE ME.

10 MR. KELLY: OBJECTION; NO QUESTION PENDING.

11 THE COURT: HE'S STILL RESPONDING TO THE FIRST
12 QUESTION.

13 THE WITNESS: YES, I'M TRYING TO PLACE THEM, YOU
14 KNOW. THIS INVOLVES SIX YEARS OF E-MAILS OF -- SIX
15 YEARS OF PHONE CALLS, MAYBE 100 OF THEM, AND THOUSANDS
16 OF E-MAILS. SO IT'S HARD TO PLACE IT EXACTLY, BUT AFTER
17 2005, ESPECIALLY AFTER THE DEFAULT JUDGMENT WAS MADE
18 AGAINST MS. LYNCH, THE E-MAILS AND THE PHONE CALLS
19 INCREASED.

20 Q. BY MS. STREETER: OKAY, HOW DID THAT FEEL
21 AFTER YOU GOT THE RESTRAINING ORDER AND IT DIDN'T STOP
22 ANYTHING?

23 A. I HOPED THAT SOME ACTION COULD HAVE BEEN
24 TAKEN.

25 MR. KELLY: OBJECTION; RELEVANCE.

26 THE COURT: OVERRULED.

27 THE WITNESS: I HOPED SOME ACTION COULD HAVE BEEN
28 TAKEN ON THE BASIS OF THE RESTRAINING ORDER, BUT IT WAS

1 DIFFICULT TO ANIMATE ANY RESPONSE.

2 Q. BY MS. STREETER: AND DID YOU FEEL A SENSE
3 OF FRUSTRATION?

4 MR. KELLY: OBJECTION; LEADING.

5 THE COURT: SUSTAINED.

6 Q. BY MS. STREETER: YOU TALKED ABOUT TRYING
7 TO GET IT TO STOP, TO TAKE LEGAL ACTION TO GET IT TO
8 STOP WITH THE RESTRAINING ORDER. WERE THERE ANY OTHER
9 TYPE OF FEELINGS YOU HAD AFTER YOU GOT THE RESTRAINING
10 ORDER THE FIRST TIME AND THAT ACTIVITY CONTINUED?

11 MR. KELLY: OBJECTION; VAGUE.

12 THE COURT: OVERRULED.

13 THE WITNESS: I -- I BEGAN TO -- MY SENSE OF ALARM
14 HAS INCREASED OVER THE YEARS AS THE VOLUME OF THE
15 E-MAILS HAS INCREASED AND THE VOICEMAILS AND THE
16 VIOLENCE AND THE THREATS ACCELERATED AND INTENSIFIED.
17 SO AT ANY GIVEN PERIOD I WAS MORE ALARMED THAN THE
18 PERIOD BEFORE SINCE THE INTENSITY AND THE VOLUME
19 CONTINUED AND INCREASED AND THE DECLARATION BY MS. LYNCH
20 THAT SHE WOULD NEVER BACK DOWN --

21 MR. KELLY: OBJECTION; LAPSED INTO A NARRATIVE.

22 THE WITNESS: -- THAT SHE WOULD NEVER BACK DOWN;
23 THAT SHE WOULD NEVER STOP; THAT SHE WOULD NEVER RETREAT.
24 SO OF COURSE OVER THE YEARS THE SENSE OF ALARM, MENACE,
25 DISCOMFORT AND FEAR HAS ACCELERATED.

26 Q. BY MS. STREETER: ALL RIGHT. NOW, YOU
27 MENTIONED THAT YOU GOT A SECOND RESTRAINING ORDER IN
28 COLORADO; IS THAT CORRECT?

1 A. THAT'S CORRECT.

2 Q. AND WHY DID YOU GET THE ONE IN COLORADO?

3 A. ONE OF THE SPECIFIC REASONS WAS THAT I WAS
4 GIVING A CONCERT IN -- IN COLORADO IN DENVER, AND WE
5 KNEW THAT MS. LYNCH WAS LIVING THERE AND WE WERE
6 UNCERTAIN AS TO WHETHER AS TO WHAT HER ACTIONS WOULD BE
7 IF I WERE PERFORMING IN THE VICINITY. WE HEIGHTENED
8 SECURITY AT THE CONCERT, AND AS PART OF THOSE
9 PRECAUTIONS WE TOOK OUT A RESTRAINING ORDER AGAINST HER
10 IN COLORADO, SINCE SHE HAD MOVED TO BOULDER, COLORADO IN
11 THE MEANTIME.

12 Q. NOW, DO YOU KNOW IF THE RESTRAINING ORDER
13 IN COLORADO WAS EVER FILED IN CALIFORNIA?

14 A. YES, MA'AM, IT WAS FILED IN CALIFORNIA IN
15 MAY 2011.

16 MR. KELLY: OBJECTION; FOUNDATION.

17 THE COURT: OVERRULED.

18 Q. BY MS. STREETER: HAVE YOU SEEN A COPY OF
19 THAT ORDER, MR. COHEN?

20 A. YES, I HAVE.

21 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE ANOTHER
22 DOCUMENT.

23 THE COURT: THIS WILL BE PEOPLE'S 5 FOR
24 IDENTIFICATION.

25 MS. STREETER: FOUR-PAGE DOCUMENT.

26 THE COURT: WHAT IS THE DOCUMENT?

27 MS. STREETER: IT'S A RESTRAINING ORDER DATED MAY
28 25, 2011.

1 THE COURT: IS THIS THE COLORADO.

2 MS. STREETER: YES, THE COLORADO ONE.

3 THE COURT: OKAY, THAT WILL BE MARKED PEOPLE'S 5
4 FOR IDENTIFICATION.

5 MS. STREETER: ALL RIGHT.

6

7 (PEOPLE'S EXHIBIT 5 WAS MARKED FOR
8 IDENTIFICATION.)

9

10 Q. BY MS. STREETER: I'M SHOWING YOU PEOPLE'S
11 5 FOR IDENTIFICATION. CAN YOU LOOK AT THAT? AFTER YOU
12 LOOK AT IT PEOPLE HAVE SOME QUESTIONS.

13 A. YES, MA'AM.

14 Q. OKAY. ALL RIGHT. NOW, AFTER LOOKING AT
15 PEOPLE'S 5, DO YOU RECOGNIZE THAT DOCUMENT?

16 A. YES, I DO.

17 Q. WHAT'S THAT DOCUMENT?

18 A. THIS IS A -- THIS IS A DOCUMENT THAT
19 REGISTERS AN OUT-OF-STATE RESTRAINING ORDER.

20 Q. THE COLORADO RESTRAINING ORDER?

21 A. THIS IS -- YES, THIS IS REGISTERING THE
22 COLORADO RESTRAINING ORDER IN CALIFORNIA.

23 Q. NOW, DID -- AFTER THE COLORADO -- AFTER YOU
24 REGISTERED -- WELL, LET ME ASK YOU THIS FIRST. AFTER
25 YOU RECEIVED THE COLORADO RESTRAINING ORDER, DID
26 MS. LYNCH STOP CONTACTING YOU?

27 A. IN THAT PERIOD OF TIME I WAS TOURING EUROPE
28 AND I DIDN'T CONSULT MY E-MAILS VERY OFTEN, BUT

1 MS. LYNCH WAS NOT CALLING OR E-MAILING DURING THAT
2 PERIOD WHEN I WAS ON THE ROAD.

3 Q. THAT WAS ABOUT 2010?

4 A. AROUND 2009, 2010.

5 Q. SO WHEN MS. LYNCH STOPPED CONTACTING YOU
6 WHEN YOU WERE ON TOUR, DID YOU THINK EVERYTHING HAD
7 FINALLY BEEN RESOLVED?

8 A. NO, NOT AT ALL.

9 Q. WHY NOT?

10 A. BECAUSE WHENEVER THERE WAS AN ARTICLE OR
11 REVIEW OF MY CONCERT IN ANY NEWSPAPER OF THE WORLD
12 MS. LYNCH WOULD --

13 MR. KELLY: OBJECTION; YOUR HONOR.

14 THE COURT: SUSTAINED. THAT WOULD BE STRICKEN.

15 MS. STREETER: OKAY. ALL RIGHT.

16 Q. BY MS. STREETER: ONCE YOU CAME BACK FROM
17 TOUR IN 2010, DID MS. LYNCH CONTACT YOU -- START
18 CONTACTING YOU AGAIN VIA E-MAIL OR VOICEMAIL?

19 A. I'M NOT SURE OF THE EXACT DATE WHEN IT
20 BEGAN, BUT CERTAINLY TOWARDS THE END OF 2010 AND ALL
21 THROUGH 2011.

22 Q. OKAY. AND DURING FROM 2011 TO 2012, DID
23 YOU HAVE -- GET VOICEMAIL MESSAGES FROM MS. LYNCH?

24 A. YES. THERE WERE ABOUT 30 VOICEMAIL
25 MESSAGES IN THAT PERIOD AND ABOUT 1,500 OR SO E-MAILS.

26 MS. STREETER: ONE MOMENT, YOUR HONOR. I APPEAR
27 TO HAVE MISPLACED MY TRANSCRIPT.

28 THE COURT: I THINK YOU'RE WORSE WITH DOCUMENTS

1 THAN I AM.

2 MS. STREETER: CAN I LOOK AT YOUR DOCUMENTS?

3 IF I CAN HAVE A MOMENT, YOUR HONOR.

4 THE COURT: OF COURSE.

5 MS. STREETER: I HAVE ANOTHER CD. I'M ON 6;
6 RIGHT, YOUR HONOR?

7 THE COURT: YES, THAT WILL BE PEOPLE'S 6 FOR
8 IDENTIFICATION.

9 MS. STREETER: IF I COULD HAVE THAT MARKED AS
10 PEOPLE'S 6 FOR IDENTIFICATION.

11

12 (PEOPLE'S EXHIBIT 6 WAS MARKED FOR
13 IDENTIFICATION.)

14

15 MR. KELLY: WHICH ONE IS THIS?

16 MS. STREETER: THIS IS JUNE, JULY, 2011.

17 GIVE ME A MOMENT, MR. COHEN. LET ME PUT
18 ANOTHER ONE IN.

19 THE WITNESS: SURE.

20 THE COURT: IT TAKES TWO PEOPLE IN MY GENERATION
21 TO OPERATE A COMPUTER.

22 ERIC, CAN WE GET YOUR ASSISTANCE HERE?

23 THANK YOU, SIR.

24 THE CLERK: NO PROBLEM.

25 Q. BY MS. STREETER: I'M GOING TO PLAY YOU
26 SOME VOICEMAIL MESSAGES.

27 THE COURT: THIS IS ON PAGE 2, LADIES AND
28 GENTLEMEN.

1 Q. BY MS. STREETER: I'M GOING TO PLAY THIS
2 ONE AND ASK YOU SOME QUESTIONS. OKAY.

3
4 (PEOPLE'S 6, THE CD, WAS PLAYED IN OPEN
5 COURT FOR THE JURY AND THE COURT.)

6
7 THE COURT: THIS IS NOT --

8 MS. STREETER: I'M SORRY.

9 THE COURT: LET'S STOP THAT AND GET THE RIGHT ONE.

10 LADIES AND GENTLEMEN, WE HAVE TO TAKE AN
11 AFTERNOON BREAK SO THE COURT REPORTER CAN REST HER
12 FINGERS. THIS MIGHT BE A GOOD TIME AND MAYBE
13 MS. STREETER CAN GET SOME ASSISTANCE FROM MR. SMITH.

14 ANYWAY, PLEASE BE SURE TO NOT DISCUSS THE
15 CASE AMONG YOURSELVES OR ANYTHING ELSE AND PICK UP AGAIN
16 IN 15 MINUTES THANK YOU.

17
18 (A BREAK WAS TAKEN.)

19
20 (THE FOLLOWING PROCEEDINGS WERE
21 HELD IN OPEN COURT OUTSIDE THE
22 PRESENCE OF THE JURY:)

23
24 THE COURT: OKAY, WE'RE OUTSIDE THE PRESENCE OF
25 THE JURY.

26 MR. KELLY: YOUR HONOR, I DID WANT TO STATE ON THE
27 RECORD I DID OBJECT NUMEROUS TIMES TO BEST EVIDENCE. I
28 DO BELIEVE THAT MR. COHEN HAS BEEN TESTIFYING TO THE

1 CONTENTS OF WRITINGS, AND PURSUANT TO 1523 HE CANNOT
2 TESTIFY TO THE CONTENTS OF THE WRITINGS IF -- THE BEST
3 EVIDENCE WOULD BE THE ACTUAL WRITINGS.

4 THE COURT: WELL, I DON'T BELIEVE HIS TESTIMONY TO
5 DATE HAS BEEN MEANT AS A SUBSTITUTE FOR THE WRITING AND
6 THE WRITING WILL BE COMING IN.

7 MS. STREETER: RIGHT.

8 THE COURT: SO I THINK I TRIED TO ADDRESS EACH OF
9 THE OBJECTIONS ON ITS MERITS AS I SAW IT, AND --

10 MR. KELLY: I GUESS MY CONCERN IS THERE IS
11 EVIDENCE ON THE RECORD OF THREATS BEING MADE --

12 THE COURT: RIGHT.

13 MR. KELLY: -- VIA E-MAIL WITHOUT -- I THINK THE
14 JURY MIGHT TAKE WHAT HE SAYS AS AN ACTUAL TRUTH OF --

15 THE COURT: THEY MIGHT. AND THEY -- HE'S
16 TESTIFIED HE'S RECEIVED THREATS. NOW, IF THE EVIDENCE
17 DOESN'T MATCH UP, WHEN, YOU KNOW, IF WE GET COPIES OF
18 THE E-MAILS AND THEY ARE NOT THREATS --

19 MR. KELLY: OKAY.

20 THE COURT: -- THEN WE ARE FREE TO ARGUE --

21 MR. KELLY: REVIEW --

22 THE COURT: -- THAT HE IS NOT TELLING THE TRUTH.
23 SO WE WILL GET TO THAT PART OF THE EVIDENCE WHEN WE GET
24 THERE.

25 MR. KELLY: AND THEN THE OTHER ISSUE I WOULD JUST
26 ASK THAT THE SOUND -- THE SOUND IS A LITTLE BIT WEAK ON
27 THAT PLAYING DEVICE.

28 THE COURT: TO PUT IT MILDLY.

1 MR. KELLY: MY CONCERN IS THE TRANSCRIPT IS
2 SUPPOSED TO SUPPLEMENT THE AUDIO AND THERE IS AN
3 INSTRUCTION THAT THE JURY IS TO NOT RELY ON THE
4 TRANSCRIPT, RELY ON WHAT THEY HEAR.

5 THE COURT: RIGHT.

6 MR. KELLY: IF THEY CAN'T HEAR IT, MY CONCERN IS
7 THEY'RE GOING TO RELY ON THE TRANSCRIPT, NOT THE AUDIO.

8 THE COURT: I FULLY UNDERSTAND THAT.

9 MS. STREETER: AS THE COURT CAN TELL, OPERATING A
10 LAPTOP IS NOT MY STRONG SUIT.

11 THE COURT: NO. REALLY?

12 MR. KELLY: ARE THESE BOTH -- CAN YOU PLAY ON A CD
13 PLAYER?

14 MS. STREETER: I CAN'T FIGURE OUT WHAT IS WHAT
15 BECAUSE I NEED TO CLICK ON THE ICON.

16 OKAY, IF THERE IS A WAY TO TURN IT UP SO
17 IT'S LOUDER.

18 THE COURT: ERIC, IS THERE A WAY TO MAKE IT
19 LOUDER?

20 THE CLERK: NOT UNLESS THERE IS EXTERNAL SPEAKERS.

21 THE COURT: YOU KNOW, ACTUALLY IF YOU GO INTO --
22 IF YOU GO INTO JUDGE BARELA'S CHAMBERS -- YOU CAN GO IN
23 THERE; I GIVE YOU MY PERMISSION -- THERE ARE TWO
24 SPEAKERS CONNECTED TO THE COMPUTER THAT YOU CAN JUST
25 UNPLUG AND MAYBE WE CAN BRING THEM OUT NOW.

26 IF WE CAN GET STARTED I DON'T WANT TO KEEP
27 THE JURY WAITING MUCH LONGER.

28 LET'S BRING OUR JURORS IN.

1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT IN THE PRESENCE OF THE JURORS.)
3

4 THE COURT: JUST WAITING FOR ONE ALTERNATE WHO IS
5 IN THE RESTROOM.

6 OKAY, ALL OUR JURORS ARE PRESENT.

7 WHENEVER YOU'RE READY, MS. STREETER.

8 MS. STREETER: THANK YOU.

9 Q. BY MS. STREETER: MR. COHEN, I BELIEVE WHEN
10 WE LEFT OFF I WAS TALKING ABOUT THE MESSAGE JUNE 4,
11 2011. LET'S GO TO JUNE 12, 2011. OKAY? I'M GOING TO
12 PLAY YOU A VOICEMAIL FROM THAT DATE.

13 THE COURT: THAT'S PAGE 2 FROM THE BOTTOM, AND I
14 THINK WE HAVE A BETTER SOUND SYSTEM NOW.

15
16 (VOICEMAIL MESSAGE IS PLAYED IN OPEN COURT
17 FOR COURT AND JURY).
18

19 Q. BY MS. STREETER: ALL RIGHT. NOW, DO YOU
20 RECOGNIZE THE PERSON ON THAT MESSAGE THAT WAS JUST
21 PLAYED, MR. COHEN?

22 A. YES, MA'AM.

23 Q. WHO DO YOU RECOGNIZE THAT AS?

24 A. THAT'S MS. LYNCH.

25 Q. YOU MENTIONED AGAIN ONCE YOU RECEIVED THE
26 PHONE CALL YOU WOULD GIVE IT TO YOUR ATTORNEYS FOR THEM
27 TO CATALOG; IS THAT CORRECT?

28 A. THAT'S CORRECT.

1 Q. DO YOU RECALL GETTING A VOICEMAIL MESSAGE
2 AROUND JUNE 12, 2011?

3 A. YES, I DO.

4 Q. AND THAT VOICEMAIL MESSAGE THE PEOPLE JUST
5 PLAYED FOR YOU, DID YOU THEN FORWARD THAT VOICEMAIL
6 MESSAGE TO YOUR ATTORNEYS?

7 A. YES, MA'AM.

8 Q. NOW, THERE IS MENTION -- PERHAPS YOU HEARD
9 IT AT THE END -- WHERE IT MENTIONS ABOUT TAKING MEN LIKE
10 YOU DOWN. DO YOU RECALL THAT?

11 A. YES, I DO.

12 Q. WHAT DO YOU -- HOW DOES THAT -- WHEN YOU
13 HEAR COMMENTS LIKE THAT HOW DOES THAT MAKE YOU FEEL,
14 MR. COHEN?

15 MR. KELLY: OBJECTION; RELEVANCE.

16 THE COURT: OVERRULED.

17 THE WITNESS: IT MAKES ME FEEL VERY CAUTIOUS ABOUT
18 MY SURROUNDINGS AND ABOUT THE WELFARE OF MY CHILDREN AND
19 GRANDCHILDREN. THEY PLAY ON THE LAWN IN FRONT OF MY
20 HOUSE, AND EVERY TIME I SEE A CAR SLOW DOWN I GET
21 WORRIED.

22 Q. BY MS. STREETER: NOW, THERE IS ALSO SOME
23 MENTION IN THERE -- DO YOU RECALL HEARING MENTION IN THE
24 VOICEMAIL MESSAGE ABOUT EITHER OF HER SONS RAY AND
25 RUTGER?

26 A. YES, THERE WAS SOME MENTION OF THOSE.

27 THE COURT: MR. COHEN, IF YOU CAN PULL THE
28 MICROPHONE.

1 MS. STREETER: MY APOLOGIES, YOUR HONOR.

2 Q. BY MS. STREETER: AND DO YOU ALSO RECALL
3 DISCUSSION ABOUT K-1, CRIMINAL K-1?

4 A. YES, THAT WAS A CONSTANT THEME.

5 Q. DO YOU KNOW WHAT A K-1 IS, MR. COHEN?

6 A. WELL, I DIDN'T UNTIL I ASKED.

7 Q. WHO DID YOU ASK?

8 A. I ASKED MY ATTORNEY.

9 Q. WHEN DID YOU ASK YOUR ATTORNEY WHAT A K-1
10 WAS?

11 A. MAYBE A COUPLE OF WEEKS AGO.

12 Q. AND YOU MENTIONED THAT MS. COHEN --
13 SORRY -- MS. LYNCH WAS YOUR BUSINESS MANAGER; IS THAT
14 CORRECT?

15 A. THAT'S CORRECT.

16 Q. DURING THE TIME THAT SHE WAS IN YOUR
17 EMPLOYEE AS YOUR BUSINESS MANAGER, WHO TOOK CARE OF
18 FILING DOCUMENTS WITH THE IRS?

19 A. THAT WAS MS. LYNCH.

20 Q. WHO --

21 MR. KELLY: OBJECTION; SPECULATION. LACK OF
22 FOUNDATION.

23 THE COURT: OVERRULED.

24 Q. BY MS. STREETER: WHO KEPT YOUR BOOKS WHILE
25 MS. LYNCH WAS IN YOUR EMPLOY?

26 A. HER FATHER I BELIEVE KEPT THE BOOKS.
27 MS. LYNCH ALSO CHOSE AN ACCOUNTANT THAT PARTICIPATED IN
28 THE TAX PREPARATION.

1 Q. CAN YOU EXPLAIN TO THE COURT, THE JURY AND
2 COUNSEL AND I WHAT -- WHEN MS. LYNCH WAS IN YOUR EMPLOY
3 AS BUSINESS MANAGER, WHAT ROLE YOU HAD IN TAKING CARE OF
4 THE FINANCIAL DOCUMENTS?

5 A. I HAD -- MS. LYNCH WAS HIRED SPECIFICALLY
6 TO HANDLE ALL THE BUSINESS AFFAIRS. I DON'T HAVE A REAL
7 GOOD FEEL ABOUT THOSE THINGS. AND MY OWN WORK REQUIRES
8 A TREMENDOUS AMOUNT OF CONCENTRATION. SO MS. LYNCH WAS
9 HANDLING ALL FINANCIAL AFFAIRS. SHE WOULD CHOOSE THE
10 ACCOUNTANTS, THE LAWYERS, THE -- EVERYTHING THAT HAD TO
11 DO WITH MY BUSINESS WAS IN MS. LYNCH'S HANDS.

12 Q. NOW, THERE IS A MENTION OF THE K-1. THE
13 PEOPLE ASK YOU ABOUT SOME OTHER DOCUMENTS. DO YOU KNOW
14 WHAT A W-2 IS?

15 A. W-2? NO, I DON'T.

16 Q. HOW ABOUT A 1099?

17 A. A 1099, YES, IS ISSUED BY AN EMPLOYER TO AN
18 EMPLOYEE.

19 Q. DID YOU EVER ISSUE ONE OF THOSE WHEN
20 MS. LYNCH WAS IN YOUR EMPLOYEE?

21 A. NO, I NEVER EVEN SAW THE DOCUMENTS.

22 Q. ALL RIGHT. NOW WE TALKED ABOUT THE K-1.
23 LET'S TALK A LITTLE BIT ABOUT THE E-MAILS. YOU
24 MENTIONED THAT DURING THE YEAR 2011, 2012 THAT YOU
25 STARTED TO RECEIVE E-MAILS FROM MS. LYNCH; IS THAT
26 RIGHT?

27 A. 2011 -- YES, THAT'S CORRECT.

28 Q. SO CAN YOU TELL US WHAT YOU -- WHAT

1 PROCEDURE -- LET ME ASK YOU THIS: FIRST WHEN YOU GOT AN
2 E-MAIL FROM MS. LYNCH, DID YOU READ THOSE E-MAILS?

3 A. YES, I READ THEM VERY CAREFULLY.

4 Q. EVERY ONE?

5 A. EVERY ONE.

6 Q. AND ONCE YOU GOT AN E-MAIL FROM MS. LYNCH
7 WHAT WOULD YOU DO, MR. COHEN?

8 A. WELL, I WOULD SAVE IT IN A FOLDER ON MY
9 COMPUTER, AND I WOULD ALSO -- IF MY LAWYERS HADN'T
10 RECEIVED THE SAME E-MAIL I WOULD FORWARD IT TO THEM.

11 Q. NOW, WHEN YOU SAID YOU SAVED THE E-MAIL,
12 DID YOU GENERALLY SAVE IT -- HOW LONG AFTER YOU READ THE
13 E-MAIL WOULD YOU SAVE IT?

14 A. I WOULD SAVE IT IMMEDIATELY.

15 Q. ALL RIGHT. AND IF YOU NOTICED THAT YOUR --
16 ONE OF YOUR ATTORNEYS DIDN'T GET THE E-MAIL, HOW SOON
17 AFTER YOU READ IT WOULD YOU SEND IT TO YOUR ATTORNEYS?

18 A. I FORWARDED IT IMMEDIATELY.

19 Q. ALL RIGHT. AND HAVE YOU -- DID YOU HAVE --
20 YOU KEPT ALL THE E-MAILS THAT YOU SAVED?

21 A. YES, MA'AM.

22 Q. AND DO YOU STILL HAVE THOSE E-MAILS?

23 A. YES, I DO.

24 Q. OKAY. NOW YOU MENTIONED THAT YOU WOULD
25 FORWARD THEM TO YOUR ATTORNEYS. THAT'S BOTH MS. RICE
26 AND MR. KORY; IS THAT CORRECT?

27 A. THAT'S CORRECT.

28 Q. DO YOU KNOW MR. KORY'S E-MAIL ADDRESS?

1 A. YES, IT'S -- I KNOW IT. I MAY NOT HAVE IT
2 PERFECTLY BECAUSE IT COMES UP AUTOMATICALLY WHEN I PUT
3 HIS FIRST TWO INITIALS INTO THE NAME WINDOW.

4 Q. IF YOU SEE IT WOULD YOU RECOGNIZE IT,
5 MR. COHEN?

6 A. OH, YES.

7 Q. DO YOU HAVE MS. RICE'S E-MAIL ADDRESS?

8 A. YES, I DO.

9 Q. WHAT'S MS. RICE'S E-MAIL ADDRESS?

10 A. IT'S "MRICE-AT-KORY-RICE," I THINK IS THE
11 E-MAIL. OR CLOSE ENOUGH.

12 Q. OKAY?

13 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE A
14 BINDER WITH LOTS OF PAPER IN IT. I'M ON 7?

15 THE COURT: YOU ARE UP TO 7, YES.

16 MS. STREETER: THE FRONT OF IT HAS THE NAME AND
17 CASE NUMBER OF THIS MATTER. AND THEN AT THE BOTTOM IT
18 HAS "E-MAILS DATED DECEMBER 17, 2011 TO DECEMBER 18,
19 2011."

20 THE COURT: ARE YOU MARKING THAT COLLECTIVELY --

21 MS. STREETER: YES.

22 THE COURT: -- AS PEOPLE'S 7.

23 MS. STREETER: YES.

24 THE COURT: FOR PURPOSES OF IDENTIFICATION ONLY
25 WE'RE GOING TO MARK IT.

26 MS. STREETER: RIGHT.

27

28 (People's Exhibit 7 was marked for

1 IDENTIFICATION.)

2
3 MR. KELLY: I WOULD OBJECT TO LEADING. IF I MAY
4 BE HEARD AT SIDEBAR FOR -- JUST OUTSIDE, OFF THE RECORD.

5 THE COURT: OKAY.

6
7 (DISCUSSION HELD OFF THE RECORD.)

8
9 THE COURT: PROCEED, MS. STREETER.

10 Q. BY MS. STREETER: BEFORE I SHOW YOU --

11 MS. STREETER: WHAT, PEOPLE'S 7?

12 THE COURT: YES.

13 Q. BY MS. STREETER: BEFORE I START TO SHOW
14 YOU PARTS OF PEOPLE'S 7, DO YOU RECALL HOW MS. LYNCH
15 WOULD SIGN HER E-MAILS?

16 A. IN THESE -- IN THESE E-MAILS -- IN THESE
17 E-MAILS THERE WERE CHAINS ATTACHED, WHOLE THREADS. SOME
18 OF THEM WERE ADDRESSED TO ME, SOME TO OTHERS. SOMETIMES
19 IF SHE WAS WRITING TO THE DEPARTMENT OF JUSTICE SHE
20 MIGHT SAY, "LOVE, KELLEY," OR TO ME SHE MIGHT SAY
21 "LYNCH." SHE HAD DIFFERENT WAYS OF SIGNING THEM, AS I
22 REMEMBER.

23 Q. BUT AS BEST AS YOU CAN RECALL SHE EITHER
24 USED HER FIRST OR LAST NAME WHEN SHE USED THESE E-MAILS?

25 A. THAT'S CORRECT.

26 Q. HOW DOES MS. LYNCH SPELL HER FIRST NAME?

27 A. K-E-L-L-E-Y.

28 Q. AND IN 2011, DO YOU RECALL WHAT HER E-MAIL

1 ADDRESS WAS?

2 A. I BELIEVE IT WAS
3 KELLEY-DOT-LYNCH-AT-HOTMAIL OR GMAIL.

4 Q. IF YOU SAW IT WOULD YOU RECOGNIZE IT?

5 A. YES, MA'AM.

6 Q. I'M GOING TO SHOW YOU PEOPLE'S 7 FOR
7 IDENTIFICATION. AND SPECIFICALLY IT HAS A DATE OF
8 DECEMBER 17, 2011, 4:14 P.M.

