

CERTIFIED HEARING TRANSCRIPT
(DAY 1)

COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON JUDICIAL CONDUCT

COMPLAINT NUMBER 2019-22

VOLUME I

HEARING

~ BEFORE ~

HEARING OFFICER

DENIS J. McINERNEY, ESQ.

JUNE 9, 2025

9:00 A.M.

Boston, Massachusetts

Lisa L. Crompton, CSR (MA) (RI), RPR

APPEARANCES:

For Commission on Judicial Conduct

Commission on Judicial Conduct

BY: former HONORABLE JUDITH FABRICANT

AND: HOWARD V. NEFF, III, ESQ.

11 Beacon Street

Suite 525

Boston, Massachusetts 02108

617-725-8050

617-248-9938 Fax

For Honorable Shelley M. Richmond Joseph

Libby Hoopes Brooks & Mulvey

BY: ELIZABETH N. MULVEY, ESQ.

AND: THOMAS M. HOOPES, ESQ.

260 Franklin Street

Boston, Massachusetts 02110

617-338-9300

617-338-9911 Fax

emulvey@lhbmllegal.com

thoopes@lhbmllegal.com

~ AND ~

Meehan, Boyle, Black & Bogdanow, P.C.

BY: MICHAEL B. KEATING, ESQ.

100 Cambridge Street

Suite 2101

Boston, Massachusetts 02114

617-523-8300

I N D E X

DAVID JELLINEK, ESQ.	PAGE NO.
DIRECT EXAMINATION BY JUDGE FABRICANT	43
CROSS-EXAMINATION BY MR. HOOPES	92
REDIRECT EXAMINATION BY JUDGE FABRICANT	187
RECROSS-EXAMINATION BY MR. HOOPES	196

E X H I B I T S

EXHIBITS	DESCRIPTION	PAGE NO.
----------	-------------	----------

(NO EXHIBITS)

1 HEARING OFFICER: I think you
2 can all hear me. Good morning. We're on the
3 record.

4 This is a hearing conducted in
5 connection with the Commission on Judicial
6 Conduct's Complaint Number 2019-22 concerning
7 Judge Shelley M. Richmond Joseph.

8 My name is Denis McInerney, and
9 I'm the hearing officer in this matter.

10 I'd ask that the attorneys for
11 the parties please introduce themselves and the
12 parties they represent.

13 JUDGE FABRICANT: Good morning.
14 I'm Judith Fabricant, special counsel for the
15 Commission on Judicial Conduct.

16 MR. NEFF: Good morning.
17 Howard Neff for the Commission on Judicial
18 Conduct.

19 MR. HOOPES: Good morning, Your
20 Honor. Tom Hoopes for Judge Joseph.

21 MS. MULVEY: Good Morning.
22 Elizabeth Mulvey also for Judge Joseph.

23 MR. KEATING: Good morning.
24 Michael Keating for Judge Joseph.

25 HEARING OFFICER: Thank you

1 very much.

2 Earlier this morning the
3 parties and I conducted a view at the
4 Newton District Courthouse. The hearing will
5 now resume here at the Suffolk County
6 Courthouse.

7 As the parties are aware, on
8 June 3rd, I issued an order regarding media
9 protocol and coverage. If there is anyone here
10 from the media who has not received a copy of
11 that order, it is available on the CJC's
12 website, on the web page where they have their
13 May 13th press release about this matter.

14 This hearing is being conducted
15 to establish the facts related to the formal
16 charges issued by the CJC against Judge Joseph
17 on November 19th, 2024. After the hearing has
18 concluded, I will issue a report containing my
19 findings and recommendations. Should I conclude
20 based on the facts established at this hearing
21 that Judge Joseph violated the code of judicial
22 conduct, and that any such violation would call
23 for discipline to be imposed, I will make
24 recommendations as to what that discipline
25 should be. The Commission bears the burden of

1 proving the charges by clear and convincing
2 evidence.

3 With that, unless there are any
4 other matters that the parties would like to
5 raise at this time, I will turn it over to the
6 special counsel first and then to Judge Joseph's
7 counsel to give their opening statements

8 JUDGE FABRICANT: Thank you,
9 Mr. McInerney.

10 I'm Judith Fabricant, special
11 counsel for the Commission.

12 Before I turn to opening
13 statements, first of all, I want to say good
14 morning to counsel, to Judge Joseph, to
15 Mr. Neff, and to everyone present.

16 And I would like to request
17 that you formally admit in evidence the
18 stipulated appendices, and those are
19 Appendix A through R and V through Z. And you
20 should have on your bench a binder that has all
21 of these in it.

22 Appendices S and T are
23 stipulated for identification only. And I
24 request that you receive them for that purpose
25 only.

1 Appendix U consists of
2 photographs at this point stipulated for
3 identification. As they are testified to, I
4 will ask you to receive them in evidence.

5 HEARING OFFICER: That is all
6 fine with me.

7 JUDGE FABRICANT: Thank you.

8 HEARING OFFICER: And those
9 exhibits that you offered, with the stipulation
10 of respondent, are all accepted.

11 JUDGE FABRICANT: All right.
12 And is my volume working with this microphone?

13 HEARING OFFICER: It's perfect.
14 It's perfect.

15 JUDGE FABRICANT: Thank you.

16 This case is about the
17 integrity, impartiality, and independence of the
18 Massachusetts judiciary and the appearance of
19 integrity, impartiality, and independence that
20 every judge is required to uphold. The facts
21 are mostly undisputed. There is one central
22 dispute, what was said during the 52-second off
23 the record discussion at side bar. You will
24 hear a lot about those 52 seconds.

25 I want to start with,

1 Judge Joseph became a judge of the
2 District Court on November 2nd, 2017. She had
3 been an attorney for some 25 years, the last 20
4 primarily as a criminal defense attorney. As a
5 new judge, Judge Joseph received various
6 training materials, including a copy of the
7 Massachusetts Rules of Court, this volume that
8 I'm holding up. Among the rules in this volume
9 is District Court Special Rule 211, which
10 requires that all court proceedings in the
11 District Court be recorded.

