

1           The government has called to the stand a witness  
2 named Orly Mann.

3           Would you please step forward. Stop there, please,  
4 ma'am.

5                           ORLY MANN, GOVERNMENT'S WITNESS, SWORN

6           THE CLERK: Please state your full name and spell  
7 your last name for the record.

8           THE COURT: It would help us if you speak directly  
9 into the microphone, please.

10          THE WITNESS: Orly Mann.

11          THE COURT: It's loud, so you don't have to lean  
12 forward. Thank you.

13          Go ahead. You may proceed.

14          MS. DUARTE: I'm sorry, Your Honor. I didn't know if  
15 she needed the spelling.

16          THE COURT: Yes. Please spell your name.

17          THE WITNESS: O-r-l-y M-a-n-n.

18          THE COURT: You may proceed.

19                           DIRECT EXAMINATION

20 BY MS. DUARTE:

21 Q       Good afternoon, Ms. Mann.

22 A       Good afternoon.

23 Q       Do you know Steven Sutcliffe?

24 A       Yes, I do.

25 Q       How do you know him?

1 A I met him in L.A. in '96, married him in 1998.

2 Q What is his relationship with you now?

3 A He's still my husband. I'm in the process of divorce.

4 MR. REED: I'm sorry, I'm having a problem hearing.

5 THE COURT: Would you read back the answer.

6 THE WITNESS: I'm still married. I'm in the process  
7 of divorce.

8 BY MS. DUARTE:

9 Q Ms. Mann, is Mr. Sutcliffe in court today?

10 A Yes.

11 Q Could you point him out and identify an article of  
12 clothing he is wearing?

13 A Over there (indicating).

14 THE COURT: I don't think you need to have  
15 identification each time, but the witness has identified the  
16 defendant. Let the record reflect that. And you may proceed.

17 BY MS. DUARTE:

18 Q Ms. Mann, did you ever live in Los Angeles?

19 A Yes.

20 Q Where did you live in Los Angeles?

21 A On Bedford Street.

22 Q Approximately when was this?

23 A In 1998.

24 Q Did there come a time when you moved from Bedford Street?

25 A Yes.

1 Q Do you remember approximately when that was?

2 A 2001 November.

3 Q November 2001?

4 A Uh-huh.

5 Q During the time that you lived at Bedford Street in  
6 Los Angeles, who lived with you?

7 A My husband and me and my daughter.

8 Q Any other adults live with you?

9 A No.

10 Q Did you have a computer -- was the place on Bedford a  
11 house or an apartment?

12 A Apartment.

13 Q Did you have a computer at the apartment?

14 A Yes, we did.

15 Q Did you ever see Mr. Sutcliffe use the computer?

16 A Yes.

17 Q Approximately how often did he use the computer?

18 A Almost every day.

19 Q Did you ever use the computer at the Bedford apartment?

20 A Yes.

21 Q What did you use the computer for?

22 A For download a program for my daughter to play with her,  
23 for myself searching job, and stuff like that.

24 Q Did you ever access the website "evilgx.com"?

25 A No.

1 Q You said that you left Los Angeles in approximately  
2 November 2001?

3 A Yes.

4 Q And where did you go when you left Los Angeles?

5 A We left to New Hampshire.

6 Q You say "we." Who was with you?

7 A Me, my daughter, and my husband, Steven.

8 Q How did you get to New Hampshire?

9 A With his car.

10 Q In a car?

11 A In a car.

12 Q About how long did it take you to get to New Hampshire?

13 A I think four to five days with a stop. Four days.

14 Q Did you bring the computer with you?

15 A Yes. It was in the car.

16 Q When you got to New Hampshire, where did you stay?

17 A In his brother's house.

18 Q Whose brother's house?

19 A Steven's brother's house.

20 Q Did his brother have a computer there at the house?

21 A Yes.

22 Q Did you ever see Mr. Sutcliffe use the computer?

23 A Yes.

24 THE COURT: You mean the computer in that house?

25 BY MS. DUARTE:

1 Q The computer at the brother's house?

2 A Yes. One was his wife's and one was his.

3 Q One was his brother's wife's and one was his brother's?

4 A Yes.

5 Q So there were two computers?

6 A Uh-huh.

7 Q Did you see Mr. Sutcliffe use either one of those  
8 computers at the house?

9 A Sometimes.

10 Q Did there come a time when you moved into your own  
11 residence there in New Hampshire?

12 A Yes.

13 Q Where was that residence located?

14 A High Street, New Hampshire.

15 Q Approximately when did you move in there, do you remember?

16 A Three weeks after we left Michael. Three to four weeks.

17 Q After you left Los Angeles?

18 A After we left Michael's house.

19 Q After you left Michael's house.

20 Who is Michael?

21 A His brother.

22 Q Mr. Sutcliffe's brother?

23 A Yes.

24 Q When you moved to your place in New Hampshire, did you  
25 still have your computer from Los Angeles?

1 A Yes.

2 Q What did you do with the computer from Los Angeles when  
3 you got to your place in New Hampshire? What happened with it?