9 THE COURT: WHERE WOULD I FIND THAT?

10 MS. STREETER: IT'S NOT IN YOUR COPY, YOUR HONOR.
11 I'M SO SORRY.

12 THE COURT: OKAY.

13 MR. KELLY: I WOULD OBJECT TO LEADING AT THIS
14 POINT.

15 THE COURT: NO, SHE CAN FOR PRELIMINARY MATTERS
16 LEAD THE WITNESS TO DIRECT HIS ATTENTION TO THE MATTER.

17 MS. STREETER: LET ME JUST MOVE THE LAPTOP.

18 Q. BY MS. STREETER: I JUST WANT YOU TO LOOK
19 AT THE FIRST PAGE. ALL RIGHT? READ IT OVER TO THE
20 BOTTOM. SEE IF THAT HELPS YOU -- YOU MENTIONED ABOUT
21 KNOWING MS. LYNCH'S E-MAIL ADDRESS. SEE IF THAT HELPS
22 YOU REFRESH YOUR RECOLLECTION AS TO WHAT MS. LYNCH'S
23 E-MAIL ADDRESS IS?

24 A. YES.

25 Q. OKAY. AND YOU CAN JUST MOVE THE DOCUMENT
26 BACK AFTER YOUR RECOLLECTION IS REFRESHED.

27 IS THAT RIGHT?

28 A. AS TO THE ADDRESS? I HAVEN'T READ --

1 Q. JUST AS TO THE E-MAIL ADDRESS RIGHT NOW.

2 A. YES, E-MAIL ADDRESS, YES. KELLEY LYNCH
3 210 --

4 MR. KELLY: OBJECTION; YOUR HONOR, HEARSAY.

5 THE COURT: OVERRULED.

6 Q. BY MS. STREETER: I'M SORRY, CONTINUE.

7 A. KELLEY-DOT-LYNCH-DOT-210 -- I'M SORRY.
8 KELLEY-DOT-LYNCH-DOT-TWO-ZERO-ONE-ZERO-AT-GMAIL-DOT-COM

9 Q. YOU MENTIONED THAT YOU DIDN'T HAVE
10 MR. KORY'S E-MAIL ADDRESS TO MEMORY. JUST PERUSE THAT
11 PAGE AND SEE IF ANYTHING ON THERE HELPS YOU RECALL
12 MR. KORY'S --

13 A. YES, MA'AM, THERE IS ONE OF HIS ADDRESSES.
14 HE HAS SEVERAL. BUT THIS ONE IS HIS, "R. KORY AT RK
15 MANAGEMENT DOT COM," AND M. RICE AT KORY RICE DOT COM."

16 Q. NOW, YOU MENTIONED THAT WHEN YOU WOULD
17 RECEIVE E-MAILS FROM MS. LYNCH THAT YOU READ EVERY ONE.
18 SO JUST CAN YOU PUSH THE DOCUMENT BACK FOR A MOMENT,
19 PLEASE, SIR.

20

21 (WITNESS COMPLIES.)

22

23 Q. BY MS. STREETER: THANK YOU. SO DO YOU
24 RECALL SPECIFICALLY IF ON THAT DATE DECEMBER 17, 2011 --
25 AND I BELIEVE IT IS 4:14 P.M. -- IF THERE WAS ANY
26 MENTION IN THAT SPECIFIC E-MAIL ABOUT K-1 FORMS?

27 A. YES, THERE ARE.

28 Q. NOW, I WANT TO -- IN ANY OF THE E-MAILS

1 THAT YOU RECEIVED FROM MS. LYNCH IN THE TIME PERIOD OF
2 2011, 2012 DID SHE EVER DISCUSS ANY OF THE BUSINESS
3 RELATIONSHIPS THAT YOU AND SHE HAD?

4 MR. KELLY: OBJECTION; BEST EVIDENCE.

5 THE COURT: OVERRULED.

6 THE WITNESS: YES, SHE DID.

7 Q. BY MS. STREETER: OKAY. LET ME --

8 MS. STREETER: IF I CAN APPROACH FOR JUST A
9 SECOND. I'M NOT SURE IF IT'S IN THIS ONE.

10 I HAVE ANOTHER BINDER, YOUR HONOR, THAT HAS
11 DECEMBER 18, 2001. SAME CAUSE AND CASE NUMBER ON THE
12 E-MAILS DATED DECEMBER 18, 2011.

13 THE COURT: THAT BINDER WILL BE MARKED PEOPLE'S 8
14 FOR IDENTIFICATION ONLY.

15

16 (PEOPLE'S EXHIBIT 8 WAS MARKED FOR
17 IDENTIFICATION.)

18

19 MS. STREETER: IT SAYS, "CONTINUED, TWO OF TWO."
20 FOR COUNSEL'S REFERENCE I'M GOING TO AN E-MAIL DATED
21 8:34 P.M. ON DECEMBER 18.

22 ACTUALLY, YOUR HONOR, I MARKED THE WRONG
23 ONE. I APOLOGIZE. THE ONE I'M USING FOR 8 IS DECEMBER
24 18 THROUGH 19, 2011.

25 I APOLOGIZE, YOUR HONOR. I'LL JUST MOVE ON
26 AT THIS POINT.

27 Q. BY MS. STREETER: YOU MENTIONED -- YOU
28 MENTIONED THAT MS. LYNCH OFTEN ACCUSED YOU OF HURTING

1 OTHER CHILDREN; IS THAT RIGHT?

2 A. I'M SORRY?

3 Q. HURTING CHILDREN.

4 MR. KELLY: OBJECTION; MISSTATES THE EVIDENCE.

5 Q. BY MS. STREETER: DID MS. LYNCH IN ANY OF
6 HER E-MAILS ACCUSE YOU OF MOLESTING YOUR CHILDREN?

7 A. YES, SHE DID.

8 MR. KELLY: OBJECTION; LEADING.

9 THE COURT: OVERRULED.

10 Q. BY MS. STREETER: DO YOU KNOW WHAT
11 N-A-M-B-L-A IS, MR. COHEN?

12 A. I THINK IT'S AN ORGANIZATION OF MALE AND
13 THAT AFFIRMS OR ENCOURAGES RE -- SEXUAL RELATIONS
14 BETWEEN MEN AND CHILDREN.

15 Q. DID SHE EVER MENTION THAT IN ANY OF THE
16 E-MAILS THAT SHE SENT YOU, MR. COHEN?

17 A. SOUNDS FAMILIAR, BUT I CAN'T -- I CAN'T SAY
18 FOR SURE. I THINK SO.

19 MS. STREETER: YOUR HONOR, I HAVE A BINDER -- I'M
20 GOING TO CHANGE THIS TO PEOPLE'S 8 -- FOR E-MAILS,
21 DATED -- SAME TITLE ON THE TOP, "E-MAILS DATED DECEMBER
22 26, 2011." IT'S AN E-MAIL DATED DECEMBER 28, 2011 AT
23 4:34 P.M.

24 MR. KELLY: CAN I TAKE A LOOK?

25 MS. STREETER: YES.

26 IF I COULD APPROACH.

27 THE COURT: YES.

28 MR. KELLY: YOUR HONOR, I'LL OBJECT TO 352, MORE

1 PREJUDICIAL THAN PROBATIVE.

2 THE COURT: OVERRULED.

3

4 (PEOPLE'S EXHIBIT 8 WAS MARKED FOR
5 IDENTIFICATION.)

6

7 Q. BY MS. STREETER: I WANT YOU TO TAKE A LOOK
8 AT THIS. I WANT YOU TO TAKE A LOOK AT PEOPLE'S 8 IN THE
9 E-MAIL THAT I MENTIONED ON THAT DATE. DO YOU SEE --
10 JUST LOOK OVER THE FIRST PAGE AND SEE IF YOU SEE ANY
11 MS. LYNCH'S E-MAIL ADDRESS ON THERE.

12 A. YES, IT'S THE SAME E-MAIL ADDRESS.

13 Q. YOU MENTIONED THAT YOU DO RECALL HER
14 SENDING YOU E-MAILS IN REFERENCE TO THE N-A-M-B-L-A
15 ASSOCIATION?

16 A. RIGHT.

17 Q. IS THERE ANY MENTION OF THAT IN THAT
18 E-MAIL, MR. COHEN?

19 A. YES, THERE IS.

20 Q. AND AFTER -- IS THERE ANY MENTION OF THE
21 MINOR CHILDREN IN REFERENCE TO THE -- THAT ORGANIZATION?

22 A. TO MY MINOR CHILDREN --

23 Q. OR MINOR CHILDREN.

24 MR. KELLY: OBJECTION; COMPOUND.

25 THE COURT: NO, OVERRULED.

26 THE WITNESS: I DON'T THINK THIS PARTICULAR E-MAIL
27 IS REFERRING TO ME.

28 Q. BY MS. STREETER: BUT THERE IS A MENTION OF

1 THAT?

2 A. BUT THERE IS A MENTION THAT A LAWYER MIGHT
3 BE MOLESTING HER MINOR CHILD AND THAT HE MIGHT BE A
4 MEMBER OF NAMBLA.

5 MR. KELLY: YOUR HONOR, OBJECTION UNDER 352. MORE
6 PREJUDICIAL THAN PROBATIVE.

7 THE COURT: OVERRULED.

8 MR. KELLY: RELEVANCE.

9 THE COURT: OVERRULED.

10 Q. BY MS. STREETER: NOW, LET'S PLAY A LITTLE
11 BIT OF VOICEMAIL MESSAGES, MR. COHEN, AND WE'LL GET BACK
12 TO SOME OF THE E-MAILS.

13 THE COURT: I DON'T THINK WE NEED TO DO THAT. WE
14 HAVE SPEAKERS PLUGGED IN.

15 THE WITNESS: OH, RIGHT.

16 Q. BY MS. STREETER: DID YOU EVER RECEIVE
17 OTHER VOICEMAIL MESSAGES FROM MS. LYNCH IN THE MONTH OF
18 JUNE, 2011?

19 A. YES, I DID. I BELIEVE I DID, YES.

20 Q. ALL RIGHT. DO YOU RECALL IF YOU RECEIVED
21 ONE AROUND JUNE 17, 2011?

22 A. JUNE 17. I BELIEVE I DID.

23 Q. IF I PLAYED THE MESSAGE DO YOU THINK THAT
24 WOULD HELP REFRESH YOUR RECOLLECTION?

25 A. YES, MA'AM.

26 Q. THIS IS NEAR THE TOP OF PAGE 4.

27 MR. KELLY: YOUR HONOR, FOR REFRESHING HIS
28 RECOLLECTION, I DON'T BELIEVE IT'S PROPER TO DO IT THIS

1 WAY.

2 THE COURT: I BELIEVE IT IS.

3 MS. STREETER: GIVE ME A MOMENT.

4 Q. BY MS. STREETER: IF YOU COULD DO -- WHAT
5 WE HAVE DONE IN THE PAST IS LISTEN TO IT AND YOU CAN --

6

7 (VOICEMAIL MESSAGE ON CD IS PLAYED IN OPEN
8 COURT TO JURY AND COURT.)

9

10 Q. BY MS. STREETER: OKAY, DO YOU RECOGNIZE
11 THE PERSON ON THAT VOICEMAIL MESSAGE?

12 A. YES, MA'AM.

13 Q. WHO IS THAT?

14 A. THAT'S KELLEY LYNCH.

15 Q. OKAY. NOW DO YOU RECALL IN THAT VOICEMAIL
16 MESSAGE IF SHE MADE ANY REFERENCE TO BUSINESS DEALINGS
17 THAT --

18 A. THAT'S CORRECT.

19 Q. DID SHE ALSO MAKE MENTION OF THE IRS?

20 A. CORRECT.

21 MR. KELLY: OBJECTION; CUMULATIVE.

22 THE COURT: SUSTAINED.

23 Q. BY MS. STREETER: AND DOES THAT REFRESH
24 YOUR RECOLLECTION ABOUT A PHONE CALL THAT YOU RECEIVED
25 FROM MS. LYNCH AROUND JUNE 17, 2011?

26 A. YES, MA'AM.

27 Q. OKAY. ALL RIGHT. NOW, THERE WAS MENTION
28 IN THAT -- DO YOU RECALL -- LET ME ASK YOU: IN THE

1 VOICEMAIL MESSAGES THAT YOU RECEIVED FROM MS. LYNCH, DID
2 SHE MENTION OTHER PEOPLE LIKE THE SANTA MONICA POLICE
3 DEPARTMENT?

4 A. YES, SHE --

5 MR. KELLY: OBJECTION; COMPOUND.

6 THE COURT: SUSTAINED.

7 MS. STREETER: I'LL REPHRASE IT, YOUR HONOR.

8 Q. BY MS. STREETER: DID SHE MENTION OTHER
9 PEOPLE IN HER VOICEMAIL MESSAGES THAT SHE LEFT YOU
10 DURING THE TIME PERIOD OF DECEMBER --

11 A. YES SHE.

12 MR. KELLY: OBJECTION; CUMULATIVE.

13 THE COURT: SUSTAINED.

14 MS. STREETER: OKAY. ALL RIGHT.

15 Q. BY MS. STREETER: DID YOU GET E-MAIL
16 MESSAGES FROM MS. COHEN --

17 THE COURT: MS. LYNCH.

18 Q. BY MS. STREETER: -- I'M SORRY, MS. LYNCH,
19 WHERE SHE MENTIONED OTHER PEOPLE, PUBLIC OFFICIALS?

20 A. YES, SHE ROUTINELY MENTIONED THE DEPARTMENT
21 OF JUSTICE, THE FBI, THE IRS, THE LAPD, THE SANTA MONICA
22 P.D.

23 Q. DID SHE EVER MENTION ANYBODY FROM THE
24 DISTRICT ATTORNEY'S OFFICE?

25 A. YES, SHE HAS ABOUT 30 E-MAILS, I BELIEVE,
26 MAYBE LESS, MAYBE MORE, WHERE SHE ENCOURAGES THE READER
27 TO EXECUTE --

28 MR. KELLY: OBJECTION; NONRESPONSIVE.

1 THE COURT: OVERRULED.

2 THE WITNESS: SHE HAS MANY E-MAILS WHERE SHE
3 ENCOURAGES WHOEVER IS READING IT TO EXECUTE STEVE
4 COOLEY.

5 Q. BY MS. STREETER: DOES SHE MAKE ANY COMMENT
6 ABOUT A GENTLEMAN -- ABOUT ALAN JACKSON?

7 A. AND HER EARLIER E-MAILS SHE WANTED ALAN
8 JACKSON TAKEN DOWN.

9 MR. KELLY: OBJECTION; BEST EVIDENCE, YOUR HONOR.

10 THE COURT: LET'S HEAR THE QUESTION FIRST.

11 Q. BY MS. STREETER: DO YOU RECALL IF IN ANY
12 OF HER E-MAILS SHE'S COMPARED YOU TO MR. COOLEY OR MR.
13 JACKSON?

14 THE COURT: OVERRULED.

15 Q. BY MS. STREETER: DO YOU UNDERSTAND THE
16 QUESTION?

17 A. I DIDN'T KNOW WHAT WAS -- I'M SORRY.

18 Q. OKAY, I CAN REPHRASE IT.

19 A. YEAH.

20 Q. HAS SHE EVER COMPARED YOU WITH BEING LIKE
21 MR. COOLEY AND MR. JACKSON?

22 A. I THINK I WAS INCLUDED AMONG THOSE
23 VILLAINS.

24 MS. STREETER: ALL RIGHT. THE PEOPLE HAVE ANOTHER
25 BINDER DATED DECEMBER 29, 2011 TO DECEMBER 30, 2011.
26 I'D LIKE TO HAVE THAT MARKED AS PEOPLE'S 9?

27 THE COURT: CORRECT, THAT'S FOR IDENTIFICATION.

28 MS. STREETER: FOR IDENTIFICATION.

1 (PEOPLE'S EXHIBIT 9 WAS MARKED FOR
2 IDENTIFICATION.)
3

4 Q. BY MS. STREETER: HAS MS. LYNCH ACCUSED YOU
5 OF BEING SOLELY INTERESTED IN JUST FAME?

6 A. I THINK SHE HAS.

7 Q. OKAY, DO YOU RECALL IF SHE'S MADE SUCH
8 COMMENTS IN E-MAILS TO YOU THAT YOU'RE INTERESTED IN
9 PURSUING FAME?

10 A. I THINK SO. AMID THE GENERAL ASSASSINATION
11 OF MY CHARACTER I THINK THAT WAS ONE OF THE EVIDENCE --

12 MR. KELLY: OBJECTION; NONRESPONSIVE.

13 THE COURT: OVERRULED.

14 Q. BY MS. STREETER: I'M GOING TO SHOW YOU AN
15 E-MAIL, DECEMBER 30, 2011, 7:09 A.M.

16 JUST LOOK AT THE FIRST PAGE OF THAT E-MAIL.
17 I'M GOING TO ASK YOU SOME QUESTIONS.

18 A. YES, MA'AM.

19 Q. OKAY. DO YOU SEE -- YOU TOLD US WHAT
20 MS. LYNCH'S E-MAIL ADDRESS WAS. DO YOU SEE MS. LYNCH'S
21 E-MAIL ADDRESS ON THAT FIRST PAGE?

22 A. YES, I DO.

23 Q. NOW, AFTER PERUSING THAT FIRST PAGE OF THAT
24 DOCUMENT, IS THERE ANY MENTION OF STEVE COOLEY?

25 A. YES, THERE IS A MENTION OF STEVE COOLEY.

26 Q. IS THERE A MENTION OF ALAN JACKSON?

27 A. YES, ALAN JACKSON IS MENTIONED.

28 Q. IS THERE MENTION OF YOU?

1 A. YES, I'M MENTIONED IN THE SAME SENTENCE.

2 Q. DOES SHE MAKE THE COMPARISON BETWEEN YOU
3 AND MR. COOLEY AND MR. JACKSON?

4 A. YES, MA'AM.

5 Q. WHAT IS THAT COMPARISON?

6 A. SHE SAYS WE LIVE OUR LIVES SELFISHLY
7 PURSUING FAME AT THE EXPENSE OF OTHERS.

8 MS. STREETER: DO I HAVE TIME TO PLAY SOME MORE?

9 THE COURT: WE HAVE ABOUT FIVE MINUTES. DO YOU
10 WANT TO BREAK DOWN?

11 MS. STREETER: YEAH.

12 THE COURT: LADIES AND GENTLEMEN, WE'RE GOING TO
13 BREAK FOR THE DAY. WE'RE GOING TO PICK UP ON MONDAY AT
14 10:00 O'CLOCK. WE'RE GOING TO BE IN THE NEXT COURTROOM
15 ON MONDAY; I'M MOVING COURTROOMS. IT'S JUST NEXT DOOR.
16 IT'S DEPARTMENT 51. SO THAT'S WHERE I'M GOING TO SEE
17 YOU ON MONDAY.

18 I HOPE YOU HAVE A JOYOUS EASTER, IF YOU
19 CELEBRATE EASTER, A LOVELY SEDER IF YOU CELEBRATE
20 PASSOVER AND A LOVELY WEEKEND IF YOU CELEBRATE NONE OF
21 THOSE. AND REMEMBER DON'T DISCUSS THE CASE OR ANY
22 SUBJECT IN IT WITH ANYONE.

23 THE BAILIFF: LADIES AND GENTLEMEN, BEFORE YOU GO,
24 WRITE DOWN THIS PHONE NUMBER FOR DEPARTMENT 51:

25 (213) 974-6043. (213) 974-6043.

26 THE COURT: AND PLEASE TRY TO BE ON TIME. I DON'T
27 HAVE A MORNING CALENDAR ON MONDAY SO WE CAN START RIGHT
28 AWAY. 10:00 O'CLOCK.

1 THE BAILIFF: PLEASE LEAVE YOUR NOTEBOOKS ON YOUR
2 SEATS AND I WILL MOVE THEM FOR YOU NEXT DOOR.

3
4 (THE FOLLOWING PROCEEDINGS WERE HELD OUT OF
5 THE PRESENCE OF THE JURY:)

6
7 THE COURT: IF I CAN SEE YOU GUYS AT 9:30 IN CASE
8 THERE IS STUFF WE HAVE TO DO AHEAD OF TIME.

9 MS. STREETER: DO YOU WANT MY WITNESSES BACK AT
10 9:30?

11 THE COURT: SO WE'RE GOING TO START THE COURT
12 SESSION, SO IF YOU CAN RETURN MONDAY AT 10:00.

13 THE WITNESS: YES, SIR.

14 THE COURT: OKAY, THANK YOU.
15
16
17
18
19
20
21
22
23
24
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26
27
28

1 CASE NUMBER: 2CA04539
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH
3 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 9, 2012
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861
6 TIME: A.M. SESSION
7 APPEARANCES:

8
9 THE DEFENDANT WITH HER COUNSEL,
10 MICHAEL KELLY AND NIKHIL RAMNANEY,
11 DEPUTY PUBLIC DEFENDERS
12 OF LOS ANGELES COUNTY;
13 SANDRA JO STREETER, DEPUTY CITY ATTORNEY,
14 REPRESENTING THE PEOPLE OF THE
15 STATE OF CALIFORNIA.

16
17 (THE FOLLOWING PROCEEDINGS WERE HELD
18 IN OPEN COURT OUTSIDE THE PRESENCE
19 OF THE JURY:)

20
21 MR. KELLY: YOUR HONOR, THE ONLY ISSUE WAS WHAT
22 WE HAD DISCUSSED OFF THE RECORD, WHETHER OR NOT THE
23 INVESTIGATOR IN THIS CASE --

24 MS. STREETER: HE'S OUT. I PUT HIM OUT.

25 MR. KELLY: IS THAT MR. STEVENS?

26 MS. STREETER: YES, IT WAS, AND I TOLD HIM THAT
27 HE WAS LISTED IN THE REPORT AND THAT AS A RESULT HE HAD
28 TO SIT OUT.

1 MR. KELLY: OKAY. AND THEN I JUST WANT TO PUT
2 ON THE RECORD THAT A JUROR, I THINK THE LATE JUROR JUST
3 WALKED IN THE COURTROOM. I WAS THE ONLY COUNSEL
4 SITTING. MY CLIENT WASN'T PRESENT. I JUST WANTED TO
5 PUT THAT ON THE RECORD.

6 THE COURT: OKAY, THANK YOU.

7 OKAY.

8 MR. KELLY: WE'RE TAKING A WITNESS OUT OF ORDER.
9 IS THAT --

10 THE COURT: YES.

11

12 (THE FOLLOWING PROCEEDINGS WERE HELD
13 IN OPEN COURT IN THE PRESENCE OF THE
14 JURY.)

15

16 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.
17 I HOPE YOU HAD A GOOD WEEKEND.

18

19 (MISSING ALTERNATE JUROR NO. 1.)

20

21 THE COURT: LADIES AND GENTLEMEN, IF YOU WANT,
22 THE JURY ROOM IS RIGHT HERE. IF YOU WANT TO RELAX A
23 LITTLE MORE, YOU CAN STEP INTO THE JURY ROOM UNTIL WE
24 TRY TO TRACK DOWN YOUR COMPATRIOT.

25

26 SO GIVE ME A BUZZ WHEN YOU KNOW
27 SOMETHING. WE WON'T WAIT FOREVER, BUT --

27

28 (RECESS.)

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT IN THE PRESENCE OF THE
3 JURY:)
4

5 THE COURT: WE'RE READY TO RESUME THE TRIAL IN
6 PEOPLE VERSUS KELLEY LYNCH, 2CA04539.

7 I UNDERSTAND, MS. STREETER, YOU ARE GOING
8 TO TAKE A WITNESS OUT OF ORDER.

9 MS. STREETER: YES, THE PEOPLE ARE.

10 THE COURT: WE'RE GOING TO TAKE A WITNESS OUT OF
11 ORDER SHORTLY, AND THAT'S FOR SCHEDULING PURPOSES, AND
12 THEN WE WILL RESUME WITH MR. COHEN'S TESTIMONY.

13 SO IF YOU WOULD CALL YOUR NEXT WITNESS,
14 MS. STREETER.

15 MS. STREETER: PEOPLE CALL ANTOINETTE HENRY TO
16 THE WITNESS STAND.

17 THE COURT: IF YOU WOULD STOP IN FRONT OF THOSE
18 CHAIRS, MS. HENRY, AND FACE THE CLERK, PLEASE.

19
20 ANTOINETTE HENRY,
21 CALLED AS A WITNESS BY THE PEOPLE OUT OF ORDER, WAS
22 SWORN AND TESTIFIED AS FOLLOWS:

23
24 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

25 DO YOU SOLEMNLY STATE THAT THE TESTIMONY?
26 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT,
27 SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE
28 TRUTH, SO HELP YOU GOD?

1 THE WITNESS: YES.

2 THE CLERK: YOU MAY BE SEATED ON THE WITNESS
3 STAND.

4 THE COURT: GOOD MORNING, MA'AM.

5 THE WITNESS: GOOD MORNING.

6 THE CLERK: PLEASE STATE AND SPELL YOUR FIRST
7 AND LAST NAME FOR THE RECORD.

8 THE WITNESS: ANTOINETTE HENRY,
9 A-N-T-O-I-N-E-T-T-E. HENRY, H-E-N-R-Y.

10 THE CLERK: THANK YOU.

11 THE COURT: WHENEVER YOU ARE READY,
12 MS. STREETER.

13

14 DIRECT EXAMINATION

15 BY MS. STREETER:

16 Q GOOD MORNING, MISS HENRY.

17 A GOOD MORNING.

18 Q NOW, HOW ARE YOU EMPLOYED?

19 A I'M A LAW CLERK AT THE FAMILY VIOLENCE
20 UNIT.

21 Q WITH THE CITY OF LOS ANGELES?

22 A WITH THE CITY OF LOS ANGELES.

23 Q IN THE PAST COUPLE OF WEEKS, HAVE YOU
24 ASSISTED ME IN PREPARING FOR A CASE OF PEOPLE VERSUS
25 KELLEY LYNCH?

26 A YES, I HAVE.

27 Q HOW SO?

28 A I HAVE PRINTED OUT E-MAILS FROM KELLEY

1 LYNCH FROM --

2 MR. KELLY: OBJECTION; FOUNDATION.

3 THE COURT: OVERRULED.

4 THE WITNESS: I HAVE PRINTED OUT E-MAILS FROM
5 KELLEY LYNCH FROM CERTAIN DATES.

6 BY MS. STREETER:

7 Q OKAY. NOW, YOU MENTIONED THAT YOU'RE A
8 LAW CLERK; IS THAT RIGHT?

9 A YES.

10 Q ARE YOU CURRENTLY A LAW STUDENT?

11 A YES, I AM.

12 Q SO YOU HAVE SOME LEGAL TRAINING; IS THAT
13 CORRECT?

14 A YES.

15 Q OKAY. WHAT YEAR ARE YOU IN LAW SCHOOL?
16 WHAT YEAR IN LAW SCHOOL?

17 A I'M IN MY FINAL YEAR.

18 Q NOW -- ALL RIGHT.

19 MS. STREETER: IF I CAN APPROACH, YOUR HONOR?

20 THE COURT: YES. YOU CAN DO SO WITHOUT ASKING.

21 MS. STREETER: THANK YOU, YOUR HONOR.

22 BY MS. STREETER:

23 Q NOW, YOU MENTIONED THAT YOU PRINTED OUT
24 SOME E-MAILS. I'M GOING TO SHOW YOU --

25 MS. STREETER: I GUESS I SHOULD HAVE THIS
26 MARKED, AT LEAST FOR REFERENCE.

27 THE COURT: YES, THAT WOULD BE P-10 FOR
28 IDENTIFICATION.

1 (MARKED FOR IDENTIFICATION: BINDER
2 PEOPLE'S EXHIBIT NO. 10)
3

4 BY MS. STREETER:

5 Q I'M SHOWING YOU -- IT'S A BOUND VOLUME
6 WITH SOME PLASTIC IN IT, AND IT HAS KELLEY M. LYNCH ON
7 IT. I'M SHOWING YOU WHAT'S BEEN MARKED AS PEOPLE'S 10
8 FOR IDENTIFICATION, A BINDER. DO YOU RECOGNIZE THAT
9 BINDER, MISS HENRY?

10 A YES, I DO.

11 Q WHAT IS THAT?

12 A THIS IS THE BINDER THAT HAS THE DVDS THAT
13 CONTAIN THE E-MAILS THAT I PRINTED OUT.

14 Q OKAY. ALL RIGHT.

15 NOW, I JUST WANT YOU TO PERUSE -- DO YOU
16 REMEMBER EVERYTHING THAT'S IN THAT BINDER?

17 A YEAH, I REMEMBER THE DVDS, THE CDS, BUT I
18 DON'T REMEMBER ALL THE EXACT.

19 Q JUST LOOK AT IT BRIEFLY. I'M GOING TO
20 ASK YOU SOME QUESTIONS AFTER YOU'VE LOOKED AT IT.

21 A OKAY.

22 Q OKAY. NOW, YOU -- JUST PUT IT UP LIKE ON
23 THE SIDE. ALL RIGHT.

24 NOW, AFTER LOOKING AT THAT BINDER, ARE
25 THERE DVDS THAT -- IS THERE A GUIDE AS TO WHAT IS
26 CONTAINED INSIDE THE BINDER?

27 A YES, THERE IS.

28 Q ARE THERE CERTAIN DATES LISTED IN THAT

1 BINDER?

2 A YES.

3 Q OKAY. AND HOW IS THE BINDER ORGANIZED?
4 IS IT PUT HAPHAZARDLY OR IN SOME TYPE OF SPECIFIC ORDER?

5 MR. KELLY: OBJECTION; LEADING.

6 THE COURT: OVERRULED.

7 THE WITNESS: IT'S IN CHRONOLOGICAL ORDER AS TO
8 THE DATES OF THE E-MAILS, AND IT HAS TABS AS WELL THAT
9 GO WITH THE, I GUESS YOU COULD SAY, THE SYLLABUS OR
10 TABLE OF CONTENTS OF THE CDS THAT HAVE THE E-MAILS ON
11 THEM. AND IT TELLS YOU WHICH TAB HAS CERTAIN DATES OF
12 E-MAILS, AND THERE'S ABOUT, I THINK, SEVEN OR EIGHT
13 TABS.