12 In accordance with the policy
13 of the District Court, Judge Joseph spent four
14 weeks in orientation, sitting with about 20
15 other judges, one at a time, to observe a wide
16 variety of proceedings. After completing her
17 orientation, she was assigned to sit in various
18 District Court divisions.

19 On April 2nd, 2018,
20 Judge Joseph was sitting in the Newton
21 District Court and was the only judge there that
22 day. She had sat there as a judge a few times
23 before and she had practiced there often. She
24 was familiar with the courthouse and the
25 practices there. Those practices included the

1 following, which Judge Joseph stipulated to and
2 agreed that she would not contest as a part of
3 the agreement that she had adjudicated with the
4 United States attorney for dismissal of the
5 criminal charges against her. This is at
6 Paragraph 3 of the agreed statement of facts.
7 It's in Appendix M, Pages 163 to 164, and it's
8 also being displayed on the monitor. And the
9 page numbers that I'm using are the red numbers
10 up in the right-hand corner of each page of the
11 appendix so it's sequentially, sequentially
12 numbered throughout the appendix.

13 Judge Joseph knew, -- this is
14 what Paragraph 3 says -- Judge Joseph knew that
15 criminal defendants in Newton District Court
16 custody were kept in the lockup area in the
17 basement of the courthouse and were brought
18 upstairs with a court officer to the courtroom
19 for their court appearance. The normal custom
20 and practice in Newton District Court, subject
21 to certain exceptions, was a defendant would be
22 released from custody into the courtroom.

23 This courtroom had only one
24 public entry/exit which led to the courthouse
25 lobby. You saw each of those places this

1 morning. The courtroom, with its one public
2 exit, the lockup downstairs, and the enclosed
3 dock in the courtroom with its door facing
4 toward the exit.

5 One of the cases that came
6 before Judge Joseph on that date was
7 Commonwealth versus Medina Perez, and there are
8 various names for him in various documents. I'm
9 using the name that appeared in the
10 District Court docket at the time.

11 Mr. Medina Perez faced three charges, a charge
12 of being a fugitive from justice based on a
13 warrant from Pennsylvania and two misdemeanor
14 drug charges.

15 Judge Joseph was informed of
16 the charges and was also informed that ICE, the
17 Immigration and Custom Enforcement Service, had
18 a detainer and warrant of removal for
19 Mr. Medina Perez and that an ICE officer was
20 present to take Mr. Medina Perez into custody if
21 he was released from state custody.

22 When the case was first called,
23 Judge Joseph appointed the duty attorney for the
24 day, Elizabeth Bostwick, to represent him. A
25 Spanish interpreter assisted. The case was

1 called several times through the morning to
2 allow Attorney Bostwick to investigate whether
3 Mr. Medina Perez was the person wanted in
4 Pennsylvania. When court recessed for the
5 lunch, for the lunch break, Attorney Bostwick
6 was still working on that.

7 Mr. Medina Perez's employer and
8 another person associated with him were the
9 present in court. Before court resumed,
10 Mr. Medina Perez's employer retained
11 Attorney David Jellinek to represent him in
12 place of Attorney Bostwick. Attorney Jellinek
13 appeared frequently in the Newton District and
14 he had friendly relationships with the court
15 personnel there. Attorney Bostwick did, too.

16 Attorney Jellinek learned of
17 the charges and of the ICE detainer and of his
18 client's denial that he was the person sought.
19 He set about doing what he could to investigate
20 whether his client was the right person for the
21 Pennsylvania warrant and whether he was the
22 right person for the ICE detainer and to
23 persuade others that his client was not the
24 right person for either.

25 He spoke with Assistant

1 District Attorney Shannon Jurgens, -- now she's
2 McDermott -- and they came to agreement that the
3 evidence was not sufficient to connect
4 Mr. Medina Perez to the Pennsylvania warrant, so
5 that she would dismiss that charge. She was not
6 seeking bail on the drug charges. That meant
7 that Mr. Medina Perez would be released from
8 state custody that afternoon. The problem that
9 remained for Attorney Jellinek was ICE. His
10 goal was to find a way to avoid his client being
11 taken into ICE custody.

12 The ICE officer had been
13 sitting in the courtroom through the morning and
14 was still there at the lunch break.
15 Mr. Jellinek spoke with him, but failed to
16 persuade him that his client was not the right
17 person. The ICE officer remained convinced that
18 Mr. Medina Perez was the right person and
19 planned to take him into custody.

20 Mr. Jellinek also spoke with
21 Court Officer Wesley MacGregor, alone with no
22 one else present. He expressed to
23 Officer MacGregor his concern, that ICE would
24 take his client into custody and would be taking
25 the wrong person. Officer MacGregor told

1 Attorney Jellinek that he would release the
2 person from the sallyport which was downstairs
3 in the lockup area. On that basis, Mr. Jellinek
4 expected that, if he could arrange for his
5 client to go back downstairs, he could be
6 released through the back and avoid ICE.

7 Separately during a lunch
8 break, the clerk informed Judge Joseph that
9 Newton District Court First Justice
10 Mary Beth Heffernan had a practice or policy
11 that ICE officers should be directed to wait
12 outside the courtroom. He asked if she would
13 follow that policy.

14 The Trial Court had a policy
15 for all court personnel regarding interactions
16 with ICE, referred to as the Lunn policy after a
17 decision of the Supreme Judicial Court. That
18 policy is in evidence as Appendix B. And we'll
19 bring it up on the monitor, although it's
20 several pages long.

21 The essence of it is that court
22 personnel should be neutral toward ICE Officers
23 in the courthouses, allow them to perform their
24 duties, and allow them into lockup areas to take
25 custody of a person being released.

1 Judge Joseph was aware that
2 there was a Trial Court policy, but she didn't
3 know what the policy was and she couldn't put
4 her hands on. She consulted with a staff lawyer
5 of the administrative office of the
6 District Court who read the Lunn policy to her.
7 Judge Joseph advised the clerk that she would
8 follow the practice established by the
9 First Justice.