4 A He hooked it in the house.

5 Q Hooked it up?

6 A Yes.

7 Q Did you see Mr. Sutcliffe use the computer at the house in  
8 New Hampshire?

9 A Yes.

10 Q Did you use that computer at the house in New Hampshire?

11 A Sometimes.

12 Q What did you use the computer for there?

13 A For my daughter.

14 Q Did you ever access the website "evilgx.com"?

15 A No.

16 Q About how often did you see Mr. Sutcliffe use the computer  
17 when you were there in New Hampshire?

18 A Almost every day.

19 Q For what period of time during the day, do you remember?

20 A Morning and mostly at night.

21 Q I want you to reach behind you to the thick binder behind  
22 you. There is a binder. There is a thick binder. The other  
23 one.

24 If you could take a look in that binder, and go ahead  
25 and turn to Government's Exhibit 25. You should see a copy in

1 there. Have you seen Government's Exhibit 25 before?

2 A Yes.

3 Q Do you recognize it?

4 A It's my house on East High Street in New Hampshire.

5 Q Is that picture a fair and accurate representation of how  
6 your house looked in New Hampshire?

7 A Yes.

8 MS. DUARTE: Your Honor, move to admit Exhibit 25.

9 THE COURT: Okay. 25 will be received. It's  
10 admitted.

11 (Government's Exhibit 25 received.)

12 BY MS. DUARTE:

13 Q If you will turn to Exhibit 26 right there in front of  
14 you, do you recognize what you see in Exhibit 26?

15 A Yes.

16 Q What is it?

17 A It's a computer and a tower and a chair in my bedroom.

18 Q Whose computer is this?

19 A Steven's.

20 Q Mr. Sutcliffe?

21 A Yes.

22 Q Is this picture a fair and accurate representation of the  
23 way that computer looked in your bedroom?

24 A Yes.

25 MS. DUARTE: Move to admit Exhibit 26, Your Honor.

1 THE COURT: Okay. 26 will be received and admitted.

2 (Government's Exhibit 26 received.)

3 MS. DUARTE: Your Honor, I would ask that port 1 be  
4 enabled. It is. Thank you.

5 Q Is that the picture on the screen that you are looking at,  
6 Ms. Mann?

7 A Yes.

8 Q And that's the computer that you referred to?

9 A Yes.

10 Q What's this down here?

11 A The tower.

12 Q Is this where Mr. Sutcliffe would work on the computer?

13 A Yes.

14 Q Look at Exhibit 27, if you will, also in front of you in  
15 the binder. Do you recognize Exhibit 27?

16 A Yes.

17 Q What is it?

18 A My bedroom.

19 Q Is that a fair and accurate representation of your  
20 bedroom?

21 A Yes.

22 Q Approximately when did your bedroom look like that in  
23 New Hampshire?

24 A Around November.

25 Q November?

1 A The end of November.

2 Q Did it change much from the end of November until the time  
3 that you were there in 2002?

4 A Not much.

5 MS. DUARTE: Your Honor, move to admit Exhibit 27.

6 THE COURT: 27 will be received. It's admitted.

7 (Government's Exhibit 27 received.)

8 BY MS. DUARTE:

9 Q Lastly, Ms. Mann, if you will look at Exhibit 28, and  
10 please do not tell me what that's a picture of yet.

11 There is an object in the picture. Without telling  
12 me what that object is, do you recognize that object?

13 A Yes.

14 Q Again, without telling me where it is, where had you seen  
15 that object before?

16 A In my bedroom.

17 Q And in this picture, beneath the object, there is a spread  
18 or background. Do you recognize that spread or background?

19 A Yes. It's still my bedroom.

20 Q What is that spread or background specifically?

21 A My cabinet, my chair to sit at the computer, my TV.

22 Q I mean the actual background that the item is laying on,  
23 the item in the middle of the photograph. It looks like a  
24 blanket. Do you recognize that blanket?

25 A It's the sheets of my bed.

1 Q So that item is laying on your bed?

2 A Yes.

3 Q Where was that item usually kept?

4 A Behind the bedroom door in a box.

5 Q Do you recognize this item as a fair and accurate  
6 representation of the item that was kept behind the door in the  
7 box?

8 A Yes.

9 MS. DUARTE: Your Honor, move to admit Exhibit 28.

10 THE COURT: Okay. 28 will be received. It's  
11 admitted.

12 (Government's Exhibit 28 received.)