14 Q OKAY. AND FOR EACH TAB THAT HAS A DATE,
15 WHEN YOU OPEN UP -- LET'S SAY LET'S OPEN UP TAB NUMBER
16 ONE. OKAY. COULD YOU OPEN UP TAB NUMBER ONE AND JUST
17 LOOK AT THAT BRIEFLY.

18 WHEN YOU OPEN UP TAB NUMBER ONE, DO YOU
19 SEE ANY DVD OR CD IN THAT TAB?

20 A YES, I DO.

21 Q AND ARE THERE ANY DATES ON THAT DVD?

22 A YES.

23 Q OKAY. DO YOU RECALL IF THE DATE ON THE
24 DVD IN TAB ONE CORRESPONDS WITH THE DIRECTORY AT THE
25 FRONT OF THE BINDER?

26 A THAT IS CORRECT, YES.

27 Q NOW, WHEN YOU WERE WORKING ON THIS CASE,
28 WERE THERE PARTICULAR DATES THAT YOU WERE DIRECTED TO

1 COPY?

2 A YES.

3 Q WHAT DATES WERE THOSE?

4 A THE END OF DECEMBER 2011. E-MAILS FROM
5 DECEMBER 22ND UNTIL THE 25TH, AND THEN TO THE END OF THE
6 MONTH OF DECEMBER.

7 Q DO YOU RECALL IF THERE WERE DVDS THAT
8 CORRESPOND WITH THOSE DATES?

9 A YES.

10 Q NOW, WHEN YOU WERE PRINTING OUT THE
11 E-MAILS, DID YOU HAVE ANY ASSISTANCE WITH ANYBODY ELSE?

12 A YES.

13 Q WHO?

14 A THE OTHER LAW CLERK.

15 Q WHAT IS HER NAME?

16 A KATHERINE LAWRENCE.

17 Q OKAY. NOW, DID YOU PRINT ALL -- DO YOU
18 RECALL IF THE DVDS THAT YOU SAW FOR DECEMBER, DID IT
19 COVER JUST DECEMBER 22ND TO THE END OF THE MONTH, OR DID
20 IT COVER OTHER DATES?

21 A NO, IT COVERED OTHER DATES.

22 Q DID YOU PRINT ALL THE E-MAILS FOR THAT
23 ENTIRE PERIOD IN DECEMBER?

24 A IT WAS SPLIT AMONGST MYSELF AND KATE
25 LAWRENCE.

26 Q ANY OF THE TIMES THAT YOU WERE PRINTING
27 ANY OF THE E-MAILS, DID MISS LAWRENCE -- MISS LAWRENCE
28 AND YOU WORK TOGETHER?

1 A YES.

2 Q WHAT DATE WAS THAT, MISS HENRY?

3 A THE END OF DECEMBER. SO DECEMBER -- I
4 REMEMBER 29TH AND 30TH SPECIFICALLY, BUT OF COURSE
5 BETWEEN 25TH AND 30TH AS WELL.

6 Q SO IF YOU COULD TELL US, WHAT WAS YOUR --
7 HOW YOU WENT ABOUT GETTING THE E-MAILS, PRINTING THEM
8 AND COMPILING THEM, PLEASE?

9 A WELL, WE TAKE THE DVD OUT OF THE BINDER,
10 INSERT IT INTO THE COMPUTER AND UPLOAD IT. AND THEN
11 RIGHT CLICK AND PRINT OUT EACH ONE. AND WE HAVE TO -- I
12 PRINTED OUT ABOUT MAYBE FIVE AT A TIME, JUST SO, YOU
13 KNOW, THE PRINTER WOULDN'T STOP OR HAVE ANY PROBLEMS.

14 AND THEN ONCE I GOT THEM FROM THE
15 PRINTER, I THEN HOLE-PUNCHED THEM AND THEN PLACED THEM
16 IN THE BINDER, THOSE BINDERS.

17 Q IN WHAT ORDER DID YOU PUT THE E-MAILS?

18 A IN THE TIME. I LOOKED AT THE TIME STAMP.
19 WHICHEVER ONE WAS IN THE MORNING, I PUT THEM IN ORDER
20 FROM THE TIME AND THE DATE.

21 Q NOW, YOU SAID YOU STARTED WITH
22 DECEMBER 22ND; IS THAT RIGHT?

23 A YES, I STARTED WITH MID DECEMBER 22ND. I
24 LEFT OFF WHERE KATE ENDED.

25 Q OKAY.

26 MS. STREETER: ONE MOMENT, YOUR HONOR.

27 BY MS. STREETER:

28 Q DO YOU REMEMBER WHAT SPECIFIC DATE YOU

1 STARTED WITH IN DECEMBER? OR WHAT SPECIFIC TIME YOU
2 STARTED WITH ON DECEMBER 22ND?

3 A NO, I DON'T.

4 Q NOW, LET ME ASK YOU THIS: WHEN YOU
5 PRINTED OUT -- WHEN YOU PRINTED OUT THE E-MAILS, BEFORE
6 YOU PRINTED OUT THE E-MAILS, DID YOU LOOK AT THE E-MAIL
7 ON THE COMPUTER SCREEN?

8 A YES, I DID.

9 Q OKAY. AND ONCE YOU PRINTED OUT THE
10 E-MAIL -- LET ME ASK YOU THIS: DO YOU REMEMBER THE
11 SENDER ADDRESS FROM THE E-MAIL THAT YOU PRINTED OUT?

12 A I DON'T REMEMBER THE ADDRESS, BUT I DO
13 REMEMBER THE NAME AND THE ADDRESS.

14 Q WHAT WAS THE NAME?

15 A KELLEY LYNCH.

16 Q WAS THE NAME ON THE SENDER ADDRESS THE
17 SAME ON ALL THE E-MAILS?

18 A YES, THEY WERE.

19 Q SO WHEN YOU PRINTED OUT THE E-MAILS, WHAT
20 YOU GOT PRINTED OUT, WAS IT THE SAME THING THAT WAS ON
21 THE COMPUTER?

22 A YES.

23 Q WHAT YOU PRINTED EACH TIME, WAS THAT A
24 FAIR AND ACCURATE COPY OF WHAT YOU SAW ON THE COMPUTER?

25 A YES.

26 Q OKAY. ALL RIGHT. NOW, I'M GOING TO SHOW
27 YOU -- LET ME ASK YOU THIS: YOU MENTIONED THAT YOU PUT
28 THEM IN CHRONOLOGICAL ORDER. DID YOU WRITE ANY DATES

1 DOWN TO SEPARATE ONE DAY FROM ANOTHER?

2 A YES, I DID. I ENTERED TABS TO SEPARATE
3 THE DATES AS WHEN A NEW E-MAIL STARTED, AND THE TIME
4 THAT THAT E-MAIL STARTED AS WELL.

5 Q OKAY.

6 MS. STREETER: I'M ON NUMBER 11; IS THAT RIGHT?
7 THE COURT: YES.

8 MS. STREETER: OKAY. I HAVE WHAT'S ANOTHER
9 BINDER OF E-MAILS, AND IT HAS THE TITLE AND CASE NUMBER
10 ON THE TOP, AND THE DATE IS DECEMBER 22ND THROUGH
11 DECEMBER 23RD, 2011. AND THIS IS NUMBER PEOPLE'S
12 NO. 11.

13

14 (MARKED FOR IDENTIFICATION: BINDER
15 PEOPLE'S EXHIBIT NO. 11)

16

17 MS. STREETER: LET ME WRITE A NUMBER ON THAT,
18 YOUR HONOR.

19 BY MS. STREETER:

20 Q I'M SHOWING YOU -- YOU CAN TAKE A LOOK.
21 PEOPLE'S NO. 11. I WANT YOU TO LOOK AT THAT, TELL ME IF
22 YOU RECOGNIZE THAT.

23 A YES, I DO.

24 Q OKAY. AND WHAT IS THAT?

25 A THESE ARE THE E-MAILS THAT I PRINTED OUT.

26 Q OKAY. AND IS THERE A TAB WHERE YOU
27 RECOGNIZE YOUR HANDWRITING?

28 A YES.

1 Q WHAT DOES THAT TAB -- WHAT COLOR IS THAT
2 TAB?

3 A THE TAB IS TEAL OR TEALISH-GREEN.

4 THE COURT: TEALISH-GREEN.

5 BY MS. STREETER:

6 Q DOES IT HAVE A DATE ON THERE?

7 A YES, IT DOES.

8 Q WHAT'S THE DATE THAT YOU WROTE ON THERE?

9 A IT'S DECEMBER 23RD, 2011.

10 Q NOW, YOU MENTIONED THAT -- DID YOU -- LET
11 ME MAKE SURE I'M UNDERSTANDING.

12 SO FOR EACH DATE THAT YOU PRINTED OUT,
13 YOU DID THE EXACT SAME PROCEDURE FOR EACH E-MAIL?

14 A CORRECT.

15 Q AND FOR EACH E-MAIL THAT YOU PRINTED FROM
16 DECEMBER 22ND TO THE END OF THE MONTH, DECEMBER 31ST I
17 BELIEVE IT IS, DID YOU USE THE EXACT SAME PROCEDURE?

18 A YES, I DID.

19 Q OKAY. AND EVERY E-MAIL THAT YOU PRINTED
20 OUT, WAS THAT A TRUE AND ACCURATE COPY OF THE E-MAIL
21 THAT YOU SAW ON THE COMPUTER SCREEN?

22 A THAT'S CORRECT.

23 Q OKAY. AND EACH E-MAIL THAT YOU PRINTED
24 OUT, WAS THERE A DATE THAT CORRESPONDED, A SIMILAR DATE
25 THAT CORRESPONDED TO THE DIRECTORY IN PEOPLE'S 10?

26 A YES, THAT'S RIGHT.

27 Q NOW, DID YOU PRINT OUT -- AND EACH DAY
28 THAT YOU PRINTED OUT, DID YOU PUT THOSE E-MAILS IN

1 CHRONOLOGICAL ORDER?

2 A YES, I DID.

3 Q OKAY. AND DID YOU CONTINUE TO SEPARATE
4 ONE DATE FROM THE NEXT?

5 A YES, I DID.

6 Q OKAY. AND DID YOU USE THE SAME COLOR TAB
7 TO SEPARATE ONE DATE FROM THE NEXT?

8 A YES.

9 Q OKAY. NOW, YOU MENTIONED THAT YOU DID
10 DECEMBER 22ND TO THE END OF THE MONTH; IS THAT RIGHT?

11 A YES, I DID.

12 Q OKAY. SO I WANT TO SHOW YOU ANOTHER
13 BINDER.

14 THE COURT: PEOPLE'S 12?

15 MS. STREETER: YES, PEOPLE'S 12.

16

17 (MARKED FOR IDENTIFICATION: BINDER
18 PEOPLE'S EXHIBIT NO. 12)

19

20 THE COURT: WHAT ARE THE DATES ON PEOPLE'S 12?

21 MS. STREETER: DECEMBER 24TH, 2001 [SIC], SAME
22 TITLE AND CAUSE NUMBER, YOUR HONOR.

23 SHOWING IT TO COUNSEL. IF I CAN
24 APPROACH.

25 THE COURT: YES.

26 BY MS. STREETER:

27 Q ALL RIGHT. NOW, I WANT YOU TO TAKE A
28 LOOK AT PEOPLE'S 12.

1 A OKAY.

2 Q HOW MANY DAYS ARE THERE ON PEOPLE'S 12?

3 A THIS IS ONE DAY.

4 Q OKAY. DID YOU STILL PUT A TAB ON THE
5 E-MAILS FOR THAT ONE DAY?

6 A YES, I DID.

7 Q AND IS THAT YOUR HANDWRITING -- IS THERE
8 ALSO ANOTHER TEAL-LIKE TAB ON THE FIRST E-MAIL?

9 THE COURT: TEALISH-GREEN.

10 MS. STREETER: TEALISH-GREEN. I APOLOGIZE, YOUR
11 HONOR.

12 BY MS. STREETER:

13 Q IS THAT YOUR HANDWRITING ON THAT
14 TEALISH-GREEN TAB?

15 A YES, IT IS.

16 Q AND DOES THE TAB ON -- THE DATE ON THAT
17 TAB, DOES IT CORRESPOND TO THE FRONT OF THE BINDER ON
18 PEOPLE'S 12?

19 A YES.

20 Q OKAY. AND AGAIN, ARE THE E-MAILS THAT
21 ARE IN PEOPLE'S 12, WERE THOSE A FAIR AND ACCURATE COPY
22 OF THE E-MAILS THAT YOU SAW ON THE COMPUTER SCREEN FROM
23 THE DISKS THAT YOU GOT?

24 A YES.

25 Q ALL RIGHT. NOW -- I DON'T WANT TO LOAD
26 YOU DOWN WITH ALL THESE E-MAILS.

27 AND ALSO IN ALL THE E-MAILS, PEOPLE'S 12,
28 DID YOU ALSO SEE THE SAME E-MAIL ADDRESS FROM A KELLEY

1 LYNCH?

2 A YES, I DID.

3 Q NOW, YOU MENTIONED THAT THERE WERE OTHER
4 DATES IN PEOPLE'S 10; IS THAT RIGHT?

5 A YES.

6 Q DO YOU RECALL THE DATE RANGE IN
7 PEOPLE'S 10, WHEN IT STARTED AND WHEN IT ENDED?

8 A YES. IT WENT FROM 2011, ALL THE WAY FROM
9 JANUARY TO DECEMBER OF 2011.

10 Q TO THE END OF WHEN?

11 A DECEMBER.

12 Q OF 2011?

13 A 2011.

14 Q WERE THERE ANY E-MAILS FROM 2012?

15 A YES, THERE WERE.

16 Q AND WHAT WERE THE DATES YOU SAW IN 2012?

17 A JANUARY TO FEBRUARY.

18 Q OF 2012?

19 A 2012.

20 Q AND THE PROCEDURE THAT YOU MENTIONED, DID
21 THE DATES IN THOSE E-MAILS, THE DISKS, CORRESPOND AGAIN
22 WITH THE DIRECTORY THAT WAS GIVEN IN PEOPLE'S NO. 10?

23 A YES.

24 Q OKAY. NOW, DID YOU PRINT ANY OTHER
25 DATES?

26 A YES, I DID.

27 Q WHAT OTHER DATES DID YOU PRINT OUT?

28 A I PRINTED OUT E-MAILS FROM JANUARY 2011

1 UNTIL NOVEMBER OF 2011 AS WELL.

2 Q DID YOU PRINT ANY E-MAILS IN 2012?

3 A YES, I DID.

4 Q WHAT MONTH IN 2012 DID YOU PRINT?

5 A I THINK FEBRUARY.

6 Q OKAY. AND DID YOU TYPE OUT THE LIST OF
7 DATES THAT YOU PRINTED?

8 A YES, I DID.

9 MS. STREETER: THIS IS 13?

10 THE COURT: YES. WHAT ARE THE DATES ON 13?

11 MS. STREETER: THE DATES GO FROM FEBRUARY 13,
12 2011 TO FEBRUARY 2ND, 2012.

13 MR. KELLY: YOUR HONOR, I'M GOING TO HAVE TO
14 OBJECT TO RELEVANCE AT THIS POINT.

15 THE COURT: OVERRULED.

16 MS. STREETER: I'VE SHOWN -- I'VE ALSO GIVEN
17 COUNSEL AN UNBOUND COPY OF THESE E-MAILS.

18 THIS IS 14, IS THAT RIGHT, YOUR HONOR?

19 THE COURT: THIRTEEN.

20 MS. STREETER: THIRTEEN.

21

22 (MARKED FOR IDENTIFICATION: BINDER
23 PEOPLE'S EXHIBIT NO. 13)

24

25 BY MS. STREETER:

26 Q OKAY. I'M SHOWING YOU PEOPLE'S 13. DO
27 YOU STILL SEE THE SAME GREENISH-TEAL TABS THAT WE'VE
28 SPOKEN ABOUT BEFORE?

1 A YES.

2 Q DO THEY HAVE DATES ON EACH OF THE
3 GREEN-TEALISH TABS?

4 A YES, THEY DO.

5 Q JUST SO WE'RE CLEAR, YOU PUT THOSE
6 GREENISH TABS AT THE TOP OF THE PAGE; IS THAT RIGHT?

7 A THAT'S CORRECT.

8 Q AND THERE ARE ALSO SOME YELLOW TABS ON
9 THE SIDE; IS THAT RIGHT?

10 A CORRECT.

11 Q OKAY. ON THE OTHER BINDERS THAT THE
12 PEOPLE SHOWED YOU, PEOPLE'S 11 AND 12, WERE THERE
13 SIMILAR YELLOW TABS ON THE SIDE?

14 A CORRECT.

15 Q SO WHAT IS THE DIFFERENCE BETWEEN THE
16 YELLOW TABS ON THE SIDE OF THE PAGES AS OPPOSED TO THE
17 GREENISH-TEAL TABS ON THE TOP?

18 A AT THE TOP IT INDICATES THE DATE AND THE
19 TIME OF THE E-MAILS. THE YELLOW TABS ON THE SIDE
20 INDICATE HOW MANY E-MAILS IN THAT DAY, AND SEPARATES
21 THEM OUT. HOWEVER, THERE ARE BLUE TABS AS WELL SO YOU
22 WOULDN'T GET CONFUSED, TO DIFFERENTIATE THE DAYS AS
23 WELL.

24 SO THE YELLOW STARTS HERE, THIS IS ONE
25 DAY, AND THEN WE'RE GOING TO ANOTHER DAY. BUT TO
26 RESTART ANOTHER LINE I PUT BLUE TO SEPARATE SO THAT THE
27 YELLOWS -- SO IT WOULDN'T BE CONFUSING, AND THEN WHEN I
28 STARTED A NEW E-MAIL I PUT ANOTHER YELLOW TAB AT THE

1 END.

2 SO THEY'RE ALL THE SAME. ALL THE TABS ON
3 THE SIDE INDICATE NEW E-MAILS. THE TABS ON THE TOP
4 INDICATE DATES AND TIMES.

5 Q ALL THE TABS ARE WRITTEN IN YOUR
6 HANDWRITING?

7 A YES, THEY ARE.

8 Q AT THE -- THE E-MAILS THAT ARE IN THAT
9 EXHIBIT, EACH E-MAIL THAT IS IN THERE, WAS THAT A TRUE
10 AND ACCURATE COPY OF THE E-MAIL THAT YOU SAW ON THE
11 COMPUTER SCREEN THAT YOU DOWNLOADED FROM THE
12 CORRESPONDING DISK IN PEOPLE'S NO. 10?

13 A YES.

14 Q OKAY. WAS THERE THE SAME E-MAIL ADDRESS
15 ON EACH E-MAIL THAT YOU PRINTED OUT?

16 A YES.

17 Q SENDER E-MAIL ADDRESS.

18 A YES, THAT'S CORRECT.

19 Q ALL RIGHT. NOW --

20 MS. STREETER: I THINK THAT'S IT.

21 THE COURT: OKAY. CROSS-EXAMINATION?

22 MR. KELLY: YES.

23

24 CROSS-EXAMINATION

25 BY MR. KELLY:

26 Q GOOD MORNING, MISS HENRY.

27 A GOOD MORNING.

28 Q MY NAME IS MICHAEL KELLY, I'M GOING TO

1 ASK YOU SOME QUESTIONS ON BEHALF OF MS. LYNCH.
2 NOW, YOU'VE NEVER MET MS. LYNCH, CORRECT?
3 A THAT'S CORRECT.
4 Q YOU'VE NEVER SEEN HER BEFORE TODAY?
5 A THAT'S CORRECT.
6 Q SO YOU DON'T KNOW WHERE SHE LIVES,
7 CORRECT?
8 A CORRECT.
9 Q YOU DON'T KNOW WHICH COMPUTER SHE USES,
10 CORRECT?
11 A THAT'S CORRECT.
12 Q YOU DON'T KNOW WHAT ACTUAL E-MAIL SHE
13 USES, CORRECT?
14 YOU DON'T KNOW WHICH E-MAIL ADDRESS
15 MS. LYNCH USES, DO YOU?
16 A THAT'S CORRECT.
17 Q OKAY. NOW, YOU -- YOU SAID THAT YOU GOT
18 THAT STACK OF CDS, THAT LITTLE BINDER THAT YOU HAD
19 MENTIONED, THAT BLACK BINDER, CORRECT?
20 A THAT'S CORRECT.
21 Q WHERE DID YOU GET THAT FROM?
22 A ATTORNEY STREETER.
23 Q SO DO YOU KNOW IF THOSE RECORDS WERE
24 SUBPOENAED BY MS. STREETER?
25 A NO, I DO NOT.
26 Q DO YOU KNOW IF THEY WERE DIRECTLY FROM
27 AOL?
28 A NO, I DO NOT.

1 Q DO YOU KNOW IF THEY CAME DIRECTLY FROM
2 GMAIL?

3 A NO, I DO NOT.

4 Q DO YOU KNOW IF THEY CAME DIRECTLY FROM
5 HOTMAIL?

6 A NO.

7 Q DID YOU SEE ANY FORMS ANYWHERE IN THE
8 DOCUMENTS THAT YOU REVIEWED INDICATING THAT THESE
9 DOCUMENTS WERE OBTAINED BY SUBPOENA?

10 A NO.

11 Q NOW, YOU DON'T KNOW THIS E-MAIL ADDRESS
12 BEYOND WHAT YOU'VE -- WHAT YOU'VE TESTIFIED TO, CORRECT?

13 A THAT'S CORRECT.

14 Q SO YOU DON'T KNOW WHEN THAT -- WHEN THAT
15 E-MAIL ADDRESS WAS REGISTERED, DO YOU?

16 A NO.

17 Q YOU DON'T KNOW BY WHOM THAT E-MAIL
18 ADDRESS WAS REGISTERED?

19 A WELL, WOULDN'T IT BE REGISTERED BY THE
20 PERSON WHOSE NAME IS ON THE E-MAIL?

21 Q YOU DON'T KNOW WHO THAT PERSON IS, DO
22 YOU?

23 A NO.

24 Q SO YOU DON'T -- YOU DON'T HAVE THE
25 RECORDS THAT INDICATE WHO ACTUALLY REGISTERED FOR THAT
26 E-MAIL ADDRESS, DO YOU?

27 A NO, I DON'T, BUT I WOULD ASSUME IT WOULD
28 BE THE PERSON WHOSE NAME IS IN THE E-MAIL.

1 MR. KELLY: OBJECTION; SPECULATION.

2 THE COURT: SUSTAINED. THE ANSWER IS STRICKEN.

3 MR. KELLY: SPECULATION; MOTION TO STRIKE.

4 BY MR. KELLY:

5 Q YOU DON'T KNOW THE IP ADDRESS THAT WAS
6 USED IN REGISTERING FOR THAT E-MAIL?

7 A NO.

8 Q YOU DON'T KNOW THE IP ADDRESS THAT WAS
9 USED IN SENDING ANY OF THOSE E-MAILS, CORRECT?

10 A NO.

11 Q OKAY. YOU DON'T KNOW WHO HAD ACCESS TO
12 THIS E-MAIL ACCOUNT?

13 A NO, I DO NOT.

14 Q YOU DON'T KNOW WHO -- WHAT THE PASSWORD
15 IN THIS E-MAIL ACCOUNT WAS?

16 A NO.

17 Q NOW, YOUR FATHER ACTUALLY, HE WORKS WITH
18 MS. STREETER, CORRECT?

19 A THAT'S CORRECT.

20 Q AND YOU'VE BEEN WORKING WITH MS. STREETER
21 FOR HOW LONG?

22 A FOR ABOUT EIGHT WEEKS NOW.

23 Q NOW, YOU SAID THAT YOU REVIEWED THOSE
24 E-MAILS, AND YOU HAD A STACK. NOW, IN REVIEWING THOSE
25 E-MAILS, YOU WOULD AGREE WITH ME THAT THE BULK OF THOSE
26 E-MAILS, OF WHAT YOU PRINTED OUT, WERE NOT ACTUALLY THE
27 CURRENT E-MAIL THAT WAS SENT, CORRECT?

28 LET ME --

1 THE COURT: I'M NOT SURE I UNDERSTAND THAT.

2 BY MR. KELLY:

3 Q YOU KNOW WHEN YOU SEND AN E-MAIL --

4 A CORRECT.

5 Q -- THAT IF YOU RESPOND TO A REPLY OR
6 FORWARD ANOTHER E-MAIL, THAT MIGHT SHOW UP IN THE PRINT?

7 A THAT'S RIGHT.

8 Q OKAY. SO YOU'VE HAD A CHANCE TO REVIEW
9 THESE E-MAILS, CORRECT?

10 A YES.

11 Q AND YOU WERE THE ONE THAT PRINTED THEM?

12 A YES.

13 Q ISN'T IT TRUE THAT A GRAND MAJORITY OF
14 THE E-MAILS THAT YOU PRINTED WERE NOT THE ACTUAL E-MAIL
15 THAT WAS INITIALLY SENT -- OR THAT WAS SENT, AND IT WAS
16 ACTUALLY FORWARDED MESSAGES?

17 A IT'S POSSIBLE.

18 Q OKAY.

19 MR. KELLY: MAY I APPROACH?

20 THE COURT: YES, OF COURSE. YOU CAN DO SO
21 WITHOUT ASKING.

22 BY MR. KELLY:

23 Q OKAY. NOW, THIS SECOND E-MAIL THAT'S ON
24 THIS ACCOUNT, IN THIS BOOK THAT'S BEEN MARKED AS 13.
25 FOR EXAMPLE, ON THIS SECOND E-MAIL CAN YOU TELL US HOW
26 LONG THE TOTAL PRINT WAS?

27 A THE TOTAL PRINT IS THREE PAGES.

28 Q OKAY. NOW, OF THOSE THREE PAGES, CAN YOU

1 TALK ABOUT WHAT THE CURRENT MESSAGE WAS, HOW LONG THAT
2 CURRENT MESSAGE WAS?

3 A IT'S A SENTENCE.

4 Q OKAY. AND HOW MANY LINES WOULD THAT
5 SENTENCE BE?

6 A TWO.

7 Q OKAY. SO, OF THAT THREE PAGES, ONLY TWO
8 LINES WAS THE ACTUAL E-MAIL?

9 A OF THE NEW E-MAIL, YES.

10 Q AND THE REST OF THOSE THREE PAGES?

11 A ARE REPLIED TO OR FORWARDED.

12 Q PREVIOUS E-MAILS?

13 A YES.

14 Q OKAY. NOW, THERE'S ANOTHER E-MAIL
15 ADDRESS -- ONE MOMENT.

16 ON THE E-MAIL DATED APRIL 18TH, 2011, DO
17 YOU REMEMBER THAT E-MAIL?

18 A YES.

19 Q AND YOU PRINTED THAT E-MAIL, CORRECT?

20 A THAT'S CORRECT.

21 Q HOW MANY PAGES WAS THAT E-MAIL THAT YOU
22 PRINTED?

23 A SEVEN.

24 Q OKAY. NOW, OF THOSE SEVEN PAGES, HOW
25 MANY PAGES WAS THE ACTUAL NEW OR CURRENT E-MAIL?

26 A ONE.

27 Q OKAY. SO, THE REST OF THOSE SIX PAGES
28 WERE ALL PREVIOUS E-MAILS, CORRECT?

1 A YES. HOWEVER, THIS IS IN A SMALLER FONT,
2 SO THAT'S WHY IT'S ON ONE.

3 Q BUT OF THE SMALLER FONT, THAT SMALLER
4 FONT PRODUCED SEVEN PAGES, CORRECT?

5 A CORRECT.

6 Q OF THOSE SEVEN PAGES, ONLY ONE WAS THE
7 CURRENT MESSAGE?

8 A YES.

9 Q NOW, WOULD YOU SAY THAT THIS REPEATED
10 ITSELF, THAT MOST OF THE E-MAILS THAT YOU PRINTED OUT
11 WERE ACTUALLY PAST MESSAGES?

12 A YES.

13 Q AND WOULD YOU SAY -- CAN YOU GIVE US AN
14 ESTIMATE OF WHAT THE RATIO WAS OF THE NEW MESSAGE VERSUS
15 THE PREVIOUS MESSAGES THAT WERE PRINTED OUT?

16 A I COULDN'T GIVE YOU A RATIO.

17 Q WOULD IT BE FAIR TO SAY THAT YOU WOULD
18 SOMETIMES GET MAYBE AN E-MAIL OF OVER 20, 30 PAGES?

19 A YES.

20 Q AND WOULD IT BE FAIR TO SAY THAT
21 OFTENTIMES AN E-MAIL THAT WAS 20 TO 30 PAGES, ONLY ONE
22 PAGE WAS THAT NEW, CURRENT MESSAGE?

23 A IT'S POSSIBLE.

24 Q OKAY. DO YOU WANT TO REVIEW -- DO YOU
25 REMEMBER, OR DO YOU WANT TO REVIEW TO REFRESH YOUR
26 RECOLLECTION?

27 A SURE.

28 YES, IT'S TRUE THAT THERE MIGHT HAVE BEEN

1 ONE PAGE WITH THE NEW E-MAIL ON THE 20 TO 30 PAGES.

2 Q AGAIN, YOU WOULD AGREE WITH ME, WHEN YOU
3 TALK ABOUT THE SIZE OF THOSE BINDERS, EACH PAGE DOESN'T
4 ACTUALLY REFLECT A NEW E-MAIL MESSAGE, CORRECT?

5 A THAT'S CORRECT.

6 Q IN FACT, MOST OF THOSE PAGES REPRESENT
7 PREVIOUS E-MAIL MESSAGES THAT WERE PRINTED OUT?

8 A YES.

9 Q NOW, IN LOOKING AT THOSE E-MAILS THAT YOU
10 PRINTED OUT, YOU WOULD SEE A LOT OF E-MAIL ADDRESSES
11 THAT THE E-MAILS WERE SENT TO, CORRECT?