10 Following her instruction, the
11 clerk directed the ICE officer to wait outside
12 the courtroom, and he did.

13 After the lunch break, the case
14 was called 2:48:13 p.m. The clerk advised the
15 judge that Attorney Jellinek filed an appearance
16 and Attorney Jellinek requested to go to side
17 bar. The clerk asked if he wanted to wait for
18 his client, and Attorney Jellinek said no. So
19 the defendant had not yet been brought up into
20 the courtroom when the side bar conference
21 began. That fact will be important when we get
22 to the testimony of Interpreter Eric Mendoza.

23 The conversation at side bar,
24 the part of it that was on the record, is set
25 forth in a transcript that the parties have

1 stipulated is accurate. The transcript is
2 Appendix G, and I direct your attention to
3 Page 40 to 41. Again, these are the red numbers
4 up in the right-hand corner of each page.

5 The beginning just seems to be
6 a slight gap. The next thing that appears is
7 Judge Joseph saying that something is dismissed.
8 There's no dispute that what was dismissed was
9 the fugitive from justice charge. Judge Joseph
10 then said so it's my understanding that ICE is
11 here. Note that she was the first to mention
12 ICE. Then David Jellinek said ICE is convinced
13 that this guy, I went over to ICE, they say
14 there's a biometric match, I went through it and
15 did the research, there's 13 FBI numbers
16 connected to this Social, so something's bad
17 with the, inaudible. My client denies that it's
18 him. ICE is going to pick him up if he walks
19 out the front door. But I think the best thing
20 for us to do is to clear the fugitive issue,
21 release him on a personal, and hope that he can
22 avoid ICE. Judge Joseph responded. The other
23 alternative is, if you need more time to figure
24 this out, hold until tomorrow. Attorney
25 Jellinek said there is an ICE detainer, so if

1 he's bailed out from Billerica -- Middlesex
2 County Jail -- ICE will pick him up. The judge
3 said ICE is going to get him, what if we detain
4 him. At this point Attorney Jellinek said, are
5 we on the record. The judge said to the clerk,
6 can we go off the record for a minute. The
7 clerk, you will hear from his testimony, was
8 busy doing other things and wasn't listening.
9 He said, what's that. The judge then said, are
10 we off the record. The clerk said, no, we're on
11 the record. Attorney Jellinek then said, can we
12 go off the record for a minute. The clerk
13 turned off the recording system, and Judge
14 Joseph conducted an unrecorded discussion with
15 counsel in violation of District Court Rule 211.

16 So far these facts are
17 undisputed. Now comes the dispute, what happens
18 in the 52 seconds when the recording was off.
19 Part of what happened is included in Paragraph
20 10 of the Federal agreed statement of facts.
21 Again, this is Appendix M, Page 163, and it's
22 Paragraph 10, which is being displayed on the
23 monitor. Judge Joseph has stipulated that
24 Attorney Jellinek asked that the defendant be
25 allowed to go back downstairs. That was

1 essentially Mr. Jellinek's plan. The defendant
2 had to go downstairs to be released out the
3 back, rather than being released from the dock
4 into the courtroom to go out the front door, as
5 Judge Joseph has stipulated, was the normal
6 custom and practice in that court.

7 What else happened in that
8 unrecorded discussion? You will hear from the
9 people who participated, Attorney David Jellinek
10 and Assistant District Attorney Shannon Jurgens
11 McDermott. Clerk Okstein was present, but he
12 was occupied with other tasks and he wasn't
13 listening. Interpreter Eric Mendoza was not at
14 side bar, but he was able to hear some of what
15 was said while he waited for the defendant to be
16 brought to the court, and he formed an
17 impression of the substance of the conversation.

18 From the discussion on the
19 record, Attorney Jellinek had reason to think
20 that Judge Joseph was open to helping him with
21 the problem he was trying to solve for his
22 client. Like everything else, that impression
23 factored into what he said off the record. He
24 told the judge that if his client could go back
25 downstairs, he thought he could get him released

1 through the back. The judge said something to
2 the effect of, yes, that's what we'll do. Based
3 on that exchange, Attorney Jellinek believed
4 that he had Judge Joseph's blessing to proceed
5 as he had discussed with Court Officer
6 MacGregor. The defendant would go back
7 downstairs, and Officer MacGregor would release
8 him out the back of the courthouse.

9 Assistant District Attorney
10 Shannon Jurgens McDermott recognized that ICE
11 was outside her role, and she took no position
12 on whether the defendant was the right person
13 for the ICE detainer. She was surprised and
14 disturbed to hear the judge making suggestions
15 to defense counsel regarding ICE. She was
16 further surprised when the discussion went off
17 the record. That was not something that she had
18 seen before in a courtroom proceeding.

19 She remembers the conversation
20 off the record was about what would happen to
21 the defendant with ICE. She does not remember
22 precisely what was said. But she remembers the
23 judge saying something to the effect of, what
24 should we do, and David Jellinek saying
25 something to the effect of, he was all set or I

1 have it under control.

2 The Assistant District Attorney
3 was uncomfortable with the discussion, viewing
4 the judge's statements as an effort to skirt the
5 ICE officer. She did not interpret the
6 conversation to mean that the defendant would
7 leave the courthouse other than through the main
8 public lobby, because she was unaware of any
9 other way a defendant could be released.

10 Interpreter Eric Mendoza heard
11 some of the conversation at side bar. He did
12 not hear all of it and he had no knowledge of
13 what was on or off the record. From what he did
14 hear, he formed the understanding that the
15 substance of the conversation was that
16 Mr. Medina Perez was to be released. He heard
17 the judge say words to the effect of, then we
18 will let him go. He was surprised, since he was
19 aware that an ICE officer was waiting to take
20 him into custody.

21 Judge Joseph has denied that
22 the conversation occurred as these witnesses
23 describe. She has said that what was off --
24 what was said off the record was the same as
25 what was said on the record. There was no

1 difference and no purpose for going off the
2 record.

3 This is the dispute that you
4 will be called upon to resolve, based on the
5 credibility of the witnesses and the reasonable
6 inferences from all of the circumstances,
7 particularly from what occurred on the record.

8 When we get to closing
9 argument, I will suggest the reasons that you
10 should credit David Jellinek's testimony and not
11 Judge Joseph.