13 BY MS. DUARTE:

14 Q Ms. Mann, what is that item that Government's Exhibit 28  
15 depicts lying in the middle of the bed?

16 A Steven's rifle.

17 Q I'm sorry?

18 A Steven's rifle.

19 THE COURT: Before you proceed any further, please  
20 listen carefully, members of the jury. The witness has  
21 identified the picture as depicting Steven's rifle.

22 Mr. Sutcliffe is not accused of committing any crime  
23 arising out of his possession of any weapon or ammunition. You  
24 may consider evidence of his possession of weapons and  
25 ammunition only for the limited purpose of deciding whether the

1 government has met its burden of proving that if Mr. Sutcliffe  
2 made, or caused to be made, the communications that have been  
3 alleged in this case, in making those communications, he acted  
4 with a specific intent to threaten the persons who were the  
5 subject of these communications.

6           You'll be required to apply that limiting  
7 instruction. It's the kind of limiting instruction -- I'll  
8 tell you, you are allowed to take into account this evidence of  
9 the rifle and of any evidence that there may be about  
10 ammunition or other firearms, but only for the limited purpose  
11 I just told you.

12           You may proceed.

13 BY MS. DUARTE:

14 Q     Ms. Mann, do you know if you had seen that rifle also at  
15 your home in Los Angeles when you were living in Los Angeles?

16 A     Yes, I did.

17 Q     Yes, you did. Okay.

18           When you say "Steven's rifle," do you mean that this  
19 rifle was maintained by Mr. Sutcliffe?

20 A     I know it belonged to him.

21 Q     I'm sorry?

22 A     I know it's his.

23           MS. DUARTE: I have nothing further, Your Honor.

24           THE COURT: All right. Thank you.

25           Any cross-examination?

1 MR. SUTCLIFFE: Yes, Your Honor. Thank you.

2 CROSS-EXAMINATION

3 BY MR. SUTCLIFFE:

4 Q Good afternoon, Ms. Mann. How are you today?

5 A Good.

6 Q When you say "my daughter," do you mean the defendant's  
7 and your daughter, or your daughter?

8 A My daughter.

9 Q Did the defendant father the child with you?

10 A He is right here in front of me.

11 Q Is he the father of the child?

12 A No. You are the father of the child.

13 Q Thank you. I just wanted to clarify. You said "my  
14 daughter."

15 Did you file divorce papers on the defendant yet?

16 A I'm in the process.

17 Q That computer that the government was talking about that  
18 was in our home, you said that the defendant used it during the  
19 day and during the night; is that correct?

20 A Yes.

21 Q Can you tell the jury what the defendant's job was  
22 during -- when he worked in L.A.?

23 A I think you did help desk.

24 Q On computers?

25 A Yes.

1 Q So it was like a tool --

2 A Yes.

3 Q -- a teaching tool?

4 And also to look for work? It's also used to look  
5 for work, too; is that correct?

6 A Yes.

7 Q And just, how is Leael doing?

8 MS. DUARTE: Objection.

9 THE COURT: That's an inappropriate question.

10 MR. SUTCLIFFE: Tell her I love her.

11 Q The rifle now --

12 THE COURT: You can disregard any comments and  
13 testimony on irrelevant evidence or statements that are made by  
14 anybody in this case, including the last one, and you should  
15 disregard it.

16 Please proceed, Mr. Sutcliffe.

17 BY MR. SUTCLIFFE:

18 Q The rifle that was in the home, was it just laying around  
19 on the bed? It wasn't just laying around on the bed, was it?

20 A No.

21 Q It was secured in a box; is that correct?

22 A Yes.

23 Q And the ammunition was in another sealed box --

24 A Yes.

25 Q -- separate from the gun?

1 A It was inside the box, Steven.

2 Q The rifle wasn't loaded?

3 A I didn't check.

4 Q That's good.

5 A Thank you.

6 Q Do you know where the defendant got the rifle from?

7 A No.

8 Q Do you know how long he's owned it?

9 A A long time.

10 Q Five years?

11 A I don't know the time.

12 Q Ten years?

13 A When I met you, you have it.

14 MR. SUTCLIFFE: A long time. Okay.

15 I have nothing further, Your Honor.

16 THE COURT: Anything further?

17 MS. DUARTE: No, Your Honor, nothing further.

18 THE COURT: Thank you. You are excused, Ms. Mann.

19 You may go about your business.

20 Please call your next witness.

21 MS. DUARTE: The government calls Ms. Mary Leiter to  
22 the stand.

23 The witness is here. She may have stepped away. I  
24 can call another one.

25 THE COURT: If you can, please do so.