12 A YES.

13 Q WOULD YOU SAY ON AVERAGE HOW MANY -- SO
14 IT WASN'T JUST ONE E-MAIL ADDRESS OR ONE E-MAIL TO ONLY
15 ONE ADDRESSEE, CORRECT?

16 A THAT'S CORRECT.

17 Q SO IT WASN'T JUST LEONARD COHEN RECEIVING
18 IT?

19 A CORRECT.

20 Q WOULD YOU -- COULD YOU TELL US HOW MANY
21 PEOPLE WOULD YOU SAY ON AVERAGE WERE ON EACH INDIVIDUAL
22 E-MAIL?

23 A PROBABLY TEN TO FIFTEEN. THERE WERE A
24 LOT.

25 Q DO YOU WANT TO LOOK TO REFRESH YOUR
26 RECOLLECTION?

27 A SURE.

28 HERE'S ABOUT 20.

1 Q WOULD YOU SAY THAT THIS WAS CONSISTENT?
2 WOULD THERE SOMETIMES BE MORE THAN 20?

3 A THIS WAS CONSISTENT.

4 Q AND YOU DON'T KNOW EACH OF THOSE 20
5 INDIVIDUALS?

6 A THAT'S CORRECT.

7 MR. KELLY: NOTHING FURTHER AT THIS TIME.

8 THE COURT: OKAY. REDIRECT?

9 MS. STREETER: JUST BRIEFLY.

10

11 REDIRECT EXAMINATION

12 BY MS. STREETER:

13 Q YOU MENTIONED THAT YOUR FATHER WORKS IN
14 THE L.A. CITY ATTORNEY'S OFFICE WITH ME?

15 A THAT'S CORRECT.

16 Q DID YOU TALK TO YOUR FATHER ABOUT
17 TESTIFYING IN THIS CASE?

18 A YES.

19 Q OKAY. WHAT DID YOU TALK TO HIM ABOUT?

20 A THAT I JUST HAVE TO BE IN COURT ON TIME
21 TO TESTIFY.

22 Q OKAY. THANK YOU VERY MUCH, MISS HENRY.

23 THE COURT: ANYTHING FURTHER?

24 MR. KELLY: NOTHING ELSE, YOUR HONOR.

25 THE COURT: THANK YOU VERY MUCH, MISS HENRY.

26 YOU MAY STEP DOWN.

27 THE WITNESS: THANK YOU.

28 MR. KELLY: SUBJECT TO RECALL.

1 THE COURT: SUBJECT TO RECALL OF COURSE.

2 MS. STREETER: PEOPLE WILL RECALL MR. COHEN,
3 YOUR HONOR.

4 THE COURT: OKAY.

5 MS. STREETER: MR. COHEN, IF YOU COULD TAKE THE
6 WITNESS STAND.

7 THE COURT: RIGHT UP HERE, MR. COHEN.

8
9 LEONARD COHEN,

10 CALLED AS A WITNESS BY THE PEOPLE, RESUMED THE STAND AND
11 TESTIFIED FURTHER AS FOLLOWS:

12

13 THE COURT: GOOD MORNING AGAIN, SIR. I'LL
14 REMIND THE WITNESS HE'S STILL UNDER OATH.

15 THE WITNESS: YES, SIR.

16 THE COURT: WHENEVER YOU ARE READY,
17 MS. STREETER.

18 MS. STREETER: I JUST NEED TO GET THE CD PLAYER
19 SET UP.

20 YOUR HONOR, DOES THE COURT'S NOTE REFLECT
21 THAT I PLAYED TO THE END OF JUNE ON FRIDAY? I THINK I
22 DID TO THE END OF JUNE ON THE TRANSCRIPT.

23 THE COURT: I COULDN'T TELL YOU.

24

25 DIRECT EXAMINATION (RESUMED)

26 BY MS. STREETER:

27 Q ALL RIGHT. MR. COHEN, I BELIEVE WHEN WE
28 LEFT OFF ON FRIDAY WE HAD GONE THROUGH E-MAILS TO THE

1 END OF JUNE. IS THAT YOUR RECOLLECTION, SIR?

2 A THAT'S TRUE, YES.

3 Q OKAY. I'M GOING TO -- DO YOU RECALL
4 WHETHER OR NOT YOU RECEIVED ANY VOICE MAIL MESSAGES FROM
5 MS. LYNCH DURING THE MONTH OF JULY OF 2011?

6 A I BELIEVE I DID. YES.

7 Q ALL RIGHT.

8 MS. STREETER: AND I THINK THESE ARE ON --
9 TOWARDS THE BOTTOM OF PAGE 9, YOUR HONOR, OF THE
10 TRANSCRIPT.

11 BY MS. STREETER

12 Q SO I'M GOING TO PLAY YOU SOME MORE
13 MESSAGES. I WANT YOU TO LISTEN TO THEM.

14 MR. KELLY: WHAT EXACTLY IS BEING PLAYED, FOR
15 IDENTIFICATION PURPOSES?

16 MS. STREETER: THE JULY 1ST, 2011 VOICE
17 MESSAGES, ON PAGE --

18 MR. KELLY: WAS THAT MARKED?

19 THE COURT: PAGE 9. THE TRANSCRIPT -- WAS
20 THIS --

21 MS. STREETER: THIS WAS ALREADY MARKED.

22 MR. KELLY: THE CD WAS MARKED?

23 MS. STREETER: IT'S ALREADY BEEN MARKED.

24 ACTUALLY, JUST FOR COUNSEL AND COURT'S
25 EDIFICATION, WHEN YOU CLICK ON THE ICON ON -- FOR THE
26 VOICE MAIL MESSAGE, IT'S THE ONE THAT STARTS OUT AS
27 10039. AND IT'S AN MP3.

28 THE COURT: OKAY.

(CD PLAYED.)

BY MS. STREETER:

Q I WANT TO ASK YOU ABOUT THAT -- A FEW
QUESTIONS ABOUT THAT VOICE MAIL MESSAGE THAT WE JUST
HEARD.

NOW, FRIDAY THE PEOPLE ASKED YOU ABOUT
GETTING MESSAGES FROM MS. LYNCH AND NOT RESPONDING, AND
THE PEOPLE'S RECOLLECTION IS THAT --

MR. KELLY: OBJECTION. COUNSEL IS TESTIFYING.

THE COURT: WELL, I'LL HEAR THE QUESTION BEFORE
I MAKE A RULING.

BY MS. STREETER:

Q IF THE PEOPLE ARE CORRECT, YOUR TESTIMONY
WAS WHEN YOU HEARD THESE MESSAGES IT DIDN'T SEEM THAT
MS. LYNCH WANTED TO HAVE A CONVERSATION WITH YOU. DO
YOU RECALL TESTIFYING TO THAT, SIR?

A THAT'S RIGHT, YES.

MR. KELLY: OBJECTION; LEADING, SPECULATION.

THE COURT: OVERRULED.

BY MS. STREETER:

Q NOW, YOU JUST HEARD THIS VOICE MAIL, AND
LET ME ASK YOU BEFORE I GET TO THAT. WE TALKED ABOUT
WHAT YOU DO AS FAR AS SAVING THE VOICE MAIL MESSAGE.
THIS MESSAGE THAT THE PEOPLE JUST PLAYED FOR YOU, DID
YOU USE THE SAME PROCEDURE THAT YOU DID IN THE PAST,
THAT YOU WOULD DOWNLOAD IT AND SAVE IT TO AN MP3 PLAYER
OR SOME OTHER DISK?

1 A THAT'S CORRECT.

2 MR. KELLY: OBJECTION, LEADING.

3 THE COURT: OVERRULED.

4 BY MS. STREETER:

5 Q DID YOU ALSO FORWARD THAT VOICE MAIL
6 MESSAGE TO YOUR ATTORNEY?

7 A THAT'S CORRECT, YES, MA'AM.

8 Q AND THE VOICE MAIL MESSAGE THAT YOU
9 HEARD, THE PEOPLE JUST PLAYED FOR YOU, IS THAT A TRUE
10 AND ACCURATE RECORDATION OF THE VOICE MAIL MESSAGE THAT
11 YOU HEARD IN JULY OF 2001 [SIC] FROM MS. LYNCH?

12 A YES, IT IS.

13 MR. KELLY: OBJECTION; FOUNDATION AS TO THE LAST
14 ANSWER.

15 THE COURT: OVERRULED.

16 BY MS. STREETER:

17 Q AND THE PREVIOUS VOICE MAIL MESSAGES THAT
18 THE PEOPLE PLAYED YOU LAST FRIDAY, WERE THOSE ALSO A
19 TRUE AND ACCURATE RECORDATION OF VOICE MAIL MESSAGES?

20 A YES, MA'AM, THEY WERE.

21 Q AND JUST TO BE CLEAR, WAS THAT -- WHOSE
22 VOICE WAS THAT THAT YOU HEARD ON THAT VOICE MAIL
23 MESSAGE?

24 A THAT WAS THE VOICE OF KELLEY LYNCH.

25 Q NOW, ON THAT PARTICULAR VOICE MAIL
26 MESSAGE, DO YOU RECALL WHETHER OR NOT MS. LYNCH FINISHED
27 HER SENTENCE OR WAS SHE CUT OFF?

28 MR. KELLY: OBJECTION; SPECULATION.

1 THE COURT: SUSTAINED.

2 BY MS. STREETER:

3 Q YOU MENTIONED -- DO YOU RECALL TESTIFYING
4 THAT IT APPEARED THE VOICE MAIL, THE MESSAGES YOU
5 RECEIVED FROM MS. LYNCH WOULD LAST AS LONG AS THERE WAS
6 SPACE ON YOUR MACHINE?

7 A SOME OF THE MESSAGES WERE VERY LONG, SOME
8 THE MACHINE CUT OFF BECAUSE IT WAS TOWARDS THE END OF
9 THE MEMORY.

10 Q OKAY. WAS THE MESSAGE WE JUST HEARD,
11 WHAT YOU DESCRIBED AND THE FORM OF IT WAS IT VERY LONG,
12 OR WAS IT A MESSAGE WHAT -- THE LATTER, WHAT YOU SAID IT
13 WAS CUT OFF?

14 A I THINK THE MACHINE CUT THIS ONE OFF.

15 Q OKAY. AND HOW FREQUENTLY -- HOW FREQUENT
16 DID IT HAPPEN THAT THE MESSAGE WAS CUT OFF; A FEW TIMES,
17 MORE OFTEN THAN NOT?

18 MR. KELLY: OBJECTION; COMPOUND.

19 THE COURT: OVERRULED.

20 THE WITNESS: I CAN'T RECALL, BUT NOW AND THEN.

21 BY MS. STREETER:

22 Q NOW, LISTENING TO THAT VOICE MAIL MESSAGE
23 THAT THE PEOPLE JUST PLAYED FOR YOU, WOULD THAT BE AN
24 EXAMPLE OF WHAT YOU DESCRIBED AS WHERE MS. LYNCH DIDN'T
25 APPEAR TO HAVE -- INTERESTED IN HAVING A CONVERSATION
26 WITH YOU?

27 MR. KELLY: OBJECTION; CALLS FOR SPECULATION.

28 THE COURT: SUSTAINED.

1 BY MS. STREETER:

2 Q DID IT APPEAR BY LISTENING TO THAT
3 CONVERSATION THAT MS. LYNCH WAS INTERESTED IN HAVING A
4 CONVERSATION WITH YOU?

5 MR. KELLY: OBJECTION; CALLS FOR SPECULATION.

6 THE COURT: SUSTAINED.

7 BY MS. STREETER:

8 Q ALL RIGHT. NOW, THERE'S -- DO YOU RECALL
9 LISTENING TO THAT MESSAGE AND HEARING MS. LYNCH MENTION
10 ANYTHING ABOUT DRUG USAGE ON YOUR PART?

11 A I THINK SHE DID MENTION SOMETHING ABOUT
12 DRUG USAGE.

13 Q OKAY. AND WAS THAT A FREQUENT TOPIC IN
14 THE VOICE MAIL MESSAGE THAT SHE LEFT YOU -- WOULD LEAVE
15 YOU?

16 A IT WAS, YES.

17 Q OKAY. DID MS. LYNCH ALSO MENTION DRUG
18 USAGE ON YOUR PART IN THE E-MAIL MESSAGES THAT SHE WOULD
19 SEND YOU?

20 A YES, FREQUENTLY.

21 Q OKAY. NOW, YOU HEARD -- DO YOU RECALL
22 HEARING MENTION OF THE ARYAN NATION IN THAT VOICE MAIL
23 MESSAGE?

24 A YES, I HEARD THE MENTION OF THE ARYAN
25 NATION.

26 Q WHAT IS YOUR FAITH, MR. COHEN?

27 MR. KELLY: OBJECTION, YOUR HONOR, RELEVANCE,
28 352.

1 THE COURT: OVERRULED.

2 THE WITNESS: I'M A JEW.

3 BY MS. STREETER:

4 Q OKAY. HAD MS. LYNCH ON PRIOR OCCASIONS,
5 EITHER IN VOICE MAIL MESSAGES OR IN E-MAILS, MADE
6 REFERENCE TO THE ARYAN NATION?

7 MR. KELLY: OBJECTION; 352. MAY WE HAVE A
8 SIDEBAR?

9 THE COURT: WE CAN HAVE A SIDEBAR, BUT IT WILL
10 BE BRIEF.

11

12 (A SIDEBAR CONFERENCE WAS HELD
13 AND REPORTED AS FOLLOWS:)

14

15 THE COURT: I DON'T THINK I NEED TO HEAR
16 ARGUMENT. THE ELEMENT OF THE CRIME UNDER 653 SAYS THE
17 COMMUNICATIONS BE SENT WITH A SPECIFIC INTENT TO ANNOY
18 AND HARASS. THIS ASPECT OF THE CALL IS A CRITICAL
19 ELEMENT OF THE CRIME. I MEAN THE QUESTIONING IS
20 CRITICAL TO THE ELEMENT OF THE CRIME.

21 MR. KELLY: YOUR HONOR, I HAVE A GOOD FAITH
22 BELIEF BASED ON WHAT MS. STREETER SHOWED ME BEFOREHAND
23 THE E-MAIL THAT SHE'S REFERRING TO RIGHT NOW WAS MADE IN
24 2008 WHICH WAS NOT PART OF THE CRIME.

25 THE COURT: BUT IT STILL GOES TO THE INTENT. IT
26 STILL REFLECTS ON THE INTENT OF THE PERSON IN MAKING
27 THIS REFERENCE IN THIS E-MAIL, IN THIS VOICE MAIL.

28 MS. STREETER: THAT'S THE PEOPLE'S POSITION.

1 MR. KELLY: AND YOUR HONOR, ON THAT NOTE, THE
2 VOICE MAIL SAYS THAT ARYAN NATION IS AFTER HER SON.

3 THE COURT: YOU CAN ARGUE THAT. THANK YOU.

4 MS. STREETER: THANK YOU, YOUR HONOR.

5
6 (THE FOLLOWING PROCEEDINGS WERE
7 RESUMED IN OPEN COURT IN THE
8 PRESENCE OF THE JURY:)

9
10 BY MS. STREETER:

11 Q I BELIEVE I LEFT OFF ASKING YOU IF ON
12 PRIOR OCCASIONS YOU'VE EVER RECEIVED E-MAILS FROM
13 MS. LYNCH THAT MENTION THE ARYAN NATION?

14 A YES, THERE WERE A NUMBER OF E-MAILS.

15 Q AND WERE THERE ALSO PRIOR E-MAILS WHERE
16 SHE MENTIONED ARYAN NATION ON PRIOR VOICE MAILS?

17 A I'M NOT SURE ABOUT THAT.

18 Q OKAY.

19 MS. STREETER: I HAVE A ONE-PAGE DOCUMENT WHICH
20 IS PART OF AN E-MAIL. I'M SHOWING IT TO COUNSEL.

21 THE COURT: IT WILL BE P-14 FOR IDENTIFICATION.

22
23 (MARKED FOR IDENTIFICATION: ONE-PAGE
24 DOCUMENT AS PEOPLE'S EXHIBIT NO. 14)

25
26 MR. KELLY: I WOULD NOTE THIS IS PAGE 1 OF 16.

27 THE COURT: YES, SO NOTED.

28 MS. STREETER: THE DATE OF THE E-MAIL, YOUR

1 HONOR, IS FEBRUARY 17TH, 2008.

2 THE COURT: OKAY.

3 MS. STREETER: IF I COULD APPROACH.

4 THE COURT: YES, PLEASE.

5 BY MS. STREETER:

6 Q OKAY. I'M SHOWING YOU AN EXHIBIT,
7 PEOPLE'S EXHIBIT. JUST TAKE A LOOK AT IT, MR. COHEN.
8 LET ME KNOW WHEN YOU'RE DONE.

9 A YES, MA'AM.

10 Q OKAY. ALL RIGHT. NOW, I'VE SHOWED YOU
11 WHAT -- I BELIEVE IT'S PEOPLE'S 15.

12 MS. STREETER: IS THAT RIGHT, YOUR HONOR?

13 THE COURT: FOURTEEN.

14 MS. STREETER: FOURTEEN.

15 BY MS. STREETER:

16 Q LOOKING AT PEOPLE'S 14, WAS THERE ANY
17 MENTION OF THE ARYAN NATION OR BROTHERHOOD IN THAT
18 E-MAIL, MR. COHEN?

19 A IN THIS E-MAIL, YES, MA'AM, THERE IS.

20 Q AND WHO WAS THE SENDER OF THAT E-MAIL,
21 MR. COHEN?

22 A KELLEY LYNCH.

23 Q ALL RIGHT. NOW, LET ME ASK YOU THIS --

24 MR. KELLY: AS PER THE RULE OF COMPLETENESS, I
25 ASK THAT THE CONTEXT BE STATED.

26 THE COURT: I'M NOT SURE I UNDERSTAND.

27 MR. KELLY: COUNSEL JUST PICKED AND CHOSE ONE
28 WORD FROM AN E-MAIL WITHOUT ANY CONTEXT. I THINK PER

1 THE RULE OF COMPLETENESS --

2 THE COURT: ON CROSS-EXAMINATION YOU CAN BRING
3 OUT WHATEVER YOU WISH.

4 BY MS. STREETER:

5 Q NOW, WHEN MS. LYNCH WAS IN YOUR EMPLOY,
6 DID YOU -- DID YOU EVER CELEBRATE ANY JEWISH HOLY DAYS
7 AND INVITE MS. LYNCH TO THOSE CELEBRATIONS?

8 A YES. OUR FAMILY CELEBRATES THE SABBATH
9 ON FRIDAY NIGHT, AND MS. LYNCH WAS OFTEN INVITED TO THAT
10 EVENING.

11 Q OKAY. MS. LYNCH WAS IN YOUR EMPLOY FOR
12 ABOUT 15 YEARS MORE OR LESS; IS THAT CORRECT?

13 A YES, MA'AM.

14 Q AND ARE YOU SAYING THAT FOR THE ENTIRE 15
15 YEARS EVERY -- YOU WOULD CELEBRATE EVERY SABBATH?

16 A WE OCCASIONALLY MISSED, SOME OF US WERE
17 OUT OF TOWN. MORE OR LESS IS THE CUSTOM OF THE FAMILY.

18 Q AND DID YOU EVER EXPRESS TO MS. LYNCH HOW
19 IMPORTANT YOUR JEWISH FAITH WAS TO HER?

20 A I THINK SHE WAS WELL AWARE OF THAT.

21 Q SO I WANT TO ASK YOU, MR. COHEN, HOW DID
22 IT FEEL TO GET AN E-MAIL FROM MS. LYNCH THAT MENTIONED
23 THE ARYAN NATION SENT TO YOU?

24 A WELL, I UNDERSTOOD THE IMPLIED THREAT.

25 MR. KELLY: OBJECTION; SPECULATION.

26 THE COURT: OVERRULED. IT'S -- THE WITNESS IS
27 TESTIFYING AS TO HIS OWN OBJECTIVE FEELING IN THAT.

28

1 BY MS. STREETER:

2 Q THE VOICE MAIL MESSAGE THAT THE PEOPLE
3 JUST PLAYED FOR YOU, HOW DID THAT FEEL TO HAVE HER
4 MENTION THE ARYAN NATION IN THE VOICE MAIL MESSAGE?

5 A I FELT THE SAME WAY. I FELT WHENEVER THE
6 ARYAN NATION ENTERED INTO HER DISCOURSE, IT WAS -- IT
7 WAS A SENSE OF INTENDED MENACE.

8 MR. KELLY: OBJECTION; YOUR HONOR.

9 THE COURT: OVERRULED.

10 MR. KELLY: CALLS FOR SPECULATION. IT GOES TO
11 THE ULTIMATE ISSUE.

12 THE COURT: OVERRULED.

13 BY MS. STREETER:

14 Q NOW, DO YOU ALSO RECALL LISTENING TO THAT
15 E-MAIL -- THE VOICE MAIL MESSAGE THE PEOPLE JUST PLAYED
16 FOR YOU, DO YOU RECALL ANY MENTION BY MS. LYNCH OF
17 DRUGS, THE DRUG USAGE ON YOUR PART?

18 A IN THIS MESSAGE?

19 Q NO, NOT IN THAT MESSAGE, BUT IN THE VOICE
20 MAIL MESSAGE THE PEOPLE JUST PLAYED FOR YOU.

21 A YES, SHE MENTIONED SOMETHING ABOUT DRUGS.

22 Q IS THAT ANOTHER SUBJECT THAT MS. LYNCH
23 RAISES, TENDS TO RAISE IN HER VOICE MAIL MESSAGES TO
24 YOU?

25 A YES, SHE -- YES, IT IS.

26 Q OKAY. IS IT SOMETHING THAT SHE'S
27 RAISED -- DO YOU RECALL IF SHE'S RAISED IT AT OTHER
28 TIMES DURING THE TIME PERIOD OF FEBRUARY 2011 TO

1 FEBRUARY -- THE END OF FEBRUARY 2012?

2 MR. KELLY: OBJECTION; GOES TO BEST EVIDENCE.

3 THE COURT: OVERRULED.

4 THE WITNESS: SHE ROUTINELY ACCUSES ME OF BEING
5 ON DRUGS.

6 BY MS. STREETER:

7 Q IS THERE A SPECIFIC DRUG THAT SHE ACCUSES
8 YOU OF USING, MR. COHEN?

9 A NO, SHE DOESN'T SPECIFY. I THINK SHE --
10 SHE ACCUSES ME OF BEING ON LEGAL METH.

11 Q ALL RIGHT. AND DO YOU -- DO YOU RECALL
12 IF IN THE VOICE MAIL MESSAGE THAT WAS JUST PLAYED FOR
13 YOU IF SHE MENTIONED METH, THE USE OF METH? THE VOICE
14 MAIL MESSAGE, MR. COHEN, NOT THE E-MAIL. DO YOU RECALL
15 HEARING THAT?

16 A I THINK SHE MENTIONED IN THAT VOICE MAIL
17 THAT THE ARYAN NATION WAS INVOLVED IN RUNNING METH LABS.

18 Q OKAY. IS THERE ANY MENTION -- IN LOOKING
19 AT THE E-MAIL FROM 2008 I BELIEVE, IS THERE ANY MENTION
20 OF METH IN THAT E-MAIL, MR. COHEN?

21 A I'M SORRY, MA'AM. I DIDN'T GET THE
22 QUESTION.

23 Q IS THERE ANY MENTION OF METH OR THE USE
24 OF METH IN PEOPLE'S 14, THE PRIOR E-MAIL?

25 A THIS IS THE ONE THAT'S IN MY HAND?

26 Q YES.

27 A NO, I DON'T BELIEVE SO.

28 Q IS THERE ANY MENTION OF DRUG USE IN THAT

1 E-MAIL, MR. COHEN?

2 A I CAN'T SEE ANY MENTION.

3 Q ALL RIGHT. THAT'S FINE.

4 ALL RIGHT. NOW, YOU MENTIONED THAT IT
5 WAS COMMON FOR HER TO MENTION DRUGS IN HER VOICE MAIL
6 MESSAGES. DO YOU RECALL IF MS. LYNCH WOULD MENTION DRUG
7 USAGE IN ANY OF THE E-MAILS THAT SHE SENT YOU?

8 A OH, YES.

9 MR. KELLY: OBJECTION; ASKED AND ANSWERED.

10 THE COURT: OVERRULED.

11 THE WITNESS: ROUTINELY, YES.

12 BY MS. STREETER:

13 Q DID SHE ALSO MENTION THE USE OF METH IN
14 ANY OF HER E-MAILS THAT SHE SENT YOU?

15 A THAT I USE METH?

16 Q YES, THE USE OF METH.

17 A SHE WAS ACCUSING ME OF USING LEGAL METH.

18 Q ALL RIGHT. AND DID SHE DO THAT -- SHE
19 DID THAT DURING THE PAST YEAR; IS THAT CORRECT?

20 A THAT'S CORRECT.

21 MS. STREETER: YOUR HONOR, THE PEOPLE HAVE
22 ANOTHER -- WELL, WE HAVE ACTUALLY PEOPLE'S 7 THAT'S BEEN
23 MARKED FOR IDENTIFICATION. I'M LOOKING AT AN E-MAIL
24 DATED SATURDAY, DECEMBER 17TH, 2011 AT 4:09 P.M.

25 BY MS. STREETER:

26 Q OKAY. DO YOU RECALL WHETHER OR NOT YOU
27 GOT AN E-MAIL FROM MS. LYNCH AROUND DECEMBER 7TH --
28 SOMETIME ON DECEMBER 17TH, 2011?

1 A I CAN'T SAY EXACTLY THAT DATE, BUT THERE
2 WERE A NUMBER OF E-MAILS DURING THAT PERIOD.

3 Q OKAY. IF I SHOWED YOU A COPY OF THE
4 E-MAIL WOULD THAT REFRESH YOUR RECOLLECTION?

5 A YES, MA'AM.

6 MR. KELLY: MAY I LOOK?

7 MS. STREETER: YES. I'M SO SORRY.

8 MR. KELLY: THIS IS SOMETHING THAT WE HAD A 402
9 ON.

10 THE COURT: WELL, LET'S GO OUT. WE DON'T NEED
11 THE REPORTER.

12

13 (A SIDEBAR CONFERENCE WAS HELD
14 AND NOT REPORTED.)

15

16 (THE FOLLOWING PROCEEDINGS WERE
17 RESUMED IN OPEN COURT IN THE
18 PRESENCE OF THE JURY:)

19

20 BY MS. STREETER:

21 Q MR. COHEN, I'M GOING TO SHOW YOU AN
22 E-MAIL THAT'S MARKED AS PEOPLE'S 7. I WANT YOU TO LOOK
23 AT THE DATE. JUST READ OVER THE FIRST PAGE AND SEE IF
24 THAT REFRESHES YOUR RECOLLECTION AS TO WHETHER OR NOT
25 YOU RECEIVED AN E-MAIL FROM MS. LYNCH ON THE 17TH AT
26 APPROXIMATELY 4:09 IN THE AFTERNOON.

27 A SHALL I READ THE WHOLE E-MAIL?

28 Q JUST LOOK AND SEE AT THE BEGINNING AND

1 SEE IF THAT REFRESHES YOUR RECOLLECTION AS TO WHETHER OR
2 NOT YOU RECEIVED AN E-MAIL ON THAT DATE AND AT THAT
3 TIME.

4 A YES, I'M FAMILIAR WITH THE E-MAIL.

5 Q OKAY. AND THE E-MAIL THAT THE PEOPLE ARE
6 SHOWING YOU, MR. COHEN, IS THAT A TRUE AND ACCURATE COPY
7 OF THE E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT
8 DATE AND AT THAT TIME?

9 A IT IS.

10 Q NOW, IF YOU COULD LOOK AT THE SECOND
11 PAGE, PERUSE THE BEGINNING OF THE SECOND PAGE, ABOUT
12 HALFWAY DOWN, MR. COHEN.

13 A YES.

14 Q LET ME KNOW WHEN YOU'RE DONE.

15 A YES, I'VE READ THE SECOND PAGE.

16 Q OKAY. ALL RIGHT, MR. COHEN. I DON'T
17 WANT YOU TO KEEP HOLDING THAT.

18 A THAT'S OKAY.

19 Q NOW, LOOKING AT THAT, WAS THERE ANY
20 MENTION IN THAT E-MAIL ABOUT DRUG USAGE ON YOUR PART?

21 A YES, I'M ACCUSED OF ABUSING DRUGS.

22 Q OKAY. ALL RIGHT.

23 MS. STREETER: THERE'S ANOTHER EXHIBIT I'M
24 LOOKING FOR. IT'S DECEMBER 22ND, YOUR HONOR. IF I
25 COULD HAVE A MOMENT TO FIND IT.

26 THE COURT: OKAY.

27 I BELIEVE THAT'S P-11.

28 MS. STREETER: OKAY. ONE MOMENT, YOUR HONOR.

1 BY MS. STREETER:

2 Q ALL RIGHT. DO YOU RECALL WHETHER OR NOT
3 YOU RECEIVED AN E-MAIL MESSAGE FROM MS. LYNCH ON
4 DECEMBER 22ND, 2011 AT APPROXIMATELY 8:07 P.M.?

5 A I MIGHT VERY WELL HAVE. I CAN'T SAY
6 EXACTLY.

7 Q BUT IF I SHOWED YOU A COPY THAT WOULD
8 HELP REFRESH YOUR RECOLLECTION?

9 A YES.

10 MS. STREETER: THIS IN THE BINDER THAT'S BEEN
11 MARKED AS PEOPLE'S NO. 11 FOR IDENTIFICATION.

12 BY MS. STREETER:

13 Q OKAY. I'M GOING TO DO THE SAME THING I
14 DID BEFORE. I WANT YOU TO LOOK AT THE BEGINNING OF THE
15 E-MAIL AND LOOK AT THE DATE AND THE TIME, SEE IF THAT
16 HELPS REFRESH YOUR RECOLLECTION AS TO WHETHER OR NOT YOU
17 DID RECEIVE AN E-MAIL ON DECEMBER 22ND AT 8:07 P.M.