12 What came after the unrecorded
13 conversation is also undisputed. The recording
14 came back on and everyone went back to open
15 court. This is Pages 41 to 43 of Appendix G.
16 Attorney Jellinek announced, after some
17 extensive research into the FBI numbers and
18 something about Social Security numbers, as well
19 as obtaining a photo from Pennsylvania, we don't
20 believe that this gentleman is the same
21 gentleman as on the fugitive from justice
22 warrant. Note that it's the defense attorney
23 who says this first. The assistant district
24 attorney then confirmed, saying with the
25 information I have, I don't think there's enough

1 tying him to the Pennsylvania warrant, and she
2 announced that she would dismiss the fugitive
3 from justice charge and would not request bail
4 on the drug charges.

5 So at this point, it was clear
6 to everyone in the courtroom that the defendant
7 would be released on personal recognizance. But
8 as we noted earlier, ICE was not in the
9 courtroom.

10 Attorney Jellinek then said, I
11 would ask that he I believe he has some property
12 downstairs, I'd like to speak with him
13 downstairs with the interpreter, if I may.
14 Judge Joseph responded, that's fine, of course.
15 The clerk and the judge then proceeded with the
16 arraignment process. Mr. Jellinek then said,
17 all set, Mr. Clerk.

18 At this point the clerk, who is
19 right in front of the judge, said something that
20 the transcript reflects as inaudible. The
21 judge, responding to Mr. Jellinek's question as
22 to whether the matter was all set, said wait
23 just a second and turned her attention to the
24 clerk, and told her, there was a representative
25 from ICE here in the court inaudible to visit

1 the lockup. Judge Joseph responded, that's
2 fine, I'm not going to allow them to come in
3 here, but he's been released on this. The clerk
4 advised the defendant of the next date and gave
5 the statutory warning.

6 Then Court Officer MacGregor
7 asked, he's released, Mr. Clerk? The clerk and
8 Judge Joseph both responded, he is. Then
9 Judge Joseph added, Mr. Jellinek asked if the
10 interpreter can accompany him downstairs to
11 further interview him, and I've allowed that to
12 happen. That concluded the proceeding.

13 Court Officer MacGregor
14 escorted the defendant, Mr. Jellinek, and the
15 interpreter through the dock and down the secure
16 stairway, removed the restraints, and opened the
17 sallyport door, allowing the defendant out to
18 the rear of the courthouse while the ICE officer
19 was waiting in the front lobby.

20 Over the next days and weeks,
21 Judge Joseph met first with First Justice
22 Mary Beth Heffernan, then Regional
23 Administrative Justice Stacey Fortes, and
24 finally, on May 8th Chief Justice Paul Dawley.

25 With Judge Heffernan, she did

1 not volunteer that she had gone off the record,
2 and Judge Heffernan did not ask, not yet having
3 heard anything to that effect. Judge Fortes had
4 heard that part of the proceeding was not
5 recorded and she asked what happened. Judge
6 Joseph did not directly acknowledge that she had
7 told the clerk to turn off the recording.

8 What she said in these two
9 conversations was not false. She did not lie to
10 Judge Heffernan or Judge Fortes, but she did not
11 tell them all of what happened. She did not
12 volunteer information that she should have
13 volunteered to meet her obligation of candor.

14 With Chief Justice Dawley, in
15 her sworn interview with me on behalf of the
16 Commission, Judge Joseph acknowledged going off
17 the record, but denied having anything to do
18 with the defendant released out the back.

19 The Commission will ask you to
20 find that those denials were false. On that
21 basis, the Commission will ask you to find that
22 she failed to be candid and honest with court
23 disciplinary authorities and failed to cooperate
24 with court administration.

25 I thank you for your attention.

1 HEARING OFFICER: Thank you,
2 Special Counsel.

3 With that, I'll turn it over to
4 counsel for Judge Joseph.

5 MS. MULVEY: Thank you.

6 Do you mind if I move around a
7 little?

8 HEARING OFFICER: No. Of
9 course.

10 MS. MULVEY: Kind of crowded
11 back there.

12 If you were to walk down
13 Tremont Street and take a survey of the people
14 you meet, 100 percent of them would tell you
15 that Judge Shelley Joseph let an illegal
16 immigrant out the back door of the Newton
17 District Court, 50 percent of them would tell
18 you that she's a criminal and should go to jail,
19 50 percent would tell you she's a folk hero for
20 what she did, but 100 percent would tell you she
21 did it.

22 It has become such a part of
23 local lore in Boston that the media for the most
24 part have dropped the niceties of alleged or
25 charged and they report and make references to

1 this incident as if a dozen people had seen
2 Judge Joseph get off the bench, escort the
3 defendant to the door, give him a hug, and wish
4 him God speed. That's what everybody believes,
5 and they believe it without having heard a
6 single word of public testimony and without any
7 witness ever having been cross-examined. They
8 believe it the based on what the U.S. attorney's
9 office put out in the indictment some six years
10 ago, and that has become established fact.

11 HEARING OFFICER: If I can
12 interrupt one second. Are you able to --

13 MR. NEFF: Just when you move
14 closer to the speaker, you're getting feedback.

15 (PAUSE)

16 MR. NEFF: I can't hear it now.

17 HEARING OFFICER: Perhaps if
18 you walked over on this side.

19 MS. MULVEY: Sure. Thank you.

20 So today in this courtroom and
21 this week we are going to have the opportunity
22 to hear all of the evidence, to have the
23 witnesses testify publicly, to be
24 cross-examined, and to have the full story told
25 not just the 10 percent that has formed the

1 basis for all of the media reports.

2 Judge Joseph, at the end of
3 this proceeding, will be seen in a very
4 different light than the way she's been vilified
5 in the media, and it will turn out that
6 Judge Joseph that day was trying to respect the
7 rights of everybody before her, the defendant,
8 the defense counsel, the prosecutor, the
9 presiding justice of the Newton District Court,
10 and, yes, the ICE agents.

11 On behalf the Judge Joseph, we
12 thank you for the opportunity to present all of
13 the evidence and to have the public hear what
14 actually happened.

15 Now, in many ways, the person
16 with the most knowledge of what happened on
17 April 2nd of 2018, is not Judge Joseph, but
18 Attorney David Jellinek. And there are some
19 undisputed facts about David Jellinek's conduct
20 that cannot be ignored.

