

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE HONORABLE A. HOWARD MATZ, JUDGE PRESIDING

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

STEVEN WILLIAM SUTCLIFFE,)

Defendant.)

Case No. CR 02-350 (A) -AHM

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REPORTER'S TRANSCRIPT OF JURY TRIAL PROCEEDINGS

Los Angeles, California

Monday, November 24, 2003

DAY 7

(Pages 1218-1386)

KAREN R. PINN, RPR, CSR 5574
Court Reporter

1 differs from the prior representation.

2 MR. SUTCLIFFE: Your Honor --

3 THE COURT: No. Please don't argue that point. If
4 you have another point, I'm happy to hear it.

5 MR. SUTCLIFFE: I'm just asking, did you read those
6 reports, Your Honor?

7 THE COURT: I looked at those reports.

8 MR. SUTCLIFFE: Did you note that in those reports
9 they were referring to "interstate" threats, and there was also
10 the word "murder" in there? Did you see that, Your Honor?

11 THE COURT: Yes, I saw it.

12 MR. SUTCLIFFE: Is it the Court's representation to
13 me that the local jurisdiction of the L.A.P.D. handles
14 "interstate" threats alleging a murder or the FBI?

15 THE COURT: Mr. Sutcliffe, that's not an issue that I
16 have to address and it's not a question I'm required to answer,
17 so I decline to do so.

18 MR. SUTCLIFFE: Thank you, Your Honor.

19 One last point not related to this at all. I would
20 like the Court -- the Court has admonished the jury in the past
21 that they are to give no regard to the defense that I've been
22 raising that I didn't steal any of this information that's
23 being published on the Internet.

24 I would like the Court to clarify to the jury that it
25 is relevant because -- and I make that point because part of

1 1028(a)(7) says that "whoever knowingly transfers without
2 lawful authority." That would imply, I believe, to a layman,
3 that if I had lawful authority, then I can transfer it. If
4 it's my property, I can transfer it.

5 So there is an inference there that there is a
6 difference between lawful authority in a transfer and unlawful
7 authority in a transfer.

8 THE COURT: I think you are right to recite the
9 elements of the crime. I think you have misconstrued or
10 misstated what I've told the jury.

11 I said that the government is not required to prove
12 that you stole this information. That's not inconsistent with
13 what the government is required to do.

14 I don't think I've, in any way, encroached upon or
15 limited -- if it is your defense that you acquired this
16 information lawfully, you'll be entitled to establish that
17 defense, including by examination of witnesses.

18 The authority that would be at issue, I think, would
19 be the authority of the persons who are mentioned or whose
20 social security numbers are referred to in the indictment.

21 Are those people going to testify?

22 MS. DUARTE: Well, Your Honor, Elizabeth Greenwood
23 has and -- no, the remainder of the people are not going to
24 testify.

25 THE COURT: Okay.