18 A YES.

19 Q OKAY. IT DOES REFRESH YOUR RECOLLECTION?
20 DID YOU RECEIVE AN E-MAIL THAT DATE?

21 A YES, I DID.

22 Q IF I COULD DIRECT YOUR ATTENTION TO -- I
23 BELIEVE IT'S ABOUT THE END OF PAGE 3.

24 IS THERE A REFERENCE -- DIRECTING YOUR
25 ATTENTION TO PAGE 3, IS THERE A REFERENCE TO THE USE OF
26 DRUGS ON YOUR PART?

27 A YES, MA'AM, ON PAGE 3.

28 Q WHAT DOES IT SAY, MR. COHEN?

1 A IT SAYS, PERHAPS YOU'RE STILL ON DRUGS.

2 Q THAT'S REFERRING TO YOU, CORRECT?

3 A CORRECT.

4 Q ALL RIGHT. NOW, IF YOU CAN RECALL, THAT
5 E-MAIL THAT WAS SENT ON DECEMBER 22ND, 2011 AT
6 APPROXIMATELY 8:07 P.M., WERE -- DID SHE SEND THAT
7 E-MAIL ONLY TO YOU OR DID SHE SEND IT TO OTHER PEOPLE?

8 A SHE SENT IT TO A LARGE NUMBER OF PEOPLE.

9 Q OKAY. NOW, WHEN YOU GOT THAT E-MAIL ON
10 THAT DATE, DID YOU RECOGNIZE THE NAMES ON ALL THE
11 SENDERS ON THAT E-MAIL?

12 THE COURT: ALL THE RECIPIENTS?

13 MS. STREETER: ALL THE RECIPIENTS.

14 THE WITNESS: I SOMETIMES SCAN THEM, BUT
15 SOMETIMES I DON'T.

16 BY MS. STREETER:

17 Q IF YOU CAN LOOK AT THE E-MAIL FOR THAT
18 DATE AND SEE IF YOU RECOGNIZE ANY OF THE NAMES.

19 A YES, THESE ARE THE USUAL NAMES.

20 Q OKAY. WELL, LET ME ASK YOU IF YOU
21 RECOGNIZE THEM. THE QUESTION THE PEOPLE HAVE, ARE THERE
22 ANY STRANGERS IN THE GROUP OF RECIPIENTS ON --

23 A STRANGERS TO ME?

24 Q YES.

25 A YES, MANY.

26 Q ALL RIGHT. AND DID MS. LYNCH
27 FREQUENTLY -- HOW COMMON WAS IT FOR MS. LYNCH TO SEND AN
28 E-MAIL TO YOU THAT HAD RECIPIENTS THAT YOU WEREN'T AWARE

1 OF OR DIDN'T KNOW?

2 A THAT WAS ALL THE TIME.

3 Q OKAY. AND HOW DID THAT -- FIRST LET ME
4 ASK YOU: HOW DID IT FEEL TO BE ACCUSED OF BEING A DRUG
5 USER BY MS. LYNCH?

6 A IT'S NOT AGREEABLE.

7 Q HOW DID IT FEEL TO NOT ONLY BE ACCUSED OF
8 BEING A DRUG USER BUT HAVE HER SEND OUT SUCH ACCUSATIONS
9 TO PEOPLE THAT YOU DON'T KNOW?

10 A IT'S NOT A PLEASANT SENSATION.

11 Q NOW, MR. COHEN, WHEN YOU SAY NOT A
12 PLEASANT SENSATION, YOUR DEFINITION OF WHAT'S NOT A
13 PLEASANT SENSATION AND THE JURY'S DEFINITION OF WHAT IS
14 NOT A PLEASANT SENSATION, TWO DIFFERENT THINGS. SO IS
15 THERE ANY WAY THAT YOU COULD ELABORATE?

16 A WELL, I MEAN, MS. LYNCH WOULD ROUTINELY
17 ACCUSE ME OF BEING A DRUG ADDICT AND MANY OTHER THINGS.
18 SO IT MADE ME FEEL -- IT MADE ME -- HOW CAN I SAY IT?
19 I -- OF COURSE I DIDN'T LIKE IT, AND I FELT MY
20 REPUTATION WAS BEING ASSAILED AND THE REPUTATION OF MY
21 FAMILY.

22 Q NOW I'M GOING TO TAKE THAT FROM YOU AND
23 I'M GOING TO CONTINUE PLAYING THE VOICE MAILS.

24 OKAY. LET'S CONTINUE WHERE WE WERE.
25 OKAY. AND I WANT YOU TO DO THE SAME THING. LISTEN TO
26 IT AND THEN IF I HAVE SOME QUESTIONS I'LL STOP. OKAY,
27 MR. COHEN?

28 A SURE.

1 MR. KELLY: MAY I ASK WHAT WE'RE LOOKING AT?

2 MS. STREETER: I'M SORRY. THIS IS THE
3 CONTINUATION OF THE VOICE MAIL MESSAGES FROM JULY. I
4 APOLOGIZE, COUNSEL.

5 THE COURT: WHAT PAGE ARE WE ON IN THE
6 TRANSCRIPT?

7 MS. STREETER: I THINK THAT'S THE BOTTOM OF
8 PAGE 11.

9 THE COURT: YES.

10

11 (CD PLAYED.)

12

13 BY MS. STREETER:

14 Q I WANT TO ASK YOU A COUPLE OF QUESTIONS.

15 NOW, THE LAST COMMENT -- YOU RECALL
16 DURING THE LAST COMMENT ABOUT HANGING UP, MR. COHEN?

17 THE LAST COMMENT -- LET ME FIRST ASK YOU
18 THIS: THE VOICE -- THE VOICE MAIL MESSAGES THAT PEOPLE
19 JUST PLAYED FOR YOU, I THINK IT WAS TWO. THE LAST TWO
20 THAT WE JUST PLAYED. DO YOU RECOGNIZE THE PERSON'S
21 VOICE ON THOSE VOICE MAIL MESSAGES?

22 A YES, I DO.

23 Q AND THE PERSON WAS?

24 A KELLEY LYNCH.

25 Q IS THE VOICE MAIL -- DO YOU RECALL
26 RECEIVING THOSE VOICE MAIL MESSAGES SOMETIME IN JULY OF
27 2011?

28 A THAT'S RIGHT, YES, I DO.

1 Q OKAY. AND THOSE VOICE MAIL MESSAGES THE
2 PEOPLE JUST PLAYED FOR YOU, DID YOU RECORD THEM IN A
3 SIMILAR FASHION THAT YOU DID ON THE OTHER VOICE MAIL
4 MESSAGES THAT HAVE BEEN MADE?

5 A YES, MA'AM, I DID.

6 Q AND DID YOU FORWARD THOSE VOICE MAIL
7 MESSAGES TO YOUR ATTORNEY?

8 A YES, I DID.

9 Q AND THE VOICE MAIL MESSAGE THAT THE
10 PEOPLE JUST PLAYED FOR YOU, IS THAT A TRUE AND ACCURATE
11 RECORDATION OF THE VOICE MAIL MESSAGE THAT YOU RECEIVED
12 FROM MS. LYNCH SOMETIME IN JULY OF 2011?

13 A YES, IT IS.

14 Q OKAY. NOW, THE LAST FEW LINES OF THE
15 VOICE MAIL MESSAGE THE PEOPLE PLAYED FOR YOU, DO YOU
16 RECALL HEARING MS. LYNCH SAY WORDS TO THE EFFECT ABOUT
17 HANGING UP?

18 IS THAT A YES?

19 A MY PARTICULAR ANSWERING MACHINE, IF I
20 PICK UP THE RECEIVER WHILE --

21 MR. KELLY: OBJECTION; NONRESPONSIVE.

22 THE COURT: I'LL ALLOW IT. YOU CAN CONTINUE.

23 THE WITNESS: IF YOU PICK UP THE RECEIVER WHILE
24 THE MESSAGE IS BEING RECORDED, IT WILL STOP THE MESSAGE.
25 IT WILL CUT OFF. SO I JUST PICKED UP THE RECEIVER AND
26 PUT IT BACK DOWN AGAIN.

27 BY MS. STREETER:

28 Q WHY DID YOU DO THAT, MR. COHEN?

1 A I THINK THERE WERE PEOPLE IN THE HOUSE
2 AND THIS MESSAGE WAS GOING ON FOR A LONG TIME. I DIDN'T
3 WANT TO HEAR ANY MORE OF IT.

4 Q OKAY. NOW, DID YOU HAVE ANY CONVERSATION
5 WITH HER ON THAT DATE?

6 A NO, MA'AM.

7 Q ALL RIGHT. NOW, DO YOU RECALL LISTENING
8 TO THE MESSAGE THAT -- THE TWO MESSAGES THE PEOPLE JUST
9 PLAYED, DO YOU RECALL WHETHER OR NOT THERE WAS ANY
10 MENTION OF DRUG USAGE IN THOSE VOICE MAIL MESSAGES?

11 A THE ONE WE JUST HEARD?

12 Q YES.

13 A YES, THERE WAS.

14 Q DO YOU RECALL YESTERDAY -- LAST FRIDAY
15 LOOKING AT E-MAILS WHERE YOU AND MR. COOLEY, THE
16 DISTRICT ATTORNEY, AND MR. JACKSON WERE LINKED TOGETHER
17 BY MS. LYNCH?

18 A YES, I DO REMEMBER THAT.

19 Q WAS THE DISTRICT ATTORNEY REFERRED TO IN
20 THE VOICE MAIL MESSAGE THAT WE JUST HEARD? DO YOU
21 RECALL?

22 A I THINK SO. WAS IT MR. COOLEY? YES, I
23 BELIEVE.

24 Q OKAY. DO YOU REMEMBER ANY MENTION OF A
25 D.A.?

26 A I THINK THERE WAS, YES.

27 Q OKAY. ALL RIGHT. NOW, DID YOU ALSO
28 RECEIVE VOICE MAIL MESSAGES FROM MS. COHEN DURING THE

1 MONTH -- MS. LYNCH DURING THE MONTH OF SEPTEMBER 2011?

2 A YES, I BELIEVE THEY BEGAN ON
3 SEPTEMBER 21ST.

4 MS. STREETER: I THINK I NEED TO LOOK AT
5 PEOPLE'S 11. LET ME CLOSE THIS DOWN.

6 BY MS. STREETER:

7 Q JUST GIVE ME A MOMENT, MR. COHEN. I'LL
8 BE RIGHT WITH YOU.

9 MS. STREETER: DOES THE COURT WANT ME TO
10 CONTINUE, GIVEN THE TIME, OR DO YOU WANT ME TO --

11 THE COURT: WE HAVE TEN MINUTES MORE. WE MIGHT
12 AS WELL USE IT.

13 MS. STREETER: OKAY, YOUR HONOR. THIS IS COMING
14 FROM PEOPLE'S 10, AND IT'S TAB THREE. IT HAS VARIOUS
15 DATES OF SEPTEMBER. I'M SHOWING IT TO COUNSEL.

16 BY MS. STREETER:

17 Q OKAY. I'M GOING TO PLAY YOU A VOICE MAIL
18 MESSAGE. IT HAS THE DATE OF SEPTEMBER 20TH. I'M NOT
19 SURE. AND I'M GOING TO ASK YOU TO DO THE SAME THING
20 THAT YOU'VE DONE BEFORE.

21

22 (CD PLAYED.)

23

24 MR. KELLY: OBJECTION, YOUR HONOR.

25 MS. STREETER: IF YOU WANT ME TO STOP, I CAN.

26 THE COURT: GO AHEAD.

27 BY MS. STREETER:

28 Q THE FIRST VOICE MAIL MESSAGE I JUST

1 PLAYED YOU, DO YOU RECOGNIZE THE PERSON --

2 CAN YOU HEAR ME, MR. COHEN?

3 A YES, MA'AM, I CAN NOW.

4 Q IF YOU DO HAVE TROUBLE HEARING ME OR
5 UNDERSTANDING ME, PLEASE LET ME KNOW, MR. COHEN.

6 A OKAY.

7 Q THE FIRST VOICE MAIL MESSAGE THAT I JUST
8 PLAYED FOR YOU, DO YOU RECOGNIZE THE PERSON'S VOICE IN
9 THAT VOICE MAIL MESSAGE?

10 A YES, MA'AM.

11 Q WHO'S THAT PERSON?

12 A IT IS KELLEY LYNCH.

13 Q DO YOU RECALL RECEIVING THAT VOICE MAIL
14 AROUND SEPTEMBER 20TH, 2011?

15 A YES, I DO.

16 Q OKAY. AND DID YOU SAVE THAT VOICE MAIL
17 MESSAGE IN THE SIMILAR FASHION THAT YOU DESCRIBED FOR US
18 PREVIOUSLY?

19 A YES, I DID.

20 Q AND DID YOU THEN FORWARD THAT VOICE MAIL
21 MESSAGE TO YOUR ATTORNEY?

22 A YES, I DID.

23 Q OKAY. IS THE VOICE MAIL MESSAGE, THE
24 FIRST VOICE MAIL MESSAGE I JUST PLAYED FOR YOU IN
25 SEPTEMBER, IS THAT A TRUE AND ACCURATE RECORDATION OF
26 THE VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH
27 IN ABOUT SEPTEMBER 20TH, 2011?

28 A YES, IT IS.

1 Q OKAY. SO LET'S LISTEN TO THE SECOND ONE
2 AND I'LL ASK YOU SOME MORE QUESTIONS.

3

4 (CD PLAYED.)

5

6 BY MS. STREETER:

7 Q OKAY. DO YOU RECOGNIZE THE PERSON'S
8 VOICE IN THE SECOND VOICE MAIL MESSAGE THE PEOPLE JUST
9 PLAYED FOR YOU?

10 A YES, I DID. YES, IT'S KELLEY LYNCH.

11 Q DID YOU RECEIVE THAT VOICE MAIL
12 APPROXIMATELY SEPTEMBER 20TH, 2011?

13 A YES, I DID.

14 Q DID YOU SAVE THAT VOICE MAIL MESSAGE AS
15 YOU HAVE THE PREVIOUS VOICE MAIL MESSAGES THAT THE
16 PEOPLE HAVE PLAYED FOR YOU, MR. COHEN?

17 A YES, I DID, MA'AM.

18 Q ONCE YOU SAVED THAT VOICE MAIL MESSAGE,
19 DID YOU THEN FORWARD THAT VOICE MAIL MESSAGE TO YOUR
20 ATTORNEYS?

21 A THAT'S CORRECT.

22 Q OKAY. AND IS THE VOICE MAIL MESSAGE THE
23 PEOPLE JUST PLAYED FOR YOU A TRUE AND ACCURATE
24 RECORDATION OF THE VOICE MAIL MESSAGE THAT YOU RECEIVED
25 FROM MS. LYNCH AT APPROXIMATELY SEPTEMBER 20TH, 2011?

26 A YES, IT IS.

27 MS. STREETER: DO YOU WANT ME TO CONTINUE YOUR
28 HONOR? I HAVE MORE QUESTIONS.

1 THE COURT: NO, I THINK THIS IS A GOOD TIME TO
2 BREAK.

3 IT'S JUST ABOUT NOON, LADIES AND
4 GENTLEMEN. WE'RE GOING TO BREAK FOR LUNCH NOW. I WILL
5 SEE YOU AT 1:30. PLEASE REMEMBER NOT TO DISCUSS THE
6 CASE AMONGST YOURSELVES OR WITH ANYONE ELSE. AND PLEASE
7 TRY TO BE ON TIME AT 1:30.

8 MS. STREETER: I'M SORRY, YOUR HONOR. DID I
9 MARK THAT DISK? I DON'T THINK I DID. DID I MARK IT?

10 THE COURT: ARE YOU MARKING IT SEPARATELY? IT'S
11 PART OF ANOTHER EXHIBIT.

12 MS. STREETER: SO I DON'T NEED TO MARK IT
13 ANYMORE?

14 THE COURT: NO.

15 MS. STREETER: OKAY, PERFECT. THANK YOU, YOUR
16 HONOR.

17 THE COURT: THANK YOU.

18

19 (AT 12 P.M., A NOON RECESS WAS TAKEN
20 UNTIL 1:30 P.M. OF THE SAME DAY.)

21

22

23

24

25

26

27

28

1 CASE NUMBER: 2CA04539
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH
3 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 9, 2012
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861
6 TIME: P.M. SESSION
7 APPEARANCES:

8
9 THE DEFENDANT WITH HER COUNSEL,
10 MICHAEL KELLY AND NIKHIL RAMNANEY,
11 DEPUTY PUBLIC DEFENDERS
12 OF LOS ANGELES COUNTY;
13 SANDRA JO STREETER, DEPUTY CITY ATTORNEY,
14 REPRESENTING THE PEOPLE OF THE
15 STATE OF CALIFORNIA.

16
17 (THE FOLLOWING PROCEEDINGS WERE HELD
18 IN OPEN COURT OUTSIDE THE PRESENCE
19 OF THE JURY:)

20
21 THE COURT: OKAY. WE ARE OUTSIDE THE PRESENCE
22 OF THE JURY. THERE WAS A MATTER YOU WANTED TO BRING UP,
23 MR. KELLY?

24 MR. KELLY: YES, YOUR HONOR. AT THE CONCLUSION
25 OF THE MORNING, OR RIGHT BEFORE -- OR RIGHT AFTER THE
26 MORNING BREAK, COUNSEL AND I WERE SOMEWHAT DISCUSSING
27 THIS CASE AFTER THE JURY HAD LEFT, WHEN UNBEKNOWNST TO
28 US JUROR NO. 1 HAD BEEN IN THE BACK AND HAD COME OUT. I

1 DON'T KNOW WHAT WAS HEARD. WE WERE TALKING ABOUT THE
2 CASE, SOMETHING -- IT WAS KIND OF IN JEST AND KIND OF
3 LIGHT-HEARTED. I THINK COUNSEL --

4 MS. STREETER: YES. I HAD GOTTEN SOME DOCUMENTS
5 FROM MR. KORY AND I GAVE IT TO DEFENSE COUNSEL.

6 MR. KELLY: AND THERE WAS -- I DON'T KNOW IF
7 THERE WAS A JOKE OR SOMETHING ABOUT -- SOMETHING THAT
8 COULD --

9 MS. STREETER: I COULD SEND A MESSENGER.

10 THE COURT: DO YOU WANT ME TO MAKE INQUIRY? IT
11 SEEMS LIKE MAKING A BIG DEAL OUT OF NOTHING.

12 MR. KELLY: RIGHT. I JUST WANTED TO --

13 THE COURT: I APPRECIATE YOUR LETTING US KNOW,
14 BUT I DON'T THINK ANY FURTHER INQUIRY. IT DOESN'T SOUND
15 LIKE THERE'S ANY POTENTIAL --

16 MS. STREETER: AT THE POINT HE CAME OUT WE
17 WEREN'T EVEN TALKING.

18 MR. KELLY: RIGHT. WE HAD STOPPED, BUT RIGHT
19 WHEN HE CAME OUT.

20 THE COURT: WE'LL TRY TO BE MORE CAREFUL ABOUT
21 MAKING SURE ALL OUR JURORS ARE OUT. I'LL TRY TO WATCH
22 THEM NOW WHEN THEY LEAVE.

23 OKAY. I THINK WE'RE READY TO BRING OUR
24 JURORS IN. AND WE'LL HAVE OUR WITNESS COME IN FIRST.

25 MS. STREETER: OKAY. I'LL GET HIM.

26

27

28

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT IN THE PRESENCE OF THE
3 JURY:)
4

5 THE COURT: OKAY. ALL OUR JURORS ARE NOW
6 PRESENT, WE'RE READY TO RESUME.

7 WHENEVER YOU ARE READY, MS. STREETER.

8 MS. STREETER: OKAY.
9

10 LEONARD COHEN,
11 CALLED AS A WITNESS BY THE PEOPLE, RESUMED THE STAND AND
12 TESTIFIED FURTHER AS FOLLOWS:
13

14 DIRECT EXAMINATION (RESUMED)
15 BY MS. STREETER:

16 Q ALL RIGHT. GOOD AFTERNOON, MR. COHEN.

17 A GOOD AFTERNOON.

18 Q NOW, WE HAVE BEEN LISTENING TO SOME VOICE
19 MAIL MESSAGES, AND I STILL HAVE MORE I NEED TO PLAY FOR
20 YOU.

21 DO YOU RECALL AROUND HALLOWEEN OF LAST
22 YEAR WHETHER OR NOT YOU RECEIVED ANY MORE VOICE MAIL
23 MESSAGES FROM MS. LYNCH?

24 A AROUND THE END OF OCTOBER, YES.

25 Q ALL RIGHT. I'M GOING TO PLAY SOME MORE
26 MESSAGES. WE'RE GOING TO DO WHAT WE'VE DONE IN THE
27 PAST. I'LL PLAY THEM, ASK YOU SOME QUESTIONS, AND WE'LL
28 KEEP GOING, OKAY?

1 A YES.

2 MS. STREETER: THIS IS FROM THE BOOK WITH ALL
3 THE DVDS, YOUR HONOR.

4 THE COURT: YES.

5 MS. STREETER: I THINK IT'S TAB FIVE THAT HAD
6 THESE VOICE MAIL MESSAGES, AND WE'RE ON PAGE 18, I
7 THINK -- NO, 16 OF THE TRANSCRIPT.

8

9 (CD PLAYED.)

10

11 BY MS. STREETER:

12 Q DO YOU RECOGNIZE THE VOICE OF THE PERSON
13 ON THAT VOICE MAIL MESSAGE?

14 A YES, I DO.

15 Q WHO IS THAT PERSON?

16 A THAT'S KELLEY LYNCH.

17 Q OKAY. DID YOU RECEIVE THAT VOICE MAIL
18 MESSAGE APPROXIMATELY OCTOBER 30TH, 2011?

19 THIRTY-FIRST, 2011.

20 A YES, I DID.

21 Q OKAY. AND DID YOU SAVE THAT VOICE MAIL
22 THAT THE PEOPLE JUST PLAYED FOR YOU IN THE SIMILAR
23 FASHION THAT YOU TESTIFIED TO BEFORE, MR. COHEN?

24 A YES, MA'AM, I DID.

25 Q OKAY. AND ONCE YOU SAVED THAT VOICE MAIL
26 MESSAGE, DID YOU FORWARD THAT VOICE MAIL MESSAGE TO YOUR
27 ATTORNEYS' OFFICE?

28 A YES, I DID.

1 Q OKAY. IS THE VOICE MAIL MESSAGE THE
2 PEOPLE PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF
3 A VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH ON
4 APPROXIMATELY OCTOBER 31ST, 2011?

5 A YES, IT IS.

6 Q OKAY. ALL RIGHT. WE'LL CONTINUE.

7

8 (CD PLAYED.)

9

10 BY MS. STREETER:

11 Q THE -- RIGHT BEFORE THE MONDAY PART,
12 LET'S TALK ABOUT THAT. DO YOU RECOGNIZE THE PERSON'S
13 VOICE ON THE VOICE MAIL MESSAGE RIGHT BEFORE THE MACHINE
14 SAID MONDAY WHATEVER DATE?

15 A YES, MA'AM. IT'S KELLEY LYNCH.

16 Q AND DID YOU RECEIVE THAT VOICE MAIL
17 MESSAGE APPROXIMATELY OCTOBER 31ST, 2011?

18 A I BELIEVE SO.

19 Q OKAY. AND DO YOU RECALL ANY MENTION IN
20 THAT VOICE MAIL MESSAGE ABOUT DRUG USAGE ON YOUR PART?

21 A YES, I'M ACCUSED OF USING DRUGS.

22 Q AND DID YOU SAVE THAT VOICE MAIL MESSAGE
23 THE PEOPLE JUST PLAYED FOR YOU IN A SIMILAR FASHION AS
24 YOU TESTIFIED TO PREVIOUSLY, SIR?

25 A YES, I DID.

26 Q ONCE YOU SAVED THAT VOICE MAIL MESSAGE,
27 DID YOU FORWARD THAT VOICE MAIL MESSAGE TO YOUR
28 ATTORNEYS' OFFICE?

1 A YES, I DID.

2 Q IS THE VOICE MAIL MESSAGE THE PEOPLE JUST
3 PLAYED FOR YOU A TRUE AND ACCURATE REPRESENTATION OF THE
4 VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH ON
5 OR ABOUT OCTOBER 31ST, 2011?

6 A YES, IT IS.

7 Q NOW, YOU RECEIVED THESE VOICE MAIL
8 MESSAGES AT YOUR HOME; IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q AND YOU LIVE IN THE CITY AND COUNTY OF
11 LOS ANGELES?

12 MR. KELLY: OBJECTION; LEADING.

13 THE COURT: OVERRULED.

14 BY MS. STREETER:

15 Q YOU LIVED IN THE CITY AND COUNTY OF LOS
16 ANGELES, MR. COHEN?

17 A YES, MA'AM.

18 Q LET'S CONTINUE.

19

20 (CD PLAYED.)

21

22 BY MS. STREETER:

23 Q OKAY. NOW, THE VOICE MAIL MESSAGE THE
24 PEOPLE JUST PLAYED FOR YOU, DO YOU RECOGNIZE THE
25 PERSON'S VOICE ON THAT MESSAGE?

26 A YES, MA'AM, IT'S KELLEY LYNCH.

27 Q AND DID YOU RECEIVE THAT MESSAGE ON
28 APPROXIMATELY OCTOBER 31ST, 2011?

1 A YES, I DID.

2 Q AND ONCE YOU RECEIVED THAT VOICE MAIL
3 MESSAGE, DID YOU SAVE THAT VOICE MAIL MESSAGE AS YOU
4 HAVE ON PREVIOUS VOICE MAILS THAT YOU TESTIFIED TO?

5 A YES, I DID.

6 Q AND ONCE YOU SAVED THAT VOICE MAIL, DID
7 YOU THEN FORWARD THAT VOICE MAIL TO YOUR ATTORNEYS'
8 OFFICE?

9 A YES, MA'AM, I DID.

10 Q IS THE VOICE MAIL THAT THE PEOPLE JUST
11 PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF THE
12 VOICE MAIL THAT YOU RECEIVED FROM MS. LYNCH ON OR ABOUT
13 OCTOBER 31ST, 2011?

14 A YES, IT IS.

15 Q OKAY. NOW, IF YOU CAN, JUST TAKING BACK
16 TO THE VERY LAST VOICE MAIL MESSAGE THAT I PLAYED FOR
17 YOU. DID MS. LYNCH TALK ABOUT -- DO YOU RECALL HEARING
18 MS. LYNCH TALKING ABOUT ONE SUBJECT OR A NUMBER OF
19 SUBJECTS?

20 A A NUMBER OF SUBJECTS.

21 Q OKAY. DO YOU RECALL HER MENTIONING IN
22 THE VERY LAST VOICE MAIL MESSAGE THE PEOPLE PLAYED FOR
23 YOU ANY MENTION OF DRUGS?

24 A YES. THERE WAS A SUGGESTION THAT I'M ON
25 DRUGS.

26 Q DO YOU RECALL ANY MENTION OF A BUSINESS
27 RELATIONSHIP THAT YOU AND SHE MAY HAVE HAD?

28 A YES, SHE SPOKE ABOUT HER -- HER TAXATION.

1 Q NOW, YOU TESTIFIED PREVIOUSLY -- IF THE
2 PEOPLE ARE INACCURATE PLEASE CORRECT ME.

3 THE PEOPLE RECALL YOU TESTIFYING
4 PREVIOUSLY THAT MS. LYNCH HAS ON SOME OCCASIONS ASKED
5 ABOUT GETTING TAX RETURNS; IS THAT CORRECT?

6 A YES, MANY TIMES.

7 Q AMENDED TAX RETURNS; IS THAT CORRECT?

8 A YES, MA'AM.

9 Q DO YOU RECALL THE VOICE MAIL MESSAGE THAT
10 I FIRST PLAYED -- THE ONE I JUST PLAYED FOR YOU, WHETHER
11 OR NOT THAT WAS THE FIRST THING SHE TALKED ABOUT, OR
12 WHETHER SHE TALKED ABOUT SOMETHING ELSE IN THAT VOICE
13 MAIL MESSAGE?

14 A I THINK SHE SPOKE OF THAT FIRST.

15 Q OKAY. DO YOU -- DO YOU THINK IF I SHOWED
16 YOU THE TRANSCRIPT FROM THAT CALL THAT I JUST PLAYED FOR
17 YOU, THAT WOULD HELP REFRESH YOUR RECOLLECTION?

18 A YES, MA'AM.

19 MR. KELLY: OBJECTION; CUMULATIVE.

20 THE COURT: YES, IT IS CUMULATIVE. I DON'T
21 THINK HIS RECOLLECTION OF WHAT WE JUST --

22 MS. STREETER: OKAY. THAT'S FINE.
23 BY MS. STREETER:

24 Q DO YOU RECALL IF ALSO IN THAT VOICE MAIL
25 MESSAGE THERE WAS ANY MENTION OF A GENTLEMAN BY THE NAME
26 OF PHIL SPECTOR?

27 A YES, PHIL SPECTOR'S NAME WAS MENTIONED.

28 Q AND HIS ATTORNEYS; IS THAT RIGHT?

1 A I BELIEVE SO.

2 Q OKAY. NOW, IS THE DISCUSSION OF PHIL
3 SPECTOR SOMETHING THAT IS COMMON IN THE VOICE MAIL
4 MESSAGES THAT MS. LYNCH HAS LEFT YOU?

5 A YES, IT'S ALMOST ROUTINE.

6 Q OKAY. WHAT ABOUT THE E-MAIL MESSAGES
7 THAT MS. LYNCH HAS SENT YOU, PARTICULARLY IN THE TIME
8 PERIOD OF FEBRUARY 2011 TO FEBRUARY 2012? IS THE TOPIC
9 OF MR. SPECTOR A COMMON TOPIC?