21 Before Judge Joseph even knew
22 that David Jellinek was in the courthouse, he
23 had already made a deal with Court Officer
24 Wes MacGregor. He had this deal that if he
25 could get his client back downstairs, the court

1 officer would let him out the sallyport door
2 into the parking lot, that we all saw this
3 morning, and he could make a run for it. And
4 David Jellinek, after the hearing, took his
5 client downstairs and he made that happen.
6 There's no dispute about that. He was the
7 architect of this plan.

8 Now, despite David Jellinek's
9 role as the mastermind of this ill-conceived
10 scheme, he received from the Federal government
11 complete immunity for what he did. And there's
12 no question that he did it. There's a big
13 question about whether she did it. There's no
14 question at all that he did it. He planned and
15 executed this scheme. And yet, while
16 Judge Shelley Joseph has been vilified in the
17 media, David Jellinek has received virtually no
18 publicity, hardly anybody knows his name,
19 nobody's ever focused on what he said or did,
20 and he continues to practice really in blissful
21 obscurity.

22 There's something else
23 important about David Jellinek, and that is the
24 way in which his story has changed over time,
25 from the time when he did not even mention

1 Judge Shelley Joseph or her alleged approval of
2 his plan, to a time when he told the
3 Federal Government that he had no idea what was
4 in Judge Joseph's mind, to after this proceeding
5 started, when he finally said to the special
6 counsel, not only did I tell Judge Joseph my
7 plan, but she explicitly approved it. He had
8 never said that before.

9 Now, from Judge Joseph's
10 perspective, on April 2nd of 2018, she was alone
11 in the Newton District Court. She at that point
12 had been a judge for five months to the day.
13 She had sat in the Newton District Court on
14 handful of occasions, but this was the first
15 time that she was ever there with a full docket
16 of matters and without another judge. She had
17 practiced in the court. She was familiar with
18 the layout and the operations. But there was an
19 important policy that will come into play that
20 she had never heard of.

21 In the afternoon, Judge Joseph
22 again called the Medina Perez matter, and she
23 had the two lawyers in front of her,
24 David Jellinek and the prosecutor
25 Shannon Jurgens McDermott, and they were telling

1 her that they had now developed or the
2 Commonwealth now agreed that Medina Perez was
3 not in fact the subject of the Pennsylvania
4 warrant. And at that point David Jellinek
5 asked, as special counsel read, to go off the
6 record.

7 Now, from Judge Joseph's
8 perspective, that was actually one of the least
9 remarkable things that had happened over the
10 last few hours. The morning had proceeded with
11 several calls of the Medina Perez case, and
12 Judge Joseph had appointed Elizabeth Bostwick,
13 who was the bar advocate, the public counsel,
14 for Medina Perez, who was indigent. And she had
15 been doing a good job. She had sent some faxes,
16 she had raised questions about Medina Perez's
17 identity. And right before the lunch hour, she
18 said to Judge Joseph, I have a medical
19 appointment, could we come back at 2:15 instead
20 of 2:00. And Judge Joseph said, trying to
21 accommodate her, of course.

22 But over the lunch hour, a
23 bunch of things changed. The first thing that
24 cropped up was that the clerk came to her and
25 told her that the Presiding justice Mary Beth

1 Heffernan had a policy that ICE agents were not
2 allowed in the courtroom. Now, Judge Joseph had
3 never heard of a policy like that. She had
4 never seen it as a lawyer or in any other
5 courtroom. And frankly, she knew that
6 courtrooms were public places, and she was
7 concerned about whether she even had the power
8 to exclude an ICE agent from the courthouse.
9 She asked the clerk if she could see the policy,
10 and he told her it wasn't written down. And so
11 she went into the lobby, she looked through her
12 training materials to see if there was anything
13 that would shed light on this, she looked around
14 in some of the reference materials in the lobby
15 to see if she could find anything, and there was
16 no help to be had. And so she picked up the
17 phone, and she called the administrative office
18 of the District Court and she talked to one of
19 the staff counsel there, and said I have this
20 situation, what do I do. She was trying to be
21 fair to everybody.

22 And the District Court counsel
23 hunted down this Lunn policy, and she read it to
24 Judge Joseph, and later faxed a copy. And they
25 talked about it. It didn't directly apply to

1 this situation. And so the counsel advised her,
2 well, it doesn't say you can't, you're the
3 judge, you make the decision. And so, again,
4 trying to be fair and respectful to everybody,
5 Judge Joseph decided that, when in Rome, you
6 follow the policies of the presiding judge. She
7 wasn't about to say, no, I'm going to do that.

8 And so she said to the clerk,
9 yes, I will follow First Justice Heffernan's
10 policy, please ask the ICE agent to wait out in
11 the hallway. And he did. So that was the first
12 unusual event.

13 Then the clerk advised her that
14 Elizabeth Bostwick, the court-appointed counsel
15 who had been zealously representing
16 Mr. Medina Perez, was being replaced by a
17 retained private counsel, David Jellinek. She
18 couldn't figure out how that came about, given
19 that judge -- that Attorney Bostwick had
20 expected to come back.

21 And finally, when the court
22 convened, she was told that
23 Prosecutor McDermott, who in the morning had
24 been adamant that Medina Perez was the subject
25 of the Pennsylvania warrant, was now agreeing

1 that he wasn't the right guy, without any
2 explanation. And so when David Jellinek said
3 can we go off the record, that seemed to her not
4 all that out of the ordinary in the context of
5 everything else that was going on.

6 You will hear, and there's no
7 question, there is a District Court rule against
8 going off the record. Judge Joseph wasn't aware
9 of the rule. In practice, she had seen judges
10 go off the record. And you will hear from
11 multiple sources that, despite the rule, some
12 people aren't aware of it, and many judges go
13 off the record for one reason or another.

14 And subconsciously Judge
15 Joseph, given the posture of the case at that
16 point, sort of expected that maybe somebody was
17 going to tell her what was really going on here,
18 maybe she'd get some useful information.
19 Certainly there was nothing sinister about the
20 request to go off the record as shown by the
21 fact that the clerk, an experienced clerk
22 readily acquiesced. He didn't wait for
23 Judge Joseph to say turn off the recorder.
24 David Jellinek made the request, and he
25 complied. And that's sometimes something that

1 happens in the District Court.

