

1 threatening -- interstate transportation or
2 transmission of threatening communications; right?

3 A. Correct.

4 Q. With respect to that aspect, the threatening
5 communications, did you endeavor to determine whether
6 or not there was a prior pattern of conduct by Mr.
7 Sutcliffe with respect to communications of a
8 threatening nature on the Internet?

9 A. Yes, I did.

10 Q. Tell us what you found?

11 A. We found that there had been a previous
12 posting of an another website that had also been
13 registered to Mr. Sutcliffe.

14 Q. The name of the site was what?

15 A. www.killercop.com.

16 Q. In a nutshell can you tell us what
17 killercop.com was?

18 MR. SAXE: Your Honor, I object. I don't
19 think that's relevant. That has nothing to do with
20 what he's charge with, which I'm not even clear really
21 what that is. It has nothing to do with that.

22 THE COURT: Well, I mean I guess there are
23 two ways we can get to it. This is a preliminary
24 examination, I agree with you it's not particularly
25 relevant to whether or not there's probable cause to

1 believe that the offenses have been committed, but when
2 you get to the issue of bail you can either hear it
3 from a proffer or you can hear it from the witness,
4 take your choice.

5 MR. SAXE: Okay, fine.

6 THE COURT: Okay. I will receive it with
7 respect to what I assume the next step of this
8 procedure is going to be which is the bail hearing.

9 MR. HUFTALEN: Thank you, your Honor.

10 THE COURT: To the extent that it's offered
11 as evidence of either of the two crimes, I obviously
12 can't receive it because it's not relevant.

13 MR. HUFTALEN: To digress only for a minute,
14 I think it is admissible and relevant under 404(b)
15 because it's evidence of intent, preparation, plan and
16 knowledge.

17 THE COURT: Okay, offered for that purpose.
18 Sustained.

19 Q. Tell us what you know about -- I'm sorry?

20 THE COURT: I will overrule the objection,
21 you may ask.

22 MR. HUFTALEN: I'm sorry, I thought you said
23 sustained.

24 THE COURT: I did. You caught me.

25 MR. HUFTALEN: There's a first time for

1 everything.

2 THE COURT: You know, it's just that age, it
3 creeps in.

4 Q. Can you tell us what you learned of the
5 website killercop.com?

6 A. The website primarily was offering a monetary
7 reward for the killing of any police officer.

8 Q. Who was the registrant on that particular
9 website?

10 A. On March 7th of 2002 I accessed the Internet
11 and went to the website again, Networksolutions.com,
12 and looked for the killercop.com address and found that
13 the registrant was -- the registrant of the website was
14 Mr. Sutcliffe at 231 East Palm Avenue, Suite A, Burbank
15 California 91502.

16 Q. Is that address an address that you knew to
17 be a residence of Mr. Sutcliffe?

18 A. No, that was not.

19 Q. Did you learn what that address was?

20 A. That address was the offices of Leslie
21 McAfee, M C A F E E.

22 Q. Who is Leslie McAfee, Esquire?

23 A. I understand that he was an attorney for Mr.
24 Sutcliffe.

25 Q. Did you attempt to view the website

1 killercop?

2 A. I attempted to view it on the Internet and I
3 was unable to view it.

4 Q. Because it was no longer available?

5 A. Correct.

6 Q. Do you know whether or not the website,
7 killercop.com, when it was available was captured on CD
8 by anyone?

9 A. It was.

10 Q. Or the content of it I should say was
11 captured?

12 A. It was.

13 Q. Tell us what you know about that?

14 A. I met with detectives from the Los Angeles
15 Police Department who had captured the contents of the
16 website.

17 Q. Without getting into any statements by those
18 police officers can you **tell us why** the LAPD captured
19 or snagged the content of the website killercop.com?

20 A. Contained within the website were statements
21 about two officers who had arrested Mr. Sutcliffe.

22 Q. And who were those two officers?

23 A. Officers Utley and Ippolito, I P P O L I T O,
24 Utley, U T L E Y.

25 Q. Can you tell us what you learned about

1 Officers Utley and Ippolito's interactions with Mr.
2 Sutcliffe?

3 A. They had arrested Mr. Sutcliffe and after
4 that, after one of the arrests, that's when the website
5 became public.

6 Q. Specifically what was on the website as you
7 viewed its contents of the CD the LAPD had obtained?

8 A. It noted a cash reward for the home address
9 of Officer Utley and/or a picture of Officer Ippolito.
10 And there was also a hypertext link, and when you
11 clicked upon that link it displayed the graphics -- the
12 lyrics of rapper Ice-T's song "Cop Killer."