10 A YES, IT IS.

11 Q OKAY. WOULD YOU SAY THAT THAT IS ALMOST
12 ROUTINE AS WELL?

13 A YES, IT IS.

14 Q OKAY. DID YOU HAVE ANY INVOLVEMENT IN
15 THE PHILLIP SPECTOR TRIAL?

16 A NONE WHATSOEVER.

17 Q WAS MS. -- DID THE --

18 A MAY I QUALIFY THAT?

19 Q YES.

20 A AT THE VERY BEGINNING OF THE TRIAL, AFTER
21 THE -- THE DEATH OF LANA CLARKSON WAS MADE PUBLIC, I WAS
22 VISITED BY TWO SHERIFFS FROM THE L.A. COUNTY. AND THEY
23 INTERVIEWED ME AS TO MY RELATIONSHIP WITH PHIL SPECTOR.
24 MY ATTORNEY, MR. CRON, WAS PRESENT AT THE TIME.

25 I TOLD THE DETECTIVES THAT PHIL SPECTOR
26 HAD PRODUCED AN ALBUM OF MINE IN 1977, AND THEY ASKED ME
27 ABOUT SOME STORIES THAT WERE CIRCULATING IN THE
28 NEWSPAPER ABOUT HIS USE OF GUNS IN THE STUDIO. I TOLD

1 THEM OF MY EXPERIENCE. THEN THEY ASKED ME WHEN I'D LAST
2 SEEN PHIL SPECTOR. I SAID THE LAST I'D SEEN HIM WAS
3 SHORTLY AFTER THE RECORD WAS RELEASED, WHICH I THINK WAS
4 1977 OR 1978, AND I HADN'T SEEN HIM SINCE. WHEN THEY
5 DISCOVERED THAT I HADN'T SEEN HIM SINCE, THEY WERE NO
6 LONGER INTERESTED IN INTERVIEWING ME AND LEFT. SO THAT
7 WAS SOME CONNECTION I DID HAVE WITH THE TRIAL.

8 SUBSEQUENT TO THAT, I'VE HAD NOTHING TO
9 DO WITH THE TRIAL WHATSOEVER.

10 Q NOW, WHEN YOU SPOKE TO THE DETECTIVES DO
11 YOU KNOW WHERE MS. LYNCH WAS?

12 A MY ATTORNEY, MR. CRON, ASKED MS. LYNCH TO
13 LEAVE THE ROOM, SO THAT I THINK THE ATTORNEY/CLIENT
14 PRIVILEGE WOULD NOT BE CHALLENGED.

15 Q OKAY. BUT SHE WAS SOMEWHERE AROUND?

16 A SHE WAS IN MY HOUSE.

17 Q AND DO YOU REMEMBER WHEN THE TRIAL FROM
18 MR. SPECTOR HAPPENED? WAS IT BEFORE OR AFTER MS. LYNCH
19 LEFT YOUR EMPLOY?

20 A I THINK IT WAS DURING THAT PERIOD. I'M
21 NOT SURE.

22 Q BUT IT WAS AROUND THE SAME TIME?

23 A YES.

24 Q AND PRIOR TO HER LEAVING YOUR EMPLOY, YOU
25 HAD NO CONTACT WITH ANYBODY ELSE ON THAT CASE; IS THAT
26 RIGHT?

27 A OH, NO, NONE WHATSOEVER.

28 Q NOW, YOU MENTIONED THAT SHE WOULD ALSO

1 MENTION, TALK ABOUT MR. SPECTOR IN THE E-MAILS. I'M
2 GOING TO SHOW -- ASK YOU A COUPLE OF QUESTIONS ABOUT
3 THOSE E-MAILS.

4 DO YOU RECALL GETTING AN E-MAIL FROM
5 MS. LYNCH ON APPROXIMATELY APRIL 18TH, 2011 AT ABOUT
6 5:44 A.M.?

7 A I KNOW THAT OCCASIONALLY THERE WERE SOME
8 VERY EARLY CALLS.

9 Q THIS IS AN E-MAIL MESSAGE.

10 A I WOULD HAVE TO BE REFRESHED.

11 Q SO LET ME GET THAT FOR YOU.

12 MS. STREETER: YOUR HONOR, I HAVE PEOPLE'S 13.

13 BY MS. STREETER:

14 Q NOW, THINKING BACK TO THE E-MAILS THAT
15 YOU RECEIVED FROM MS. LYNCH ABOUT MR. SPECTOR, WOULD SHE
16 USE HIS WHOLE NAME OR WOULD SHE USE PART OF HIS NAME, OR
17 DID IT VARY?

18 A IT VARIED, BUT I THINK IT WAS USUALLY
19 PHIL SPECTOR.

20 Q OKAY.

21 A OCCASIONALLY WHEN SHE SPOKE OF HIM AS
22 SOMEONE SHE KNEW WELL, I THINK SHE WOULD CALL HIM
23 PHILLIP.

24 Q I'M GOING TO SHOW YOU AN E-MAIL. IT'S --

25 MS. STREETER: COUNSEL AND COURT, IT'S
26 APRIL 18TH, 2011. I MISSPOKE. IT'S AT 8:11 A.M.

27 BY MS. STREETER:

28 Q JUST LOOK AT THE FIRST PAGE ON THE DATE,

1 SEE IF THAT REFRESHES YOUR RECOLLECTION. LET ME KNOW
2 WHEN YOU'VE DONE THAT.

3 A YES, MA'AM.

4 Q DID -- DOES THAT REFRESH YOUR
5 RECOLLECTION AS TO WHETHER OR NOT YOU RECEIVED AN E-MAIL
6 ON APRIL 18, 2011 AT APPROXIMATELY 8:11 A.M. IN THE
7 MORNING?

8 A YES, THIS IS THE E-MAIL I RECEIVED.

9 Q OKAY. IF YOU COULD LOOK AT IT AND SEE IF
10 THAT E-MAIL HELPS YOU RECALL WHETHER OR NOT THERE WAS
11 ANY MENTION OF EITHER A PHIL, A PHILLIP OR PHIL SPECTOR
12 IN THE E-MAIL?

13 A IN THIS PARTICULAR E-MAIL, MR. SPECTOR IS
14 CALLED PHILLIP.

15 Q OKAY. AND ON WHAT PAGE IS THE E-MAIL?
16 WHAT PAGE IS THAT MENTION OF MR. SPECTOR?

17 A I HAVEN'T STUDIED THE WHOLE E-MAIL, BUT
18 IT BEGINS ON THE FIRST PAGE.

19 Q HOW MANY PAGES IS THAT PARTICULAR E-MAIL,
20 MR. COHEN?

21 A SEVEN E-MAILS.

22 Q SEVEN PAGES?

23 A SEVEN PAGES.

24 Q ALL RIGHT. IS YOUR NAME MENTIONED IN ANY
25 WAY WITH PHILLIP, MR. COHEN?

26 A YES. IT SAYS, COHEN TOLD ME PHILLIP
27 NEVER HELD A GUN ON HIM, AND THAT WOULD SUPPORT WHAT HE
28 TOLD THE LAPD.

1 Q ALL RIGHT. I'M GOING TO SHOW YOU ANOTHER
2 E-MAIL. DO YOU RECALL IF YOU RECEIVED AN E-MAIL FROM
3 MS. LYNCH ON DECEMBER 17TH, 2011 AT APPROXIMATELY
4 4:09 P.M.?

5 MR. KELLY: OBJECTION; ASKED AND ANSWERED.
6 WE'VE GONE THROUGH THIS.

7 THE COURT: I THINK WE HAVE.

8 MS. STREETER: OKAY.

9 BY MS. STREETER:

10 Q ALL RIGHT. I'M GOING TO SHOW YOU AN
11 E-MAIL FROM DECEMBER 17TH.

12 OKAY. DIRECTING YOU TO THAT E-MAIL, THE
13 BOTTOM OF PAGE 3 OF THE E-MAIL. I'M GOING TO ASK YOU TO
14 LOOK AT IT, SEE IF THAT REFRESHES YOUR RECOLLECTION AS
15 TO WHETHER THERE IS ANY MENTION OF MR. SPECTOR AND YOUR
16 NAME.

17 A THE BOTTOM?

18 Q THE BOTTOM OF PAGE 3.

19 A YES, I READ IT.

20 Q OKAY. IS THERE ANY MENTION OF
21 MR. SPECTOR IN THAT E-MAIL?

22 A YES, MA'AM, THERE IS.

23 Q AND IS THERE ANY MENTION OF YOU?

24 A YES. IT SAYS, EVERYONE WANTS TO KNOW
25 ABOUT COHEN'S PERJURY IN THE PHIL SPECTOR MATTER.

26 Q OKAY. AND IS THAT SOMETHING THAT MS. --
27 PRIOR TO THAT DATE OF DECEMBER 17TH, 2011, IS THAT
28 SOMETHING THAT MS. LYNCH HAS ACCUSED YOU OF, OF

1 PERJURING YOURSELF?

2 A YES. MS. LYNCH HAS CONTINUALLY ACCUSED
3 ME OF TESTIFYING AGAINST PHIL SPECTOR IN THE SECRET
4 GRAND JURY.

5 Q NOW, DID SHE -- HAS SHE MENTIONED THAT IN
6 BOTH E-MAILS AND VOICE MAIL MESSAGES?

7 A YES, MA'AM.

8 Q HAS SHE MENTIONED THAT DURING THE TIME
9 PERIOD OF FEBRUARY 2011 TO FEBRUARY -- THE END OF
10 FEBRUARY 2012?

11 A YES, SHE HAS.

12 Q ALL RIGHT. NOW, I'M GOING TO ASK YOU
13 ABOUT -- PREVIOUSLY ABOUT E-MAILS -- TALK ABOUT FROM THE
14 TIME PERIOD OF DECEMBER 29TH, 2011 TO DECEMBER 30TH,
15 2011.

16 YES, 30TH.

17 AND I'M GOING TO DIRECT YOUR SPECIFIC
18 ATTENTION TO THE E-MAIL AT APPROXIMATELY 7:06 P.M. DO
19 YOU RECALL IF IN SUCH AN E-MAIL, IF MS. LYNCH MENTIONED
20 THAT -- MS. LYNCH MENTIONED MR. COHEN?

21 I MEAN, I'M SORRY, MR. SPECTOR.

22 A I'D HAVE TO SEE THE E-MAIL, MA'AM.

23 Q OKAY.

24 I MISSPOKE. IT'S 7:19 P.M. AND IT'S THE
25 FIRST PAGE OF THE E-MAIL.

26 MR. KELLY: MAY I TAKE A LOOK?

27 MS. STREETER: YES.

28

1 BY MS. STREETER:

2 Q OKAY. LOOK AT THE FIRST PAGE, MR. COHEN.

3 A YES.

4 MR. KELLY: AGAIN I'LL OBJECT TO HEARSAY.

5 THE COURT: THERE'S NO QUESTION PENDING YET.

6 THE WITNESS: I'VE LOOKED THROUGH IT.

7 BY MS. STREETER:

8 Q IS THERE ANY MENTION OF MR. SPECTOR IN
9 THAT E-MAIL, MR. COHEN?

10 MR. KELLY: OBJECTION; HEARSAY.

11 THE COURT: OVERRULED.

12 THE WITNESS: YES. MANY MENTIONS OF
13 MR. SPECTOR.

14 BY MS. STREETER:

15 Q OKAY. NOW, DO YOU RECALL WHAT THE
16 SUBJECT LINE -- WELL, THIS IS ON THE FIRST PAGE. YOU
17 SAW MANY MENTIONS OF MR. SPECTOR IN THAT FIRST PAGE OF
18 THE E-MAIL; IS THAT CORRECT?

19 A CORRECT.

20 Q NOW, DO YOU RECALL WHAT THE SUBJECT LINE
21 OF THAT E-MAIL SAID, MR. COHEN?

22 A THE SUBJECT SAYS, KELLEY LYNCH, 2004 AND
23 2005 FEDERAL AND STATE TAX RETURNS.

24 Q NOW, PREVIOUSLY YOU TESTIFIED THAT THAT
25 WAS ONE OF THE ISSUES THAT SHE HAD WITH YOU. IN LOOKING
26 AT THAT -- THE FIRST PAGE OF THAT E-MAIL, DO YOU SEE ANY
27 MENTION AT ALL ABOUT REQUEST FOR TAX RETURNS?

28 A NO, MA'AM, THERE ISN'T ANY.

1 Q DO YOU SEE ANY MENTION OF A REQUEST FOR A
2 K-1 FORM?

3 A NO, THERE ISN'T.

4 Q IS THERE ANY REQUEST FOR A 1099?

5 A NO, THERE ISN'T.

6 Q IS THERE ANYTHING THAT YOU CAN SEE ON
7 THAT FIRST PAGE OF THAT E-MAIL THAT IS ANY WAY RELATED
8 TO TAXES?

9 A NO, THERE ISN'T.

10 Q NOW, HOW COMMON WAS IT ON THE E-MAILS
11 THAT YOU RECEIVED FROM MS. LYNCH FOR THE E-MAILS TO
12 COVER SUBJECTS OTHER THAN TAXES?

13 A FREQUENT.

14 Q OKAY. WOULD YOU SAY THIS HAPPENED --
15 WHEN YOU SAY FREQUENT, WOULD THAT BE HALF THE TIME,
16 75 PERCENT OF THE TIME? CAN YOU GIVE US AN IDEA,
17 MR. COHEN?

18 A IT'S JUST A GUESS, BUT I'D SAY HALF THE
19 TIME.

20 Q OKAY. ALL RIGHT.

21 NOW, MR. COHEN, DO YOU RECALL TESTIFYING
22 AT A PRIOR HEARING A COUPLE OF -- ABOUT TWO OR THREE
23 WEEKS AGO ON THE THIRD FLOOR AT A DIFFERENT COURT
24 HEARING IN FRONT OF A DIFFERENT JUDGE?

25 A YES, MA'AM.

26 Q OKAY. AND DO YOU RECALL, IN PREPARING
27 FOR TESTIFYING AT THAT HEARING, IF YOU REVIEWED ANY
28 E-MAILS THAT YOU RECEIVED FROM MS. LYNCH?

1 A YES. THE NIGHT BEFORE I REVIEWED ALL THE
2 E-MAILS OF JANUARY 21ST AND 22ND, I BELIEVE. IT
3 INCLUDED 32 E-MAILS --

4 MR. KELLY: OBJECTION; NONRESPONSIVE.

5 THE COURT: OVERRULED.

6 THE WITNESS: SHALL I CONTINUE?

7 BY MS. STREETER

8 Q YES.

9 A IT INVOLVED, I THINK, 32 E-MAILS OF
10 APPROXIMATELY 50 PAGES EACH. IT WAS OVER A THOUSAND
11 PAGES OF E-MAILS.

12 Q OKAY. NOW, WERE THESE E-MAILS -- AS BEST
13 YOU KNOW, WERE THESE E-MAILS PRINTED BY YOUR ATTORNEYS'
14 OFFICE OR THE LOS ANGELES CITY ATTORNEY?

15 A THEY WERE PRINTED AT -- AT MY ATTORNEYS'
16 OFFICE, AND I THINK SUBSEQUENTLY THEY WERE --

17 MR. KELLY: OBJECTION.

18 THE WITNESS: I DON'T KNOW, BUT I KNOW THEY WERE
19 PRINTED AT MY ATTORNEYS' OFFICE.

20 MR. KELLY: WITHDRAWN.

21 BY MS. STREETER:

22 Q AND OF THE E-MAILS THAT YOU REVIEWED FOR
23 THIS HEARING, DID YOU -- DO YOU RECALL WHETHER OR NOT
24 THERE WAS ANY MENTION OF A REQUEST FOR TAX RETURNS?

25 MR. KELLY: OBJECTION; FOUNDATION AS TO WHAT
26 DOCUMENTS.

27 THE COURT: YES. COULD YOU BE MORE SPECIFIC
28 WHAT YOU'RE REFERRING TO.

1 BY MS. STREETER:

2 Q THE E-MAILS THAT YOU SAID WERE
3 APPROXIMATELY JANUARY 21ST, ABOUT 30 OR SO.

4 A YES, MA'AM.

5 Q OKAY. DO YOU RECALL OF THOSE E-MAILS HOW
6 MANY HAD A REQUEST FOR TAX INFORMATION?

7 A YES, I DO.

8 Q HOW MANY?

9 A IT WAS MENTIONED ONCE IN THE THOUSAND
10 PAGES.

11 Q OKAY. NOW, DO YOU REMEMBER WHAT COLOR
12 BINDER IT WAS, MR. COHEN?

13 A I THINK IT WAS A WHITE BINDER.

14 MS. STREETER: I HAVE A BINDER WITH SEVERAL TABS
15 IN IT.

16 ACTUALLY, I WANT TO DO THIS.

17 BY MS. STREETER:

18 Q YOU SEE THE BINDER THAT YOU'VE BEEN
19 LOOKING AT, THE BLACK ONES?

20 A YES.

21 Q OKAY. DO THEY HAVE ANY TABS IN THEM? OR
22 DO THEY HAVE LIKE PAPER STUCK ON THEM?

23 A THEY HAVE PAPER.

24 Q LIKE STICKUMS?

25 A PAPER STICKERS, YEAH.

26 Q THE BINDER THAT WAS PREPARED BY YOUR
27 ATTORNEY, DID THEY HAVE STICKUMS ON THEM OR DID THEY
28 HAVE COLOR-CODED TABS?

1 A THEY HAD COLOR-CODED REFERENCES.

2 Q OKAY. ALL RIGHT.

3 MS. STREETER: I THINK THE COURT HAS A COPY OF
4 THIS ONE, YOUR HONOR.

5 THE COURT: MARKED JANUARY 19?

6 MS. STREETER: YES.

7 THE COURT: OKAY. I DO.

8 MS. STREETER: WHAT NUMBER AM I ON, 16?

9 THE COURT: YOU ARE ON PEOPLE'S 15.

10 MS. STREETER: FIFTEEN. I HAVE A WHITE BINDER.
11 IT HAS THE NAME, CASE AND CASE NUMBER. THE E-MAILS
12 DATED JANUARY 19, 2012 TO JANUARY 21ST, 2012.

13

14 (MARKED FOR IDENTIFICATION: BINDER
15 PEOPLE'S EXHIBIT NO. 15)

16

17 BY MS. STREETER:

18 Q I'M SHOWING YOU WHAT'S PEOPLE'S 15 AND
19 ASKING YOU TO LOOK AT IT.

20 OKAY. DO YOU RECOGNIZE THAT BINDER?

21 A YES, I DO.

22 Q ARE THOSE THE E-MAILS THAT YOU REVIEWED
23 PREVIOUSLY FOR ANOTHER COURT HEARING, MR. COHEN?

24 A YES, MA'AM, THIS IS THE BINDER.

25 Q OKAY. AND I JUST WANT YOU TO LOOK AT
26 THE -- WHAT'S IN THERE, AND LET ME KNOW -- JUST TAKE
27 YOUR TIME, GO THROUGH IT, AND LET ME KNOW IF YOU
28 RECOGNIZE ANYTHING THAT'S IN THERE. AND ONCE YOU

1 FINISH --

2 MR. KELLY: OBJECTION; VAGUE.

3 THE COURT: YES. TELL HIM SPECIFICALLY WHAT YOU
4 WANT HIM TO REVIEW.

5 MS. STREETER: OKAY.

6 BY MS. STREETER:

7 Q I'M GOING TO SHOW YOU -- THERE'S A RED --
8 AND I WANT YOU TO DIRECT YOUR ATTENTION TO AN E-MAIL
9 DATED JANUARY 21ST. IT HAS A RED TAB ON IT. AT
10 APPROXIMATELY 7:40 P.M., I BELIEVE IT IS.

11 A YES, MA'AM.

12 Q OKAY. DO YOU RECALL GETTING AN E-MAIL
13 FROM MS. LYNCH ON THAT DATE AND AT THAT TIME?

14 A YES, I DID.

15 Q OKAY. AND THE E-MAIL THAT YOU'RE LOOKING
16 AT, ONCE YOU RECEIVED IT DID YOU THEN FORWARD THAT
17 E-MAIL TO YOUR ATTORNEYS' OFFICE?

18 A MY ATTORNEYS WERE COPIED IN ON THIS
19 E-MAIL.

20 Q ALL RIGHT. AND I WANT YOU TO LOOK AT IT
21 AND TELL ME IF THAT E-MAIL ON THAT DATE AND TIME IS A
22 TRUE AND ACCURATE COPY OF THE E-MAIL THAT YOU RECEIVED
23 ON THAT DATE AND AT THAT TIME?

24 A YES, IT IS.

25 Q OKAY. AND WHO IS THAT E-MAIL -- I'M
26 GOING TO ASK YOU THIS: DO YOU RECOGNIZE THE SENDER'S
27 ADDRESS ON THAT E-MAIL?

28 A THE SENDER'S ADDRESS, YES.

1 Q OKAY. WHO IS THE SENDER OF THAT E-MAIL?

2 A KELLEY LYNCH.

3 Q IS THAT A TRUE AND ACCURATE COPY OF AN
4 E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AND
5 AT THAT TIME?

6 A YES, IT IS.

7 Q OKAY. IS THE SENDER'S E-MAIL ADDRESS THE
8 SAME E-MAIL ADDRESS THAT YOU'VE TESTIFIED TO PREVIOUSLY?

9 A YES, IT IS THE SAME ADDRESS.

10 Q AND IN THE E-MAILS ON PEOPLE'S 15, THAT
11 IS THE ONLY E-MAIL -- WHEN YOU REVIEWED THOSE DATED
12 E-MAILS, THAT IS THE ONLY E-MAIL THAT MADE MENTION OF A
13 REQUEST --

14 MR. KELLY: OBJECTION; LEADING.

15 THE COURT: OVERRULED.

16 BY MS. STREETER:

17 Q THAT'S THE ONLY E-MAIL THAT MADE MENTION
18 OF A REQUEST FOR TAX INFORMATION?

19 A THAT'S CORRECT.

20 Q ALL RIGHT. NOW, DO YOU RECALL IF THE
21 COLORADO RESTRAINING ORDER THAT YOU RECEIVED -- LET
22 ME -- DO YOU RECALL IF THE COLORADO RESTRAINING ORDER
23 YOU RECEIVED INCLUDES A NO-CONTACT PROVISION?

24 A YES, IT DOES.

25 MR. KELLY: OBJECTION; FOUNDATION.

26 THE COURT: SUSTAINED. THE ANSWER IS STRICKEN.

27 MS. STREETER: ONE MOMENT, YOUR HONOR.

28

1 BY MS. STREETER:

2 Q ARE YOU AWARE THAT THERE'S -- WERE YOU
3 PRESENT AT A HEARING WHERE AN ORDER WAS ISSUED INVOLVING
4 MS. LYNCH?

5 MR. KELLY: OBJECTION; VAGUE.

6 THE COURT: OVERRULED.

7 THE WITNESS: I WAS PRESENT AT THE PRELIMINARY
8 HEARING.

9 BY MS. STREETER:

10 Q OKAY. WERE YOU PRESENT AT THE PERMANENT
11 HEARING?

12 A NO, I WASN'T PRESENT.

13 Q WERE YOU EVER SHOWN ANY DOCUMENTS FROM
14 THE PERMANENT HEARING?

15 A YES, I HAVE THE DOCUMENT IN MY
16 POSSESSION.

17 Q OKAY. IS THIS FROM THE HEARING IN
18 COLORADO?

19 A YES, MA'AM.

20 MR. KELLY: OBJECTION; FOUNDATION, SPECULATION.

21 THE COURT: OVERRULED.

22 BY MS. STREETER:

23 Q OKAY. AND DO -- ARE YOU FAMILIAR WITH
24 WHAT'S IN THAT DOCUMENT?

25 A YES, MA'AM.

26 Q ALL RIGHT. AND DO YOU KNOW IF THAT
27 DOCUMENT HAS EVER BEEN REGISTERED WITH THE STATE OF
28 CALIFORNIA?

1 A YES.

2 MR. KELLY: OBJECTION; FOUNDATION.

3 THE COURT: SUSTAINED.

4 BY MS. STREETER:

5 Q ALL RIGHT. DID YOU EVER REQUEST THAT
6 THAT DOCUMENT, THE COLORADO DOCUMENT BE --

7 A YES, I DID.

8 Q OKAY. DID YOU EVER SEE A COPY OF THE
9 REGISTRATION OF THE COLORADO ORDER?

10 A YES, I DID.

11 Q OKAY. ARE YOU FAMILIAR WITH THE TERMS OF
12 THE REGISTRATION OF THE COLORADO ORDER?

13 A YES, MA'AM.

14 Q AND DO YOU KNOW IF THAT ORDER HAS A
15 NO-CONTACT PROVISION?

16 MR. KELLY: OBJECTION; SPECULATION, LACK OF
17 FOUNDATION.

18 THE COURT: I THINK THE BEST WAY TO PROVE THE
19 CONTENTS OF THE ORDER IS TO ENTER THE ORDER AS AN
20 EXHIBIT. IF IT HAS A PROPER FOUNDATION.

21 MS. STREETER: IT'S BEEN MARKED, YOUR HONOR.

22 THE COURT: IT'S BEEN MARKED FOR IDENTIFICATION,
23 AND I DON'T THINK WHETHER OR NOT HE KNOWS IT IS
24 PARTICULARLY RELEVANT.

25 MS. STREETER: OKAY. ALL RIGHT.

26 THE COURT: OKAY?

27 MS. STREETER: THANK YOU, YOUR HONOR.

28

1 BY MS. STREETER:

2 Q NOW, LET ME ASK YOU THIS: DO YOU RECALL
3 WHETHER OR NOT YOU WERE CONTACTED BY -- EITHER BY E-MAIL
4 FROM MS. LYNCH ON FEBRUARY -- SOMETIME DURING THE PERIOD
5 OF FEBRUARY 2011? VIA E-MAIL.

6 A YES, MA'AM, I WAS.

7 Q OKAY. DO YOU RECALL WHETHER OR NOT YOU
8 WERE CONTACTED BY MS. LYNCH VIA E-MAIL IN APRIL 2011?

9 A PROBABLY. I'D HAVE TO REFRESH MY MEMORY.

10 Q OKAY. DO YOU RECALL IF YOU WERE
11 CONTACTED BY -- LET ME.

12 DO YOU RECALL IF YOU WERE CONTACTED BY
13 MS. LYNCH IN JUNE 2011?

14 A YES, I WAS CONTACTED, I BELIEVE, IN EVERY
15 MONTH.

16 Q OKAY. DO YOU RECALL IF YOU WERE
17 CONTACTED BY HER VIA E-MAIL IN JUNE OF 2011?

18 A I BELIEVE I WAS.

19 Q IF I SHOWED YOU AN E-MAIL FROM JUNE OF
20 2011, WOULD THAT HELP REFRESH YOUR --

21 A YES, MA'AM.

22 MR. KELLY: OBJECTION. I DON'T BELIEVE HE SAID
23 THAT HE NEEDS HIS MEMORY REFRESHED.

24 THE COURT: HE SAID HE THINKS IT WOULD HELP
25 CLARIFY HIS MEMORY.

26 YOU CAN PROCEED.

27 MS. STREETER: THANK YOU.

28

1 BY MS. STREETER:

2 Q THIS IS PEOPLE'S 13.

3 WOULD YOU LOOK IN PEOPLE'S 13 AND SEE IF
4 THERE ARE ANY E-MAILS FROM THE MONTH OF JUNE 2011, AND
5 IF SO IF THAT HELPS REFRESH YOUR RECOLLECTION.

6 A YES, I FOUND ONE FROM JUNE.

7 Q OKAY. DO YOU RECALL -- DO YOU REMEMBER
8 IF YOU WERE CONTACTED BY MS. LYNCH VIA E-MAIL IN JULY OF
9 2011?

10 A YES, I WAS.

11 Q OKAY. NOW LET'S TALK ABOUT THE JUNE AND
12 JULY E-MAILS. THE JUNE E-MAILS THAT YOU RECEIVED FROM
13 MS. LYNCH, DID YOU SAVE THOSE E-MAILS?

14 A YES, I DID.

15 Q OKAY. AND DID YOU FORWARD THOSE E-MAILS
16 TO YOUR ATTORNEYS' OFFICE?

17 A THEY WERE COPIED IN ON THEM, BUT I SAVED
18 THEM MYSELF.

19 Q I WANT YOU TO LOOK AT THE E-MAILS THAT
20 ARE IN JUNE OF 2011, AND TELL -- ONCE YOU'VE LOOKED AT
21 THEM I'LL ASK YOU A QUESTION.

22 A HOW MANY OF THOSE WOULD YOU LIKE ME TO
23 REVIEW?

24 Q THE FIRST ONE IS FINE.

25 A THE FIRST ONE? YES.

26 Q WHAT'S THE DATE ON THAT ONE, MR. COHEN?

27 A THIS IS JUNE 9TH, 1:47 P.M. 2010 [SIC].

28 Q NOW, LOOKING AT THAT E-MAIL, WOULD YOU

1 SAY THAT E-MAIL IS A TRUE AND ACCURATE COPY OF THE
2 E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AT
3 THAT TIME?