2 Unfortunately, for Judge
3 Joseph, those 52 seconds really did nothing to
4 clarify what had become a puzzling inconsistent
5 mess in front of her. Yes, there was some talk
6 about ICE. She had offered Attorney Jellinek
7 time to do to ICE what he had apparently
8 successfully done to Shannon Jurgens McDermott,
9 which is to convince them as he had convinced
10 her that this wasn't the right guy.

11 Because that's how she figured
12 he could avoid ICE. If you can convince him
13 he's not the guy, they'd go away, and
14 David Jellinek has done his job. That's what
15 she thought he was looking to do, and that's why
16 she said, if you need more time, why don't we
17 hold him overnight. She wasn't going to put him
18 on bail. She was going to bring him right back
19 in the morning, ICE could come back in the
20 morning, and if David Jellinek hadn't worked his
21 magic to convince ICE that this wasn't the guy,
22 she'd release him and ICE would take him. She
23 was, again, trying to respect the rights of the
24 defendant and of ICE.

25 But after the 52 seconds,

1 nothing was any clearer. They went back on the
2 record, and Medina Perez was arraigned. And at
3 that point, as you heard, the clerk reminded
4 her, said to her, ICE is here, they want to go
5 to the lockup.

6 Now, interestingly enough, that
7 was the Lunn policy, that defendants who came in
8 in custody should be taken into ICE custody in
9 the lockup because it's a securer area, it has
10 less risk to the public than risking a scuffle,
11 particularly when he's got friends there in the
12 front lobby. And so for that reason, the Lunn
13 policy says do this in the lockup. And having
14 just heard the Lunn policy, she was aware of
15 that, perhaps the only person in the courthouse
16 at that point who was.

17 In any event, still trying to
18 respect Justice Heffernan's policy, she said,
19 yes, they can go to the lockup, they can't come
20 in the courtroom, because we're going to keep
21 that rule. And David Jellinek had asked for
22 permission to talk to his client. Given the
23 complicated legal situation in this -- which
24 this defendant found himself, that seemed to
25 Judge Joseph an entirely reasonable request.

1 She wouldn't deny him an opportunity to consult
2 with counsel.

3 David Jellinek asked to consult
4 with him down in the lockup. Well, that seemed
5 reasonable to her as well. There was a
6 courtroom full of people. You saw it this
7 morning. There aren't a lot of places for a
8 private conversation there. And since he was
9 going downstairs to get his property, since she
10 knew that's where ICE should be taking him,
11 again, that's seemed like a logical place for a
12 more private conference.

13 And finally, David Jellinek
14 asked to take the interpreter downstairs as
15 well. Again, a completely reasonable request,
16 given that this defendant spoke virtually no
17 English. And so David Jellinek, the
18 interpreter, and Medina Perez headed down the
19 stairs through the dock to the lockup.

20 Judge Joseph thought that her
21 responsibilities with respect to this defendant
22 were finished, that the security people would
23 take over, that ICE would do their job, and that
24 there was nothing more that she needed to do.

25 She handled two more matters

1 that day, and she left the courthouse at around
2 4:30. Nobody told her that Medina Perez had
3 gone out the back door. She knew nothing about
4 it.

5 Now, this was all seven years
6 ago. Memories fade, memories are shaped or
7 formed by what people thought was important back
8 at the time, they are shaped or formed by what
9 has happened in the interim, and sometimes they
10 are shaped or formed by self-interest.
11 Fortunately, we have a pretty good paper trail
12 of what people involved thought and did back in
13 2018, before there was a Federal indictment or
14 investigation, before there was a CJC
15 proceeding.

16 And the record in that respect
17 shows the following: The day after this all
18 happened, David Jellinek approached
19 First Justice Mary Beth Heffernan ex parte,
20 under circumstances that had never been fully
21 explained, and he told her, he talked to her
22 about this incident. He did not at that point
23 say that Judge Joseph approved his plan, he did
24 not say that Judge Joseph knew anything about
25 it.

1 And Judge Heffernan did not see
2 this at that point as a judge problem. She saw
3 it as a court officer problem, and we know that
4 because of what she did. After talking to
5 everybody involved, she asked the chief court
6 officer, Scott Noe, to implement a new policy
7 that required everybody to go out the front door
8 of the courthouse. Now, again, that doesn't
9 square with the Lunn policy, but there you have
10 it. That's what she did. She treated it as a
11 court officer problem, the court officer did
12 something inappropriate.

13 Judge Fortes, who was the RAJ,
14 the regional administer justice, didn't see this
15 as a judge problem. She talked with
16 Judge Joseph about Rule 211, and in fact
17 Judge Joseph will tell you that's how she first
18 learned there was a rule against going off the
19 record, Judge Fortes took the rule book and
20 showed it to her and said here it is. And
21 Judge Joseph said, I'm sorry, I won't do it
22 again. And they talked, and they left.

23 Now, neither Judge Heffernan
24 nor Judge Fortes disciplined or reprimanded
25 Judge Joseph in any way, they didn't report her

1 to the chief judge, Paul Dawley. They treated
2 this as a court officer problem and a going off
3 the record problem that had been resolved. And
4 in fact, Judge Fortes didn't even tell the
5 Chief Judge Dawley about it for a couple of
6 weeks. And when she told him, and you'll see
7 the e-mail, she said, I know you're going to be
8 meeting with ICE agents in a couple of days and
9 I don't want you to be blind-sided if they bring
10 this up. She didn't see it as a judge problem.
11 She just didn't want him to be surprised if ICE
12 said what about this.

13 And Judge Dawley's response is
14 telling. He wrote, it sounds as if the court
15 personnel were just trying to accommodate the
16 attorney/client relationship through the use of
17 an interpreter, which is precisely what
18 Judge Joseph was trying to do.