13 Q. Can you tell us any of the specifics with
14 respect to that website threats to kill police
15 officers?

16 A. The detectives also presented to me copies of
17 instruments and tools, weapons that were for sale on
18 the website.

19 Q. Copies of the actual weapons or copies of the
20 descriptions and photos that had appeared on the
21 website?

22 A. Copies of the photos and the descriptions of
23 those weapons and tools.

24 Q. Tell us very generally what the weapons that
25 were listed on that website were?

1 A. Some of them were stabbing devices, knives,
2 and then other -- some of the tools with handcuff keys
3 and other instruments.

4 Q. Were there any descriptive phrases that were
5 associated with any of these weapons posted on the
6 website?

7 A. Yes, there were.

8 Q. Just give us a sample of one or two of those
9 descriptive phrases?

10 A. I'm referring now to the photocopies that
11 were presented to me by those detectives of the
12 pictures and descriptions of those tools. On one
13 particular entitled "Knife-gun," there are four
14 photos. The description of the weapon is "Virtually
15 indistinguishable from a combat or hunting knife, this
16 weapon is capable of firing six 22 caliber rounds from
17 a revolving cylinder, employing a firing mechanism
18 concealed in its handle," and then at the bottom it
19 reads "Message for the LAPD, Officer Utley," spelled
20 U T L I E: And then below that the text "Don't resist
21 me next time, Officer Ut-lie, or else."

22 Q. Were there any rewards posted on that website
23 indicating that the website or people behind the
24 website would pay financial rewards for the killing of
25 police officers?

1 A. Yes, there were.

2 Q. Give us an example or two of those; please?

3 A. I don't have that in front of me.

4 Q. Let me hand you something and ask you to look
5 at it and see if it refreshes your recollection. And
6 what I'm handing you is a document from an earlier
7 draft of an affidavit, directing your attention to the
8 bottom of this page. Why don't you take a look at that
9 and then tell us whether or not that helps you to
10 recall.

11 (Pause.)

12 A. Yes, I do recall this.

13 Q. All right, give us an example or two of the
14 rewards that were offered on the website.

15 A. One of the web pages entitled
16 www.killercop.com/reward.html contained the following
17 text:

18 "For example, we of the domain will pay
19 \$1,000.15 U.S. Federal notes for any man or woman who
20 while in lawful defense of their liberty against the
21 illegal conduct or unlawful authority of a police
22 officer which for the purpose of this site is defined
23 broadly to include any of the following: sheriffs,
24 rangers, highway patrol, all cops, school cops,
25 marshals, rangers, game wardens, prison wardens, or any

1 other law enforcement agency personnel which winds up
2 inflicting deadly force resulting in the lawful death
3 of the same. What is unlawful authority you ask."

4 Below that it also says: "Will pay you an
5 extra \$1,000.39 U.S. Federal notes if they are/were a
6 member of the LAPD, a little less if they are from the
7 Sacramento Sheriff's Department."

8 The text goes on to continue that there will
9 be other monies offered depending upon how that officer
10 is killed.

11 Q. I'm not going to ask you to review everything
12 that was on that website, but can you fairly
13 characterize that website as a website which contained
14 information generally speaking with -- why don't you
15 generally characterize what that website was for us so
16 I don't draw an objection on this question, but I don't
17 need you nor do I want you to get into the detail of
18 every posting and every reward for the death of a
19 police officer.

20 A. The website appeared to me to be offering
21 cash reward for any individual that would in fact kill
22 a police officer or someone in law enforcement.

23 Q. And there was specific reference to two
24 police officers who had arrested this defendant, Mr.
25 Sutcliffe; right?

1 A. Correct.

2 Q. Can you tell us when Mr. Sutcliffe was
3 arrested in Manchester the other night whether or not
4 he alluded to the fact that that was an illegal arrest
5 made by Manchester police officers?

6 A. Yes, he did.

7 Q. What information do you have that ties Mr.
8 Sutcliffe to the killercop website?

9 A. Again, as I noted before, that the website
10 was registered to his name.

11 Q. Is there anything that I haven't asked you
12 with respect to this investigation that I should have
13 that you need to tell the magistrate judge with respect
14 to whether there's probable cause to believe that this
15 defendant committed either of the two crimes listed in
16 the complaint and warrant?

17 A. Not that I can think of.

18 MR. HUFTALEN: Thank you. I have no further
19 questions.

20 MR. SAXE: I would move for discovery of any
21 of the documents which were handed to this witness that
22 he used and referred to when he was testifying. In a
23 few minutes I would move pursuant to Rule 5.1 which
24 refers to Rules 26(a) through (d) of the Federal Rules
25 of Criminal Procedure.