4 A YES, IT IS.

5 Q AND DOES THE -- IS THE SENDER'S E-MAIL
6 THE SAME E-MAIL ADDRESS THAT YOU'VE TESTIFIED TO BEFORE?

7 A YES, IT IS.

8 Q OKAY. I TAKE YOU TO JULY 17TH, 2011 AT
9 7:16 P.M. I WANT YOU TO LOOK AT THAT.

10 A JULY 20TH?

11 Q I APOLOGIZE. JULY 20TH.

12 IF YOU WOULD TAKE A LOOK AT THAT AND I'LL
13 ASK YOU QUESTIONS.

14 MR. KELLY: WHAT TIME?

15 MS. STREETER: JULY 20TH.

16 MR. KELLY: WHAT TIME?

17 MS. STREETER: I'M SORRY. AT 7:16 P.M.

18 THE WITNESS: THIS IS A LONG ONE.

19 BY MS. STREETER:

20 Q OKAY. HOW MANY PAGES? HOW MANY PAGES IS
21 IT, MR. COHEN?

22 A I DON'T KNOW. THIS IS ALREADY ABOUT TEN
23 OR 12. THIS KEEPS GOING ON AND ON.

24 YEAH. THIS ONE IS ABOUT -- I'D SAY ABOUT
25 50 PAGES.

26 Q WAS THAT TYPICAL, TO RECEIVE E-MAILS OF
27 THAT SIZE FROM MS. LYNCH?

28 A IT IS TYPICAL.

1 Q NOW, READING OVER THAT E-MAIL, DO YOU
2 RECOGNIZE THE SENDER'S E-MAIL ADDRESS?

3 A YES, MA'AM.

4 Q OKAY. WHOSE E-MAIL ADDRESS DO YOU
5 RECOGNIZE THAT AS?

6 A IT'S KELLEY LYNCH'S E-MAIL ADDRESS.

7 Q IS IT THE SAME E-MAIL ADDRESS THAT YOU'VE
8 TESTIFIED TO PREVIOUSLY?

9 A YES.

10 Q IS THAT E-MAIL THAT YOU'VE JUST PERUSED
11 THROUGH A TRUE AND ACCURATE COPY OF THE E-MAIL THAT YOU
12 RECEIVED ON THAT DATE AND AT THAT TIME?

13 A YES, MA'AM.

14 Q ALL RIGHT. ALL RIGHT, LET'S GO TO
15 AUGUST. OKAY.

16 DO YOU RECALL IF YOU RECEIVED AN E-MAIL
17 FROM MS. LYNCH AT APPROXIMATELY AUGUST 1ST, 2001 [SIC]
18 AT 8:45 P.M.?

19 A YES, I DID.

20 Q I WANT YOU TO PERUSE THAT E-MAIL, AND
21 ONCE YOU DO I HAVE SOME QUESTIONS.

22 A YES, I LOOKED AT IT.

23 Q OKAY. DO YOU RECOGNIZE THE SENDER'S
24 E-MAIL ADDRESS?

25 A YES. IT'S KELLEY LYNCH.

26 Q OKAY. IS IT THE SAME E-MAIL ADDRESS THAT
27 YOU'VE TESTIFIED TO PREVIOUSLY?

28 A YES, IT IS.

1 Q AND DID YOU -- DID YOU FORWARD THAT
2 E-MAIL TO YOUR ATTORNEYS, OR WERE YOUR ATTORNEYS COPIED
3 IN ON THE E-MAIL?

4 A MY ATTORNEYS WERE COPIED ON THE E-MAIL.

5 Q IS THAT E-MAIL A TRUE AND ACCURATE COPY
6 OF THE E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT
7 DATE AND AT THAT TIME?

8 A YES, IT IS.

9 Q DO YOU RECALL IF YOU RECEIVED E-MAILS
10 FROM MS. LYNCH ON SEPTEMBER 6, 2011 AT APPROXIMATELY
11 7:25 P.M.?

12 MR. KELLY: CAN I SEE THAT ONE?

13 YOUR HONOR, PERMISSION TO APPROACH TO
14 LOOK AT THE --

15 THE COURT: YES.

16 THE WITNESS: I'M NOT SO SURE I'M COPIED ON THIS
17 ONE.

18 BY MS. STREETER

19 Q I'M SORRY?

20 A I'M NOT SO SURE THAT I'M COPIED ON THIS
21 ONE. I HAVE TO LOOK AT THE RECIPIENTS VERY CAREFULLY.

22 Q OKAY.

23 A I DON'T THINK I'M COPIED ON THIS ONE.

24 Q DO YOU KNOW WHETHER OR NOT YOU RECEIVED
25 E-MAILS FROM MS. LYNCH IN THE MONTH OF SEPTEMBER?

26 A YES, I BEGAN RECEIVING E-MAILS FROM
27 MS. LYNCH, I BELIEVE, ON SEPTEMBER 20TH, 21ST.

28 Q OKAY. ALL RIGHT. DO YOU RECALL IF

1 YOU -- BUT YOU DON'T SEE ANY OF THOSE E-MAILS IN THAT
2 BOOK?

3 A NO. I DON'T THINK SHE WROTE ME BEFORE
4 SEPTEMBER 20TH.

5 Q DO YOU REMEMBER IF YOU RECEIVED ANY
6 E-MAILS FROM HER IN OCTOBER?

7 A YES, I DID.

8 Q OKAY.

9 MR. KELLY: OBJECTION; FOUNDATION.

10 THE COURT: OVERRULED.

11 BY MS. STREETER:

12 Q I'M GOING TO ASK YOU, DO YOU RECALL
13 RECEIVING AN E-MAIL OCTOBER 1ST, 2011 AT APPROXIMATELY
14 6:37 P.M.?

15 A YES, I DID.

16 Q OKAY. I WANT YOU TO LOOK AT THAT E-MAIL
17 LIKE YOU HAVE BEFORE.

18 A YES, MA'AM.

19 Q OKAY. DO YOU RECOGNIZE THE SENDER'S
20 E-MAIL ADDRESS?

21 A YES, MA'AM.

22 Q WHOSE E-MAIL ADDRESS IS IT?

23 A KELLEY LYNCH.

24 Q IS IT THE SAME E-MAIL ADDRESS THAT YOU'VE
25 TESTIFIED TO PREVIOUSLY?

26 A I CAN'T TESTIFY TO THAT, BECAUSE THE
27 ADDRESS IS NOT GIVEN. JUST THE NAME.

28 Q OKAY.

1 MR. KELLY: OBJECTION; FOUNDATION.

2 THE COURT: OVERRULED.

3 BY MS. STREETER:

4 Q I WANT YOU TO -- SINCE THERE IS NO E-MAIL
5 ADDRESS ON THAT ONE, I WANT YOU TO LOOK AT A FEW PAGES
6 OF THAT E-MAIL AND SEE IF THERE'S ANYTHING IN THAT
7 E-MAIL SIMILAR TO E-MAIL MESSAGES THAT YOU'VE RECEIVED
8 FROM MS. LYNCH PREVIOUSLY.

9 A YES, THESE ARE FAMILIAR. I HAVEN'T READ
10 THE ENTIRE --

11 Q WHAT IS IT THAT YOU SEE THAT'S FAMILIAR
12 IN THAT E-MAIL?

13 A WHAT IS FAMILIAR IS THE DISCUSSION OF
14 PHIL SPECTOR, FOR ONE THING.

15 Q OKAY. ALL RIGHT. NOW, LOOKING AT THAT
16 E-MAIL, IS THAT A TRUE AND ACCURATE COPY OF THE E-MAIL
17 THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AND AT
18 THAT TIME?

19 A YES, IT IS.

20 Q WERE YOUR ATTORNEYS COPIED IN ON THE
21 E-MAIL, DO YOU RECALL?

22 A YES, THEY ARE.

23 Q ALL RIGHT. DO YOU RECALL IF YOU ALSO
24 RECEIVED AN E-MAIL FROM MS. LYNCH ON NOVEMBER 6, 2011 AT
25 APPROXIMATELY 3:19 P.M.?

26 A YES, I DID. I SEE MY NAME IN THE
27 RECIPIENT LIST.

28 Q I WANT YOU TO LOOK OVER THAT E-MAIL.

1 ONCE YOU DO, PLEASE LET ME KNOW.

2 A YES, I'VE LOOKED AT IT.

3 Q OKAY. DO YOU RECOGNIZE THE SENDER'S
4 E-MAIL ADDRESS?

5 A YES, IT IS KELLEY LYNCH'S E-MAIL ADDRESS.

6 Q IS IT THE SAME E-MAIL ADDRESS THAT YOU'VE
7 TESTIFIED TO PREVIOUSLY?

8 A YES, IT IS.

9 Q DO YOU RECALL IF YOUR ATTORNEYS WERE
10 COPIED IN ON THIS E-MAIL?

11 A YES, THEY ARE.

12 Q OKAY. AND IS THAT E-MAIL A TRUE AND
13 ACCURATE COPY OF THE E-MAIL THAT YOU RECEIVED FROM
14 MS. LYNCH ON THAT DATE AND AT THAT TIME?

15 A YES, IT IS.

16 Q ALL RIGHT. DO YOU RECALL IF YOU RECEIVED
17 ANY E-MAILS FROM MS. LYNCH IN THE MONTH OF FEBRUARY
18 2012?

19 A EXCUSE ME, MA'AM. MAY I JUST CHECK TO
20 SEE IF MY ATTORNEYS ARE COPIED IN ON THIS?

21 Q SURE.

22 A I SEE MY NAME, BUT I'M NOT SURE IF THEIRS
23 ARE.

24 Q SURE. ABSOLUTELY.

25 A YES. THEIR NAMES ARE THERE.

26 Q ALL RIGHT. DO YOU RECALL RECEIVING AN
27 E-MAIL FROM MS. LYNCH ON FEBRUARY 6, 2012 AT
28 APPROXIMATELY 2:11 P.M.?

1 A YES.

2 Q I WANT YOU TO LOOK AT IT AGAIN. I'LL
3 HAVE SOME QUESTIONS AFTER THAT.

4 MR. KELLY: WHAT WAS THE DATE?

5 MS. STREETER: FEBRUARY 6, 2000 --

6 MR. KELLY: ONE MOMENT, YOUR HONOR.

7 BY MS. STREETER:

8 Q FEBRUARY 6, 2012. I THINK IT'S 2:11 P.M.

9 A YES, MA'AM.

10 YES, I'VE LOOKED THROUGH IT.

11 Q DO YOU RECOGNIZE THE SENDER'S E-MAIL
12 ADDRESS?

13 A YES, IT'S KELLEY LYNCH'S.

14 Q IS IT THE SAME E-MAIL ADDRESS THAT YOU'VE
15 TESTIFIED TO PREVIOUSLY?

16 A YES, IT IS.

17 Q AND DO YOU RECALL IF YOUR ATTORNEYS WERE
18 COPIED IN ON THAT PARTICULAR E-MAIL?

19 A YES, THEY ARE COPIED IN.

20 Q IS THAT E-MAIL THAT YOU'RE LOOKING AT A
21 TRUE AND ACCURATE COPY OF THE E-MAIL THAT YOU RECEIVED
22 FROM MS. LYNCH AT THAT DATE AND AT THAT TIME?

23 A YES, IT IS.

24 Q OKAY. NOW, YOU MENTIONED THAT YOU'VE
25 RECEIVED A NUMBER OF E-MAILS FROM MS. LYNCH IN
26 APPROXIMATELY THE PAST YEAR OR SO. AND AT ANY POINT DID
27 YOU MAKE A TALLY OF THE E-MAILS BY MONTH THAT YOU
28 RECEIVED FROM THE TIME PERIOD OF JANUARY 2012 TO -- I'M

1 SORRY, DECEMBER 2012 [SIC] TO JANUARY -- I MEAN FEBRUARY
2 OF 2012?

3 A I COULD CONSULT MY NOTES, BUT.

4 Q DO YOU HAVE YOUR NOTES WITH YOU?

5 A YES, THEY'RE IN THIS LITTLE BOOK.

6 Q ALL RIGHT. DO YOU -- BUT YOU DID AT SOME
7 POINT COUNT HOW MANY E-MAILS YOU RECEIVED FROM THAT TIME
8 PERIOD; IS THAT CORRECT?

9 A I KNOW SPECIFICALLY FROM SEPTEMBER 20TH
10 APPROXIMATELY TO THE END OF FEBRUARY THERE WERE, I
11 THINK, 1,055.

12 MR. KELLY: OBJECTION; NONRESPONSIVE TO THE
13 QUESTION.

14 THE COURT: OVERRULED.

15 BY MS. STREETER:

16 Q HOW MANY DID YOU RECEIVE IN THAT TIME
17 PERIOD?

18 A I BELIEVE 1,055.

19 Q FIFTY-FIVE E-MAILS?

20 A A THOUSAND AND FIFTY-FIVE.

21 Q OKAY. AND THOSE -- AS BEST YOU RECALL,
22 THOSE E-MAILS FROM THE TIME PERIOD OF SEPTEMBER 2011 TO
23 THE END OF FEBRUARY 2012, DID IT COME FROM THE SAME
24 E-MAIL ADDRESS?

25 A YES, MA'AM.

26 Q OKAY. WERE THEY ALL FROM MS. LYNCH?

27 A THEY WERE ALL FROM MS. LYNCH.

28 Q WERE THEY ALL SENT TO YOUR E-MAIL

1 ADDRESS, BALDYMONK?

2 A BALDYMONK, YES.

3 Q NOW, LET'S DO -- THE OTHER THING. NOW,
4 WE PLAYED SOME VOICE MAIL MESSAGES FROM THE END OF 2011.
5 DO YOU RECALL IF YOU RECEIVED VOICE MAIL MESSAGES FROM
6 MS. LYNCH IN FEBRUARY OF 2012?

7 A YES, I DID.

8 Q OKAY. AND I JUST WANT TO BE CLEAR. ALL
9 THE E-MAILS YOU'RE TALKING ABOUT THAT YOU RECEIVED FROM
10 SEPTEMBER -- THIS WAS THE END OF SEPTEMBER; IS THAT
11 RIGHT?

12 A YEAH. I THINK THE THIRD WEEK OF
13 SEPTEMBER, YES.

14 Q TO THE END OF FEBRUARY. THIS IS SEPARATE
15 AND APART FROM THE VOICE MAIL MESSAGES?

16 A YES, MA'AM.

17 MS. STREETER: ONE MOMENT, YOUR HONOR. I JUST
18 NEED TO CLOSE THIS OUT.

19 THIS WOULD BE FROM PEOPLE'S 10, YOUR
20 HONOR.

21 THE COURT: OKAY.

22 MS. STREETER: AND IT'S IN TAB SEVEN.

23 BY MS. STREETER:

24 Q OKAY. I'M GOING TO DO THE SAME THING
25 WE'VE DONE BEFORE, MR. LYNCH [SIC]. I'M GOING TO PLAY
26 IT, I'LL STOP IT IN BETWEEN.

27

28 (CD PLAYED.)

1 BY MS. STREETER:

2 Q NOW, AFTER YOU RECEIVED THAT VOICE MAIL,
3 DO YOU RECOGNIZE THE PERSON ON THAT MESSAGE?

4 A YES, MA'AM. THAT'S KELLEY LYNCH.

5 Q DID YOU RECEIVE THAT VOICE MAIL MESSAGE
6 IN APPROXIMATELY -- SOMETIME IN THE MONTH OF
7 FEBRUARY 2012?

8 A THAT'S RIGHT, I DID.

9 Q OKAY. AND DO YOU RECALL, LISTENING TO
10 THAT VOICE MAIL MESSAGE, HER MENTIONING READING THE
11 *ROLLING STONE* MAGAZINE DATED THE SAME MONTH?

12 A I'M SORRY, MA'AM?

13 Q DO YOU RECALL HER MENTIONING READING THE
14 *ROLLING STONE* MAGAZINE DATED THAT SAME MONTH?

15 A YES, I HEARD HER SAY THAT.

16 Q AROUND THAT TIME, DID YOU EVER APPEAR IN
17 THE *ROLLING STONE* MAGAZINE?

18 A I THINK THERE WAS A SMALL ARTICLE ABOUT
19 ME, BUT I DIDN'T READ IT.

20 Q OKAY. SOMETIME AROUND THAT TIME?

21 A YES.

22 Q ALL RIGHT. NOW, ONCE YOU RECEIVED THAT
23 VOICE MAIL MESSAGE IN FEBRUARY OF 2012, DID YOU SAVE IT
24 IN THE SAME MANNER AS HOW YOU'VE TESTIFIED TO
25 PREVIOUSLY, SIR?

26 A I DID, YES.

27 Q AND ONCE YOU SAVED THAT VOICE MAIL
28 MESSAGE, YOU FORWARDED IT TO YOUR ATTORNEYS' OFFICE?

1 A THAT'S CORRECT, AS AN MP3.

2 Q IS THAT VOICE MAIL MESSAGE A TRUE AND
3 ACCURATE RECORDATION OF THE VOICE MAIL MESSAGE YOU
4 RECEIVED FROM MS. LYNCH APPROXIMATELY SOMETIME DURING
5 THE MONTH OF FEBRUARY IN 2012?

6 A IT IS, YES.

7 Q NOW, DO YOU RECALL WHETHER OR NOT SHE
8 MENTIONED IN THAT VOICE MAIL MESSAGE ANYTHING ABOUT
9 MR. SPECTOR?

10 A I'M GETTING A LITTLE BIT BEWILDERED NOW.

11 Q IF YOU DON'T, MR. COHEN, THAT'S OKAY.

12 A YEAH, I DON'T RECALL WHAT WE JUST
13 LISTENED TO. THEY ALL HAVE SIMILARITIES.

14 Q OKAY. CAN I ASK YOU, DO YOU LIKE
15 LISTENING TO THOSE VOICE MAIL MESSAGES?

16 A NO, IT'S NOT THAT AGREEABLE.

17 Q WHY IS THAT, SIR?

18 MR. KELLY: OBJECTION; RELEVANCE.

19 THE COURT: SUSTAINED.

20 BY MS. STREETER:

21 Q OKAY. I'M GOING TO PLAY SOME MORE OF
22 THIS. ASK YOU TO LISTEN.

23

24 (CD PLAYED.)

25

26 BY MS. STREETER:

27 Q DO YOU RECOGNIZE THE PERSON IN THAT VOICE
28 MAIL MESSAGE?

1 A YES, MA'AM. IT'S KELLEY LYNCH.

2 Q DID YOU RECEIVE THAT VOICE MAIL MESSAGE
3 SOMETIME DURING THE MONTH OF FEBRUARY 2012?

4 A YES, MA'AM, I DID.

5 Q AND DID YOU SAVE THAT VOICE MAIL MESSAGE
6 THE SAME WAY THAT -- IN THE SAME MANNER THAT YOU'VE
7 PREVIOUSLY TESTIFIED TO, SIR?

8 A YES, I DID.

9 Q ONCE YOU SAVED THAT VOICE MAIL MESSAGE,
10 DID YOU FORWARD IT TO YOUR ATTORNEYS?

11 A YES, I DID.

12 Q IS THE VOICE MAIL MESSAGE THE PEOPLE JUST
13 PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF THE
14 VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH
15 SOMETIME DURING THE MONTH OF FEBRUARY 2012?

16 A YES, IT IS.

17 Q AND DO YOU RECALL LISTENING TO THAT VOICE
18 MAIL MESSAGE, WHETHER SHE MENTIONED AN INDIVIDUAL BY THE
19 NAME OF RUTGER?

20 A YES. YES, SHE DOES.

21 Q AND WHO'S RUTGER?

22 A RUTGER IS HER ELDEST SON.

23 Q LET ME ASK YOU THIS: IS HER SON RUTGER,
24 TO THE BEST OF YOUR RECOLLECTION, EVER MENTIONED IN ANY
25 OF THE E-MAILS THAT SHE SENT YOU?

26 A MANY.

27 Q MANY OF THE E-MAILS?

28 A MANY OF THE E-MAILS, YES.

(CD PLAYED.)

BY MS. STREETER:

Q DO YOU RECOGNIZE THE PERSON IN THAT VOICE
MAIL MESSAGE?

A YES, MA'AM. IT'S KELLEY LYNCH.

Q DID YOU RECEIVE THAT VOICE MAIL MESSAGE
SOMETIME DURING THE MONTH OF FEBRUARY 2012?

A YES, I DID.

Q OKAY. DID YOU SAVE THAT VOICE MAIL
MESSAGE IN THE SAME MANNER THAT YOU'VE TESTIFIED TO
PREVIOUSLY?

A YES, I DID.

Q ONCE YOU SAVED THAT VOICE MAIL MESSAGE,
DID YOU FORWARD IT TO YOUR ATTORNEYS' OFFICE?

A YES, I DID.

Q AND IS THE VOICE MAIL MESSAGE THE PEOPLE
JUST PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF
THE VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH
SOMETIME DURING THE MONTH OF FEBRUARY 2012?

A YES, IT IS.

MS. STREETER: DO YOU WANT ME TO STOP, YOUR
HONOR? THAT'S THE LAST ON THAT CD, BUT I HAVE MORE TO
PLAY.

THE COURT: YOU HAVE MORE TO PLAY? WE CAN GO
ANOTHER TEN MINUTES.

BY MS. STREETER:

Q NOW, YOU MENTIONED ABOUT LISTENING TO THE

1 VOICE MAIL MESSAGES, AND THE PEOPLE WERE ASKING YOU
2 QUESTIONS ABOUT IT. DID YOU EVER NOTICE ANY SIMILARITY
3 BETWEEN THE VOICE MAIL MESSAGES AND THE E-MAIL MESSAGES
4 THAT YOU RECEIVED FROM MS. LYNCH DURING THE TIME PERIOD
5 OF FEBRUARY 2011 TO FEBRUARY 12TH, 2012?

6 MR. KELLY: OBJECTION; VAGUE.

7 THE COURT: SUSTAINED.

8 BY MS. STREETER:

9 Q LET ME -- DO YOU RECALL GETTING AN E-MAIL
10 FROM MS. LYNCH AROUND FEBRUARY 13, 2011 AT 7:52 P.M.?

11 A I'D HAVE TO -- I'D HAVE TO HAVE MY MEMORY
12 REFRESHED.

13 MS. STREETER: ONE MOMENT, YOUR HONOR.

14 BY MS. STREETER:

15 Q THIS IS IN PEOPLE'S 13, AND IT'S THE
16 FOURTH E-MAIL IN. IF YOU COULD LOOK AT IT.

17 MR. KELLY: WHAT WAS THE DATE?

18 MS. STREETER: FEBRUARY 13, 2011 AT 7:52 P.M.

19 BY MS. STREETER:

20 Q I WANT YOU TO LOOK OVER THAT E-MAIL. SEE
21 IF THAT HELPS REFRESH YOUR RECOLLECTION.

22 A YES, THIS IS AN E-MAIL I RECEIVED.

23 Q OKAY. NOW, I WANT YOU TO -- I WANT YOU
24 TO -- IF YOU COULD JUST READ OVER THAT E-MAIL. TAKE A
25 MOMENT AND READ OVER THAT E-MAIL, OKAY, AND THEN I'M
26 GOING TO PLAY SOMETHING FOR YOU.

27 MR. KELLY: JUST CHECKING MY OWN.

28 MS. STREETER: OKAY.

1 THE WITNESS: OKAY. GOT IT.

2 BY MS. STREETER:

3 Q OKAY. ALL RIGHT.

4 MS. STREETER: THERE'S A DISK IN PEOPLE'S -- I
5 THINK IT IS 10, YOUR HONOR. IT'S ON THE FIRST FLAP.
6 IT'S FROM -- IT'S DATED -- EVIDENCE GIVEN TO THE
7 WILSHIRE POLICE DEPARTMENT. AND I HAVE TRANSCRIPTS FROM
8 THE VOICE MAIL MESSAGES FOR THAT DISK.

9 I'VE -- I'M GIVING A COPY TO YOUR
10 JUDICIAL ASSISTANT. IT'S 23 PAGES. I BELIEVE I'VE
11 GIVEN A COPY TO COUNSEL, THE COURT REPORTER AND THE
12 COURT AS WELL. DOES THE COURT HAVE IT?

13 THE COURT: I DON'T HAVE IT.

14 MS. STREETER: I HAVE ANOTHER COPY. AND I
15 SHOULD HAVE 14 COPIES FOR THE JURY. I HAVE 14
16 TRANSCRIPTS, I'M GOING TO GIVE THEM TO THE JURY.

17 THE COURT: YES.

18 MR. KELLY: YOUR HONOR, WE JUST ASK IF IT'S
19 GOING TO BE MARKED AS 10A OR B, OR IF IT'S JUST --

20 MS. STREETER: IT'S IN TAB ONE, YOUR HONOR, THE
21 FIRST TAB.

22 THE COURT: IT'S IN TAB ONE OF P-10?

23 MS. STREETER: OF PEOPLE'S 10.

24 THE COURT: OKAY.

25 MS. STREETER: AND IT'S ON THE DVD/CD THAT SAYS
26 EVIDENCE GIVEN TO WILSHIRE POLICE DEPARTMENT, MAY 30TH,
27 2011.

28 THE COURT: LADIES AND GENTLEMEN, WE'RE GOING TO

1 TAKE OUR AFTERNOON BREAK NOW SO THE COURT REPORTER CAN
2 GIVE HER FINGERS A BREAK. IF YOU'LL COME BACK IN ABOUT
3 15, 20 MINUTES WE'LL GET STARTED.

4 OKAY, THANK YOU. PLEASE DON'T DISCUSS
5 THE CASE DURING ANY BREAKS.

6

7 (THE FOLLOWING PROCEEDINGS WERE HELD
8 IN OPEN COURT OUTSIDE THE PRESENCE
9 OF THE JURY:)

10

11 MR. KELLY: I WANT TO MAKE A STANDING OBJECTION
12 FOR LEADING QUESTIONS FOR THE HEARSAY FOR THE E-MAILS
13 OBVIOUSLY, AND THE FOUNDATION THAT -- AND ALSO FOR THE
14 BEST EVIDENCE RULE.

15 THE COURT: OKAY.

16 MR. KELLY: THERE'S BEEN A LOT OF TESTIMONY
17 REGARDING STATEMENTS, THE CONTENTS OF WRITINGS THAT HAVE
18 NOT BEEN PRODUCED.

19 THE COURT: OKAY.

20

21 (RECESS.)

22

23 (THE FOLLOWING PROCEEDINGS WERE HELD
24 IN OPEN COURT IN THE PRESENCE OF THE
25 JURY:)

26

27 THE COURT: OKAY. WE'RE READY TO RESUME. ALL
28 OUR JURORS ARE PRESENT.

1 WHENEVER YOU ARE READY, MS. STREETER.
2 THANK YOU.

3
4 LEONARD COHEN,
5 CALLED AS A WITNESS BY THE PEOPLE, RESUMED THE STAND AND
6 TESTIFIED FURTHER AS FOLLOWS:

7
8 DIRECT EXAMINATION (RESUMED)
9 BY MS. STREETER:

10 Q ALL RIGHT. MR. COHEN, I HAD MENTIONED TO
11 YOU THAT I WANTED TO PLAY SOME E-MAILS FROM
12 FEBRUARY 2011. I HAVE A CHANGE OF PLANS. I'M GOING TO
13 PLAY YOU A DIFFERENT SET OF E-MAILS.

14 AND I'D LIKE TO DIRECT COURT, COUNSEL AND
15 THE JURY TO PAGE 8 OF THE TRANSCRIPT.

16 NOW, DO YOU RECALL WHETHER OR NOT YOU
17 RECEIVED ANY VOICE MAIL MESSAGES FROM MS. LYNCH DURING
18 THE MONTH OF APRIL, APPROXIMATELY APRIL 8, 2011?

19 A YES, I DID.

20 Q OKAY. LET ME PLAY SOMETHING FOR YOU.
21 WHAT I HAVE ARE DATED APRIL 8TH AND WE'LL SEE IF IT'S
22 THE RIGHT DATE, OKAY?

23 THE COURT: APRIL 8TH?

24 MS. STREETER: APRIL 8TH, WHICH IS TOWARD THE
25 MIDDLE OF PAGE 8 OF THE SECOND TRANSCRIPT. THE
26 TRANSCRIPT I JUST -- IT STARTS OUT --

27 THE COURT: YES, I HAVE IT.

28 MS. STREETER: I'M SORRY. I HAVE TO PUT IT WITH

1 THE SPEAKER.

2

3

(CD PLAYED.)

4

5 BY MS. STREETER:

6

7

Q OKAY. DO YOU RECOGNIZE THE PERSON ON
THAT VOICE MAIL MESSAGE?

8

A YES, THAT'S KELLEY LYNCH.

9

10

Q OKAY. AND DO YOU RECALL, WAS IT ABOUT
APRIL, THE BEGINNING OF APRIL THAT YOU RECEIVED THIS?

11

A NO, I BELIEVE IT'S MARCH.

12

13

Q MARCH, OKAY. DID YOU SAVE THAT VOICE
MAIL MESSAGE AS YOU HAVE DESCRIBED TO US PREVIOUSLY?

14

A YES, MA'AM, I DID.

15

16

Q AND ONCE YOU SAVED THAT, WAS THE VOICE
MAIL MESSAGE FORWARDED IT TO YOUR ATTORNEYS?

17

A YES, I DID.

18

19

20

21

Q OKAY. AND IS THE VOICE MAIL MESSAGE THAT
THE PEOPLE PLAYED FOR YOU A TRUE AND ACCURATE
RECORDATION OF THE VOICE MAIL MESSAGE THAT YOU RECEIVED
FROM MS. LYNCH SOMETIME IN MARCH?

22

A YES, IT IS.

23

24

Q AND THAT WAS 2011; IS THAT RIGHT? MARCH
2011?

25

A NO, THAT'S MARCH 2012.

26

Q I'M SORRY?

27

A IT'S 2012.

28

THE COURT: YOU MEAN APRIL 2012?

1 THE WITNESS: THOSE ARE VERY RECENT.

2 BY MS. STREETER:

3 Q THOSE ARE RECENT?

4 A YES.

5 THE COURT: IT SAYS APRIL 8TH, 2011.

6 THE WITNESS: PERHAPS I GOT IT WRONG.

7 BY MS. STREETER:

8 Q LET ME ASK YOU THIS, MR. COHEN. THE
9 VOICE MAIL MESSAGES THAT YOU RECEIVED, HOW LONG AFTER
10 YOU RECEIVED THEM DID YOU FORWARD THEM TO YOUR ATTORNEY?
11 THAT --

12 A USUALLY THAT DAY.

13 Q OKAY. ALL RIGHT. AND AS FAR AS DATING
14 THE VOICE MAIL MESSAGES ONCE THEY WERE SAVED, WHO DATED
15 THEM, YOU OR YOUR ATTORNEYS, IF YOU KNOW?