19 And then you heard there was a
20 third meeting with Judge Fortes, Judge Dawley,
21 and Judge Joseph in Judge Dawley's office, and
22 they talked about the incident, and
23 Judge Dawley's focus was, again, going off the
24 record. He was instructing a new judge, and he
25 said the record is your friend, it will save

1 you, so don't go off the record. And she said,
2 I understand, I won't. And again, you will see
3 their contemporaneous e-mail exchange
4 immediately after the meeting where Judge Dawley
5 describes this as a learning experience, and
6 Judge Joseph thanks him and says she looks
7 forward essentially to doing better in the
8 future. Nobody treated this as a situation
9 where Judge Joseph had done anything
10 inappropriate other than to go off the record.

11 Now, it would be easy to see
12 this situation as a he said she said situation
13 between Judge Joseph and David Jellinek, because
14 I think you'll find that Mr. Mendoza, to the
15 extent that he wasn't moving over to the dock,
16 really didn't hear anything other than he's
17 being released, which everybody agreed, he was
18 being released.

19 But there was a third person
20 present at that side bar, and I would suggest to
21 you that what she said and what she did back
22 then tells us everything we need to know about
23 what actually happened and whether
24 David Jellinek actually said I'm going to get
25 him out the back door and Judge Joseph said,

1 yes, that's what we'll do.

2 Because once that hearing was
3 finished, Shannon Jurgens McDermott walked out
4 the front of the courtroom, she met the ICE
5 agent in the hall, and she stood there and she
6 waited with him. They were waiting for Medina
7 Perez to come out. And she said this is the way
8 out, he'll be coming out this way. And I would
9 suggest to you that if the Shannon McDermott had
10 heard David Jellinek say we're going to get him
11 out the back door, she would not have gone out
12 front and she would not have essentially lied to
13 the ICE agent.

14 She stood there, and they stood
15 there and they chatted. And after a while, it
16 seemed like it was taking too long, and she
17 asked the victim witness advocate to go down and
18 figure out what was going on. And that person
19 came up and said that Medina Perez was no longer
20 there. And it was then that everybody got
21 upset. The ICE agents were embarrassed or
22 furious, probably a little bit of both, and they
23 went running around trying to find him.

24 And Shannon McDermott was still
25 there when David Jellinek walked up through the

1 courtroom and out through the doors into the
2 lobby. And at that point, she noticed that in
3 his briefcase he had a plastic defendant's
4 property bag hanging out. And she looked at him
5 and she said, I know what you did and it wasn't
6 the right thing. He smiled and he walked away.
7 And it was then and only then that
8 Shannon McDermott figured out what
9 David Jellinek had done, not because of
10 something he said at side bar, but because of
11 how things happened, it became painfully obvious
12 to all.

13 Now, the charges about candor
14 essentially stand or fall with the main charge
15 of what happened at side bar. There really
16 wasn't, as special counsel admits, anything
17 untruthful. Judge Joseph was doing the best
18 that she could to answer questions asked by
19 Judge Heffernan and asked by Judge Fortes, each
20 of whom had different concerns at the time, and
21 neither of whom was asking her did you go off
22 the record or did you let the guy out the back
23 door. She did in fact tell Judge Dawley, when
24 he asked, if she did not have anything to do
25 with it. And that statement, it's true, depends

1 on what happened at side bar.

2 I will ask you, and I'm sure
3 you will, to listen very carefully to the
4 testimony of David Jellinek, not just about what
5 happened at side bar and the way in which that
6 has shifted and evolved over the years, but some
7 of the other details that he has explained at
8 various times that are quite simply not true.

9 And I will suggest to you, at
10 the end of this case, after you've had the
11 opportunity to be the first person to hear
12 everything about this case, we will suggest to
13 you that there is not enough evidence from
14 David Jellinek to support the charges brought by
15 the SJC to any degree, let's alone by clear and
16 convincing evidence.

17 And so, once again, in closing,
18 I thank you, again, for undertaking this
19 assignment and for your time, and we look
20 forward to having the whole truth be told.

21 Thank you.

22 HEARING OFFICER: Thank you
23 very much, Counsel.

24 Special Counsel, I'll leave it
25 to you to call your first witness.

1 JUDGE FABRICANT: All right.
2 David Jellinek.

3 HEARING OFFICER: You may be
4 seated. First, let me swear you in. If you
5 would raise your right hand.

6 DAVID JELLINEK, SWORN

7 HEARING OFFICER: Special
8 counsel.

9 DIRECT EXAMINATION

10 BY JUDGE FABRICANT:

11 Q. Please state your name.

12 A. David Jellinek.

13 HEARING OFFICER: Just one
14 second. Sorry.

15 (PAUSE)

16 HEARING OFFICER: Do you
17 need -- People that are not speaking, do you
18 need them to turn off their lapel mics?

19 MR. NEFF: It should not be an
20 issue. I think it is feedback from the
21 speakers.

22 HEARING OFFICER: Okay.

23 (PAUSE)

24 JUDGE FABRICANT: We'll try to
25 again, see if we get that sound. Sounds okay

1 for the moment.

2 Q. Mr. Jellinek, did you have a medical --

3 HEARING OFFICER: Can I just
4 ask? Is, is your mic on? I'm not sure if
5 people can hear it the way it did when you were
6 giving your opening.

7 JUDGE FABRICANT: I'm sorry.
8 It was off. Thank you.

9 HEARING OFFICER: Okay. Great.

10 JUDGE FABRICANT: Can you hear
11 now?

12 HEARING OFFICER: Yes.

13 JUDGE FABRICAN: Okay. Great.

14 HEARING OFFICER: Thank you.

15 Q. Did you have a medical procedure recently that
16 makes it uncomfortable to sit for a long time?

17 A. Yes. Mild.

18 Q. Okay. And does moving around in your seat help
19 a little bit?

20 A. Yes.

21 Q. Okay. So feel free to do that as you need to.

22 A. Thank you.

23 Q. And please also let us know if you need a break.

24 A. Thank you very much.

25 Q. So Mr. Jellinek, would you please tell us your

1 professional background.

2 A. I'm a lawyer. I --

3 HEARING OFFICER: I'm sorry.

4 Judge, I'm not sure that I'm hearing

5 Mr. Jellinek the same as I'm hearing everybody

6 else.

7 JUDGE FABRICANT: Let's make

8 sure that that's --

9 A. I'm a lawyer.

10 HEARING OFFICER: Yes. just

11 stay close to the mic.