16 A I DON'T KNOW. I THINK THEY DATED THEM
17 WITH THE DATE OF THE E-MAIL ONCE THE MP3 WAS RECEIVED.

18 Q OKAY. NOW, DID YOU FIND ANY PART OF THAT
19 VOICE MAIL MESSAGE THREATENING, THAT THE PEOPLE JUST
20 PLAYED FOR YOU?

21 MR. KELLY: OBJECTION; RELEVANCE AS TO --

22 THE COURT: OVERRULED.

23 THE WITNESS: THE TONE IS THREATENING.

24 BY MS. STREETER:

25 Q WAS THERE ANY SPECIFIC COMMENT THAT WAS
26 MADE IN THAT VOICE MAIL MESSAGE --

27 MR. KELLY: OBJECTION; CUMULATIVE.

28 THE COURT: OVERRULED.

1 BY MS. STREETER:

2 Q -- THAT YOU FOUND THREATENING?

3 A WELL, THERE'S THE PERENNIAL THREAT TO
4 TAKE ME DOWN. SOMETIMES MS. LYNCH AS LEGALLY OFTEN SHE
5 DOESN'T, BUT THERE'S CLEARLY AN INTENT TO COMMIT SOME
6 KIND OF REVENGE.

7 MR. KELLY: OBJECTION; SPECULATION. MOTION TO
8 STRIKE, SPECULATION.

9 THE COURT: IT'S STRICKEN TO THE EXTENT THAT IT
10 PURPORTS TO SPEAK TO THE INTENT OF THE SPEAKER, BUT
11 OTHERWISE IT'S FINE.

12 BY MS. STREETER:

13 Q ALL RIGHT. NOW, DO YOU ALSO RECALL
14 WHETHER OR NOT SHE USED ANY CURSE WORDS IN THAT VOICE
15 MAIL MESSAGE?

16 A I THINK THERE WAS A FEW WORDS, YES.

17 Q WAS THAT SOMETHING THAT SHE DID IN HER
18 VOICE MAIL MESSAGES?

19 A YES, SHE USUALLY HAD A LOT OF CURSING IN
20 IT.

21 Q DID SHE ALSO DO THAT IN HER E-MAIL
22 MESSAGES?

23 A YES. OFTEN THERE'S A LOT OF CURSING IN
24 THE E-MAIL MESSAGES.

25 Q WERE THERE ANY E-MAIL MESSAGES THAT YOU
26 RECALL RECEIVING FROM HER FROM FEBRUARY 2012 -- FEBRUARY
27 2011 TO FEBRUARY 2012 WHERE SHE WOULD SAY, USE THE
28 PHRASE, TAKE YOU DOWN?

1 A SEVERAL TIMES.

2 Q OKAY. NOW, DID SHE EVER -- DO YOU EVER
3 RECALL HER USING SUCH LANGUAGE IN REFERENCE TO YOU AND
4 THE DISTRICT ATTORNEY, STEVE COOLEY?

5 A YES. I -- AT LEAST IN ONE, I THINK
6 SEVERAL, EQUATED WITH STEVE COOLEY AND ALAN JACKSON AS
7 PEOPLE THAT ARE -- SHOULD BE TAKEN DOWN OR WORSE.

8 MR. KELLY: OBJECTION; MOTIVE.

9 THE COURT: OVERRULED.

10 BY MS. STREETER:

11 Q DO YOU RECALL RECEIVING SUCH AN E-MAIL
12 MESSAGE FROM HER SOMETIME AROUND FEBRUARY 18TH, 2011 AT
13 ABOUT 4:57 P.M.?

14 A I'D HAVE TO LISTEN, BUT THERE WERE --

15 Q THIS IS AN E-MAIL, MR. COHEN.

16 A E-MAIL? I'M SORRY.

17 Q DO YOU REMEMBER RECEIVING SUCH AN E-MAIL
18 AROUND THAT TIME?

19 A FEBRUARY, YES.

20 Q NO. DECEMBER.

21 A DECEMBER?

22 Q EIGHTEENTH, 2011.

23 A YES, I RECEIVED MANY AROUND THAT PERIOD.

24 MS. STREETER: ONE MOMENT.

25 BY MS. STREETER:

26 Q DIRECTING YOUR ATTENTION TO
27 DECEMBER 18TH, 4:57 P.M. PAGE 5 IN PARTICULAR. PAGE 5.
28 AND IT'S ON PAGE 5 OF THE E-MAIL.

1 LET'S MOVE ON, MR. COHEN. I CAN'T FIND
2 IT RIGHT NOW.

3 OKAY. I WANT TO DIRECT YOUR ATTENTION TO
4 AN E-MAIL DATED DECEMBER 17TH, 2011 AT APPROXIMATELY
5 8:43 A.M. I WANT TO DIRECT YOU TO THE THIRD PAGE OF
6 THAT E-MAIL. IF YOU COULD READ OVER THAT PAGE.

7 MR. KELLY: WHAT PAGE?

8 MS. STREETER: PAGE 3.

9 THE WITNESS: OKAY.

10 BY MS. STREETER:

11 Q AFTER LOOKING AT THAT PART OF THE E-MAIL,
12 WAS THERE ANY MENTION OF TAKING YOU DOWN, MR. COHEN?

13 A YES, THERE IS MENTION OF TAKING ME DOWN.

14 Q OKAY. IS THERE ANY MENTION OF ANYBODY
15 ELSE BEING INVOLVED IN THAT?

16 A I DON'T THINK SO.

17 Q I WANT TO ALSO DIRECT YOUR ATTENTION TO
18 DECEMBER 17TH, 2011 AT APPROXIMATELY 9:06 A.M. OKAY.
19 I'M GOING TO SHOW YOU THE FIRST PAGE OF THAT. READ OVER
20 THE FIRST PAGE OF THAT. LET ME KNOW WHEN YOU'RE DONE.

21 A YES, I READ IT.

22 Q DOES SHE REFER TO YOU ON THE FIRST PAGE
23 OF THAT E-MAIL, MR. COHEN?

24 A YES, SHE DOES.

25 Q WHAT DOES SHE CALL YOU, SIR?

26 A SHE SAYS, COHEN IS AN ASSHOLE WHO IS
27 GOING TO HELL.

28 Q ALL RIGHT. IS THERE ANY MENTION OF A

1 PERSON BY THE NAME --

2 MR. KELLY: OBJECTION, YOUR HONOR. I THINK THE
3 RULE OF COMPLETENESS THAT THE STATEMENT NEEDS TO BE --
4 THE WHOLE STATEMENT -- THE WHOLE SENTENCE NEEDS TO BE
5 READ.

6 THE COURT: I HAVE THE -- CAN YOU READ THE WHOLE
7 SENTENCE?

8 THE WITNESS: AFTER ALL, AS LAMANSANG SAID,
9 COHEN IS AN ASSHOLE WHO IS GOING TO HELL.
10 BY MS. STREETER:

11 Q WHO IS THE SENDER OF THAT E-MAIL,
12 MR. COHEN?

13 A THE SENDER OF THE E-MAIL IS KELLEY LYNCH.

14 Q IS THERE ANY REFERENCE TO A PERSON BY THE
15 NAME OF ALAN IN THAT E-MAIL?

16 THE COURT: ON THE FIRST PAGE?

17 THE WITNESS: ALAN? I BELIEVE SHE'S REFERRING
18 TO ALAN JACKSON.

19 MR. KELLY: OBJECTION; SPECULATION.

20 THE COURT: SUSTAINED.

21 MR. KELLY: MOTION TO STRIKE.

22 THE COURT: IT'S STRICKEN.

23 BY MS. STREETER:

24 Q IS THERE ANY REFERENCE TO A PERSON NAMED
25 ALAN?

26 A NO, I DON'T BELIEVE THERE IS.

27 Q OKAY.

28 A UNLESS YOU MEAN IN THE RECIPIENTS.

1 Q IS THERE -- LET ME ASK YOU THIS AGAIN.
2 IS THERE ANY REFERENCE TO A COOLEY AND ANOTHER PERSON IN
3 PAGE 1?

4 A YES, THERE IS.

5 Q OKAY. AND CAN YOU READ THAT SENTENCE
6 THAT REFERS TO MR. COOLEY.

7 A COOLEY AND JACKASS MUST RUN FOR OFFICE,
8 AND IF AN INNOCENT MAN MUST TAKE THE FALL, SO BE IT.

9 Q ALL RIGHT. THE SENDER OF THAT E-MAIL WAS
10 ALSO MS. LYNCH?

11 A YES, MA'AM.

12 Q DIRECT YOUR ATTENTION TO PAGE 2 OF THE
13 E-MAIL.

14 OKAY. ABOUT THE MIDDLE OF PAGE 2 IS
15 THERE ANY REFERENCE TO MR. COOLEY?

16 A YES. IT SAYS --

17 MR. KELLY: OBJECTION; RELEVANCE AS TO
18 MR. COOLEY.

19 THE COURT: OVERRULED.
20 BY MS. STREETER:

21 Q IS THERE ANY REFERENCE TO MR. COOLEY?

22 A YES. IT SAYS, COOLEY'S TOUGH ON CRIMES
23 BUT DOESN'T MIND YOUNG MEN BEING MAIMED. HE HAS TO
24 STAND WITH THE FRAUD THIEF, COHEN.

25 Q HAS SHE EVER USED SUCH A PHRASE IN OTHER
26 E-MAILS IN REFERENCE TO YOU?

27 A YES, MANY.

28 Q THANK YOU.

1 MS. STREETER: ONE MOMENT, YOUR HONOR.

2 BY MS. STREETER:

3 Q I'M GOING TO DIRECT YOUR ATTENTION TO AN
4 E-MAIL DATED DECEMBER 18, 2011 AT APPROXIMATELY
5 4:47 P.M. AT THE BOTTOM OF THE PAGE, IF I COULD HAVE
6 YOU READ THE BOTTOM PART. STARTS WITH LEONARD. 4:47,
7 DECEMBER 18TH.

8 MR. KELLY: WHAT PAGE?

9 MS. STREETER: FOUR.

10 BY MS. STREETER:

11 Q IF YOU COULD READ IT, MR. COHEN.

12 A YES, MA'AM.

13 LEONARD COHEN BELONGS IN PRISON, EVEN IF
14 COOLEY AND GANSTAS DON'T WANT TO HEAR THAT. THE LENGTHS
15 THIS LUNATIC HAS GONE TO DESTROY ME, TARGET MY FAMILY,
16 ARE ASTOUNDING.

17 Q OKAY. WHO IS THE SENDER OF THAT E-MAIL,
18 MR. COHEN?

19 A KELLEY LYNCH.

20 Q HAS MS. LYNCH IN PREVIOUS E-MAILS USED
21 SIMILAR TERMS TO REFER TO MR. COOLEY AS A GANGSTA?

22 A YES.

23 Q OKAY. AND HAVE YOU RECEIVED SIMILAR
24 E-MAILS WHERE SHE'S TIED YOU WITH MR. COOLEY IN SUCH A
25 FASHION?

26 A I KNOW OF ONE, BUT I BELIEVE THERE WERE
27 SEVERAL.

28 Q OKAY. ONE MOMENT.

1 DO YOU RECALL GETTING AN E-MAIL FROM
2 MS. LYNCH AROUND APPROXIMATELY DECEMBER 18, 2011 AT 8:42
3 P.M.?

4 A I'LL HAVE TO REFRESH MY MEMORY.

5 Q LET ME SHOW IT TO YOU.

6 MS. STREETER: THIS IS IN A BINDER, YOUR HONOR,
7 THAT'S DATED THE -- ON THE SAME CAUSE. THE SAME CASE
8 NUMBER, AND IT HAS E-MAILS DATED DECEMBER 18, 2011 TO
9 DECEMBER 19TH, 2011.

10 THE COURT: HAS IT BEEN PREVIOUSLY MARKED?

11 MS. STREETER: NO, IT HAS NOT.

12 THE COURT: THAT WILL BE PEOPLE'S 16 FOR
13 IDENTIFICATION.

14 THE CLERK: IT WILL BE 17.

15

16 (MARKED FOR IDENTIFICATION: BINDER
17 PEOPLE'S EXHIBIT NO. 17)

18

19 MS. STREETER: IN THERE IS AN E-MAIL DATED
20 DECEMBER 19TH, 2011.

21 BY MS. STREETER:

22 Q OKAY. I WANT YOU TO LOOK AT THE FIRST
23 PAGE. OKAY. I WANT YOU TO TELL ME IF YOU RECOGNIZE THE
24 SENDER ON THAT E-MAIL.

25 A YES. IT'S KELLEY LYNCH.

26 Q ALL RIGHT. IS THAT THE SAME E-MAIL
27 ADDRESS THAT YOU MENTIONED PREVIOUSLY?

28 A YES, MA'AM.

1 Q OKAY. IF I COULD HAVE YOU TURN TO PAGE
2 3, THE BOTTOM OF PAGE 3.

3 WAS THAT E-MAIL ADDRESSED TO YOU,
4 MR. COHEN?

5 A YES, I WAS AMONG THE RECIPIENTS.

6 Q DID YOU SAVE THAT E-MAIL, MR. COHEN?

7 A YES, MA'AM.

8 Q DID YOU SEND IT TO YOUR ATTORNEYS, OR
9 WERE YOUR ATTORNEYS COPIED IN?

10 A THEY WERE COPIED IN.

11 Q IS THAT E-MAIL -- I WANT YOU TO TAKE A
12 MOMENT AND LOOK AT IT, AND THEN I AM GOING TO ASK YOU
13 SOME QUESTIONS.

14 A FIRST PAGE AND SECOND PAGE?

15 Q JUST LOOK OVER IT AND LET ME KNOW WHEN
16 YOU FINISH. YOU DON'T HAVE TO READ IT WORD BY WORD,
17 JUST LOOK OVER IT.

18 A YEAH, I'M FAMILIAR WITH IT.

19 Q IS THAT A TRUE AND ACCURATE COPY OF THE
20 E-MAIL THAT YOU RECEIVED FROM MS. LYNCH ON THAT DATE AND
21 AT THAT TIME?

22 A YES, MA'AM.

23 Q OKAY. I'M GOING TO DIRECT YOUR
24 ATTENTION, I BELIEVE IT IS THE BOTTOM OF PAGE 3.

25 A PAGE 3?

26 Q I THINK SO.

27 OKAY. IT'S THE BOTTOM OF PAGE 3, AND I
28 THINK IT'S -- ACTUALLY, MR. COHEN, IT'S THE BEGINNING OF

1 PAGE 3. THERE'S ONE THAT'S BEEN COPIED -- A COUPLE OF
2 THEM THAT HAVE BEEN COPIED, AND IF YOU COULD READ AT THE
3 PORTION THAT SAYS 12/20, AND THEN UP TO THE END, RIGHT
4 BEFORE 12/20, AGAIN ON PAGE 4. IF YOU COULD READ THAT,
5 PLEASE.

6 TAKE YOUR TIME, SIR.

7 A ON 12/20/2011, KELLEY LYNCH WROTE: HELLO
8 SHARMAPA, HERE'S A PROMISE YOU CAN TAKE TO THE BANK. I
9 INTEND TO TAKE THE LOS ANGELES D.A. DOWN. HELP ME OUT
10 HERE, SHARMAPA. IT'S RAY'S 19TH BIRTHDAY. I HAVEN'T
11 SEEN HIM IN NEARLY 19 YEARS. THIS SITUATION IS FUCKING
12 OUTRAGEOUS. THE DHARMAPALAS SHOULD BE OUTRAGED AND THEY
13 SHOULD DESTROY MY ENEMIES. LEONARD COHEN IS A FUCKING
14 LIAR, THIEF, COWARD AND FRAUD. WHAT HE HAS DONE TO
15 STEVEN MACHAT AND HIS FATHER IS DEVASTATING. I KNOW HOW
16 DEVOTED MARTY WAS TO COHEN, AND TO KNOW THAT COHEN
17 ROBBED HIM BLIND IS UNCONSCIONABLE. BUT COHEN IS
18 TEFLON. LAW ENFORCEMENT AND THE DISTRICT LUNATIC LOVE
19 HIM. SO IT'S MERRY CHRISTMAS TO THE DENVER FBI TIME
20 FROM THE SOPRANOS.

21 LINDSEY WILL DESTROY EVERY ONE OF HIS
22 CHILDREN AND THAT IS WHY YONGZIN RINPOCHE HAS SAID HE IS
23 CRAZY AND WILL NEVER CHANGE. CHOEGON RINPOCHE WAS IN
24 SHOCK WHEN HE WITNESSED HIS ASSAULT ON ME -- THAT
25 INVOLVED ACCUSATIONS ABOUT COHEN AND ROSHI.

26 IN ANY EVENT, IT IS WAR. LOVE, KELLEY.

27 HELP ME TAKE COHEN, LINDSEY, AND THE D.A.
28 DOWN.

1 MR. KELLY: OBJECTION. NARRATIVE, I BELIEVE.
2 HE'S READING AN E-MAIL.

3 THE WITNESS: HELP ME TAKE COHEN, LINDSEY, AND
4 THE D.A. DOWN. LET'S DO THE WORLD A FAVOR. THIS D.A.,
5 LIKE BHANDHARI, IS POWERFUL IN HIS OWN MIND. LET
6 MAHAKALA KNOW THAT STEVE COOLEY IS POWERFUL AND HE HAS
7 MINIONS LIKE MARKO WHO LIKE TO THREATEN INNOCENT WOMEN.
8 I AM COUNTING ON MAHAKALA, AND I EXPECT A DEVASTATING
9 DEFEAT. I WANT TO DESTROY THOSE ASSHOLES. LOVE.

10 ON 12/20/2011, KELLEY LYNCH WROTE:
11 BRUCE, STEVEN MACHAT IS CORRECT, A LIFE WITHOUT A MOTHER
12 IS HORRIFYING. NOT FOR THE LOS ANGELES DISTRICT LUNATIC
13 WHO I INTEND TO TAKE DOWN. THAT'S A PROMISE YOU CAN
14 COUNT ON. UNTIL THE DAY I DIE.
15 BY MS. STREETER:

16 Q HAVE YOU RECEIVED SIMILAR SUCH E-MAILS
17 FROM MS. LYNCH DURING THE TIME PERIOD OF FEBRUARY 11,
18 2000 -- FEBRUARY 2011 TO FEBRUARY 2012?

19 A SIMILAR E-MAILS?

20 Q YES --

21 A YES, MA'AM, I HAVE.

22 Q -- SIMILAR TYPE.

23 ALL RIGHT. ONE MOMENT.

24 A SOME ARE MUCH MORE EXPRESSIVE.

25 MR. KELLY: OBJECTION. THERE'S NO QUESTION
26 PENDING.

27 THE COURT: JUST WAIT FOR A QUESTION.
28

1 BY MS. STREETER:

2 Q ALL RIGHT. DO YOU RECALL -- DO YOU
3 RECALL IF YOU RECEIVED AN E-MAIL FROM MS. LYNCH
4 APPROXIMATELY DECEMBER 24TH, 2011 AT 3:07 P.M.?

5 A I'LL HAVE TO SEE THAT, MA'AM.

6 Q OKAY.

7 MS. STREETER: I'M SORRY, YOUR HONOR. I HAVEN'T
8 MARKED THIS ONE BEFORE, SO THIS ONE IS 17, IS IT?

9 THE COURT: EIGHTEEN. WHAT --

10 MS. STREETER: I'M SORRY.

11 THE COURT: -- IS THE DATE RANGE?

12 MS. STREETER: IT'S THE SAME TITLE, CAUSE AND
13 CASE NUMBER. THESE E-MAILS ARE DATED DECEMBER 23RD,
14 2011 TO DECEMBER 24TH, 2011.

15 THE COURT: OKAY.

16

17 (MARKED FOR IDENTIFICATION: BINDER
18 PEOPLE'S EXHIBIT NO. 18)

19

20 BY MS. STREETER:

21 Q ALL RIGHT. I'M GOING TO SHOW YOU AN
22 E-MAIL FROM WHAT'S BEEN MARKED AS PEOPLE'S 18. I WANT
23 YOU TO LOOK AT THE E-MAIL ON THIS PAGE. AFTER YOU LOOK
24 AT IT, I HAVE SOME QUESTIONS.

25 A OKAY.

26 Q OKAY. ARE YOU INCLUDED IN THAT E-MAIL,
27 MR. COHEN?

28 A YES, MA'AM, I AM.

1 Q AND WHO'S THE SENDER OF THAT E-MAIL?

2 A KELLEY LYNCH.

3 Q OKAY. AND IS -- IS THE E-MAIL ADDRESS
4 THAT IS ON THAT E-MAIL THE SAME E-MAIL ADDRESS THAT
5 YOU'VE TESTIFIED TO PREVIOUSLY?

6 A THE SENDER'S ADDRESS, YES, IS THE SAME.

7 Q OKAY. AND DO YOU KNOW IF YOUR ATTORNEYS
8 WERE COPIED IN ON THAT?

9 A YES, THEY ARE.

10 Q I WANT YOU TO TAKE A MOMENT AND LOOK OVER
11 THAT E-MAIL. LET ME KNOW WHEN YOU'RE DONE, MR. COHEN.

12 A SHALL I READ THE WHOLE --

13 Q NO, JUST LOOK OVER IT AND THEN I'LL HAVE
14 SOME QUESTIONS ONCE YOU'RE FINISHED. JUST BRIEFLY LOOK
15 IT OVER.

16 A THIS GOES UP TO 47 PAGES. I DON'T KNOW
17 WHETHER ANYBODY HAS THE PATIENCE FOR THIS.

18 MR. KELLY: OBJECTION, YOUR HONOR. THERE IS NO
19 QUESTION PENDING.

20 THE COURT: YES. IF YOU COULD ASK A QUESTION,
21 PLEASE.

22 MR. KELLY: MOTION TO STRIKE.

23 THE COURT: THERE'S NOTHING TO STRIKE.

24 BY MS. STREETER:

25 Q ALL RIGHT. MR. COHEN, FROM WHAT YOU
26 LOOKED AT, DOES THAT LOOK LIKE A FAIR AND ACCURATE COPY
27 OF THE E-MAIL THAT YOU RECEIVED ON THAT DATE AND TIME
28 FROM MS. LYNCH?

1 A YES, MA'AM, IT IS.

2 Q SIR, LOOK AT THE FIRST PAGE OF IT.

3 REVIEWING THE E-MAIL THE FIRST FEW PAGES, IS THERE ANY
4 MENTION OF MR. COOLEY, MR. JACKSON AND YOURSELF?

5 A YES.

6 MR. KELLY: AGAIN, YOUR HONOR, OBJECTION.
7 RELEVANCE AS TO THESE INDIVIDUALS.

8 THE COURT: OVERRULED.

9 BY MS. STREETER:

10 Q OKAY. CAN YOU PLEASE READ THAT PORTION
11 THAT TALKS ABOUT YOU, MR. COOLEY, MR. JACKSON. IT'S ON
12 PAGE 1 OF THE E-MAIL.

13 MR. KELLY: OBJECTION; LEADING.

14 THE COURT: OVERRULED.

15 THE WITNESS: PHIL SPECTOR IS IN PRISON FOR
16 CHRISTMAS BECAUSE STEVE COOLEY AND ALAN JACKSON HAD TO
17 RUN FOR DISTRICT LOSER. WELL, STEVEN MACHAT IS A MUSIC
18 INSIDER WHO KNOWS COHEN IS A FRAUD AND A THIEF WHO HAS
19 STOLEN MILLIONS FROM HIS FATHER AND HIMSELF.

20 MR. KELLY: OBJECTION; NONRESPONSIVE.

21 THE COURT: WOULD YOU DIRECT THIS, PLEASE.

22 MS. STREETER: OKAY.

23 THE WITNESS: STOP?

24 MS. STREETER: THAT'S FINE.

25 BY MS. STREETER:

26 Q ONE FINAL E-MAIL. DECEMBER, DO YOU
27 RECALL -- SHOW YOU AN E-MAIL DATED DECEMBER 26, 2011 AT
28 7:09 P.M.

1 ALL RIGHT. AND I WANT TO SHOW YOU PAGE 2
2 OF THE E-MAIL, THE TOP OF PAGE 2. IF YOU COULD READ
3 JUST THE FIRST PART. PAGE 2.

4 A SHALL I READ IT?

5 Q YES.

6 A ON 12/27/11 KELLEY LYNCH WROTE: COOLEY,
7 AFTER YOUR OFFICE THREATENED ME, YOU ARE DARN RIGHT, I
8 THREATENED TO BREAK YOUR JAW. I ASKED YOU TO MEET ME IN
9 THE GYM. MY INVITATION STANDS. I KNOW YOU ARE THE
10 CORRUPTION IN L.A. AND BREAKING YOUR JAW WOULD BE MY
11 PLEASURE. I KNOW LAW ENFORCEMENT WILL RUSH TO YOUR AID.
12 WHY?

13 Q ALL RIGHT. THANK YOU. I'M GOING TO PLAY
14 SOME MORE OF THE VOICE MAIL MESSAGES.

15

16 (CD PLAYED.)

17

18 BY MS. STREETER:

19 Q DO YOU RECOGNIZE THE PERSON IN THAT VOICE
20 MAIL MESSAGE?

21 A YES, MA'AM. IT'S KELLEY LYNCH.

22 Q AND DID YOU RECEIVE THAT VOICE MAIL
23 SOMETIME AROUND APRIL OF 2011?

24 A CORRECT.

25 Q OKAY. AND DID YOU SAVE THAT E-MAIL AS
26 YOU'VE DESCRIBED TO US PREVIOUSLY?

27 A YES, I RECORDED IT AS I DESCRIBED
28 PREVIOUSLY.

1 Q AND ONCE YOU RECORDED IT, DID YOU FORWARD
2 THAT VOICE MAIL MESSAGE TO YOUR ATTORNEYS?

3 A YES, I DID.

4 Q IS THE VOICE MAIL MESSAGE THE PEOPLE JUST
5 PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF THE
6 VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH
7 SOMETIME IN APRIL 2011?

8 A YES, IT IS.

9 Q OKAY. LET'S PLAY SOME MORE FOR YOU.

10

11 (CD PLAYED.)

12

13 BY MS. STREETER:

14 Q THE VOICE MAIL MESSAGE I JUST PLAYED, DO
15 YOU RECOGNIZE THE PERSON IN THAT VOICE MAIL MESSAGE?

16 A YES, IT'S KELLEY LYNCH.

17 Q OKAY. AND DID YOU RECEIVE THAT VOICE
18 MAIL MESSAGE SOMETIME DURING THE MONTH OF APRIL 2011?

19 A YES, MA'AM, I DID.

20 Q AND ONCE YOU RECEIVED THAT VOICE MAIL
21 MESSAGE, DID YOU SAVE THAT VOICE MAIL MESSAGE AND THEN
22 FORWARD IT TO YOUR ATTORNEYS?

23 A I DID.

24 Q IS THE VOICE MAIL MESSAGE THAT THE PEOPLE
25 PLAYED FOR YOU A TRUE AND ACCURATE RECORDATION OF THE
26 VOICE MAIL MESSAGE THAT YOU RECEIVED FROM MS. LYNCH
27 AROUND APPROXIMATELY APRIL 8TH, 2011?

28 A YES, IT IS.

1 Q OKAY. ALL RIGHT.

2 MS. STREETER: SHALL I CONTINUE, YOUR HONOR?

3 THE COURT: NO, I THINK IT'S A GOOD TIME TO
4 STOP.

5 MS. STREETER: ALL RIGHT. THANK YOU SO MUCH,
6 MR. COHEN.

7 THE COURT: LADIES AND GENTLEMEN, I'M GOING TO
8 ASK YOU TO RETURN AT 10:00 TOMORROW. PLEASE DO NOT BE
9 LATE SO WE CAN GET STARTED RIGHT ON TIME, AND PLEASE DO
10 NOT DISCUSS THE CASE OR ANY SUBJECTS ABOUT IT WITH
11 ANYONE. PLEASE DO NOT DO ANY RESEARCH ON YOUR OWN. THE
12 EVIDENCE YOU ARE GOING TO HEAR IS CONFINED TO THE
13 COURTROOM, OKAY? SO I'LL SEE YOU TOMORROW MORNING, AND
14 PLEASE HAVE A GOOD EVENING.

15

16 (THE FOLLOWING PROCEEDINGS WERE HELD
17 IN OPEN COURT OUTSIDE THE PRESENCE
18 OF THE JURY:)

19

20 MR. KELLY: YOUR HONOR, I KNOW I'VE MADE
21 OBJECTIONS, BUT A LOT OF THESE I DON'T THINK GO TO THE
22 RELEVANCE OF HE KNOWS ABOUT STEVE COOLEY AND ALAN
23 JACKSON THAT DON'T REFERENCE MR. COHEN.

24 THE COURT: WELL, THEY -- YOU KNOW, I DON'T WANT
25 TO GET INTO DETAIL HERE, BUT THEY GO TO AN ELEMENT IN
26 653M SO. IN FACT, SEVERAL OF THEM.

27 WE DON'T NEED TO -- WE CAN DEBATE THAT
28 SOME OTHER TIME.

1 I'D LIKE TO SEE BOTH OF YOU MAYBE ABOUT
2 15 MINUTES EARLY SO WE CAN MAP OUT WHERE WE'RE GOING
3 FROM HERE.

4 MR. KELLY: AND WHAT TIME WOULD THAT BE?

5 THE COURT: 9:45. UNLESS YOU NEED TO BE NEXT
6 DOOR. DO YOU NEED TO --

7 MR. KELLY: I'M HERE. I'M HERE ALL THE TIME.

8 THE COURT: OKAY.

9 MS. STREETER: THANK YOU, YOUR HONOR.

10

11 (AT 4:15 P.M., AN ADJOURNMENT WAS TAKEN
12 UNTIL APRIL 10, 2012, AT 10:00 A.M.)

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