12 THE WITNESS: Sure.

13 HEARING OFFICER: That would be

14 great. Thank you.

15 THE WITNESS: Trying to avoid

16 the feedback from before.

17 A. I'm a lawyer. I've been practicing since

18 2000. I went to BC Law school. I did a one

19 year clerkship in Arizona, state court of

20 appeals, and I started with CPCS in 2001, worked

21 in the Worcester office and Cambridge office in

22 '06, and I went to the Boston Police Department

23 working in the legal affairs division until '08,

24 and then I left for the Obama campaign for a

25 month, and then I went out on my own.

1 Q. And the CPCS, Committee for Public Counsel --

2 A. Yes.

3 Q. The state and public --

4 A. State public defender. Correct.

5 Q. Okay. And in your private practice, did you
6 also serve as a bar advocate?

7 A. Yes. I continued to do bar advocate work,
8 probably half to 75 percent of my practice.

9 Q. And are you still in private practice?

10 A. Yes.

11 Q. And still doing some bar advocate work?

12 A. Yes.

13 Q. Okay. And I want you to take your mind back to
14 April of 2018. And I know that that's a little
15 more than seven years ago, so it's a bit of a
16 challenge. But I'm going to ask you a series of
17 questions that relate to how things were in
18 April of 2018.

19 As of that time, what was your
20 experience in the Newton District Court as to
21 how often you were there, what kind of work you
22 did there?

23 A. Sure. I was a bar advocate there, which
24 meant that I picked up duty days, which are days
25 when you're assigned and you help out anyone who

1 was an indigent client. And I took private
2 cases there. And I was on the drug court team,
3 I believe at that time, which meant every
4 Tuesday afternoon I was in recovery court.

5 Q. Tell us a little bit about the drug court.

6 A. It was every Tuesday afternoon. It was run
7 by Judge Heffernan most of the time. And you
8 were -- essentially anyone who had a lot of
9 difficulty and needed the extra support, it was
10 like an extra level of probation. And the drug
11 court ran most Tuesdays in the afternoon from
12 2:00 to 4:00, and essentially the same routine
13 worked with these individuals every week. There
14 was a defense lawyer, the prosecutor sat in, the
15 same clerk, the same judge, and the same
16 probation officer.

17 Q. And did that team, did that operate in a manner
18 that was a little different from how our formal
19 courtroom proceedings operate?

20 A. Yes. It was less formal. Oftentimes
21 Judge Heffernan would come down from the bench
22 and speak to the clients at the same level. And
23 it was every week. So there were clients you
24 saw every week that came in every Tuesday
25 afternoon. You got to know people a little bit

1 better.

2 Q. Did you feel that you got to know the judge a
3 little bit than --

4 A Yes. Absolutely.

5 Q. Okay. Were you familiar with the courthouse
6 staff?

7 A. Excuse me?

8 Q. Were you familiar with the courthouse staff?

9 A. Yes.

10 Q. And were you friendly with the courthouse staff?

11 A. Not to the extent that we would go out on our
12 own. But friendly in the courthouse, sure.

13 Q. A professional friend.

14 A. Yes.

15 Q. Did you sometimes bring them coffee or other
16 things?

17 A. Yes. Particularly on a Tuesday, I made it a
18 point, because everyone had to stay and work
19 longer for drug court, and usually on a first
20 break or lunch I'd have coffee and some lunches,
21 because oftentimes clients in the afternoon,
22 they hadn't eaten or they had to travel for an
23 hour or two to get there.

24 Q. And so the clients in the drug court, just so
25 we're clear, these are people who had been

1 charged with criminal offenses that at least
2 there was a determination that the charges
3 related in some way to substance use; is that
4 right?

5 A. Yes. And usually they were people that
6 needed sort of extra level of support, so they
7 had already been to programs or they were just
8 in recovery.

9 Q. Okay. And were you familiar with the physical
10 courthouse?

11 A. Yes.

12 Q. Can you give us just -- You were there this
13 morning, so you know that we've seen it. But
14 give us just a brief overview of the courthouse.

15 A. Sure. There's an entryway that's somewhat
16 modern. You walk through that. And there's a
17 metal detector. Clerk's office is off to the
18 right. The main courtroom is ahead of you a
19 little bit to the left. There's a bathroom to
20 the left and elevator to the left as well.

21 There's stairs to go down to probation, all the
22 way to the left, and stairs to go up to the
23 second or third for trial session.

24 Q. And those stairs that you just referred to, are
25 those public --

1 A. Yes. Those are the public stairs.

2 Q. On the screen is Page 509 of the appendix,
3 Appendix U, Page 509. You also have in front of
4 you, you have a binder that has all the
5 appendices, and they are -- the pages are
6 sequentially numbered in the upper right-hand
7 corner.

8 THE WITNESS: Thank you, sir.

9 A. Yes.

10 Q. So let me ask you to look at that photograph and
11 tell us what it is.

12 A. That's the main session of the courtroom.
13 The judge would sit up front. The clerk would
14 be at the next level down. The DA just sat on
15 the left and defense would sit on the right.
16 That glass box to the left was the dock where
17 defendants would be brought up if they were in
18 custody.

19 Q. And let's look at the photograph at Page 511.

20 A. Okay. I can pull up the rest.

21 JUDGE FABRICANT: Does that
22 have a number?

23 MR. NEFF: Here.

24 Q. Okay. What do you see in that photograph?

25 A. That is essentially taken from what would be

1 the witness stand, if you were doing your
2 restraining order or something like that. The
3 probation desk is just to the right. The
4 clerk's chair is that different color, I believe
5 it's blue, black, orange, and then up top would
6 be the desk, and that side area is where the
7 judge would approach through the swinging door.

8 Q. So if you have a side bar conversation with the
9 judge, where would it be?

10 A. It would be at that door essentially on those
11 steps.

12 Q. Okay. And let's look at the photograph on
13 Page 508. What do you see there?

14 A. That is -- In the front, there's the bar, so
15 you're standing where the audience would be or
16 where a defendant would stand, facing court, and
17 that's the dock where, so if you were in
18 custody, would be brought in, and that to the
19 left there's is the court officer's desk.

20 Q. And there's a door --

21 A. Yes.

22 Q. -- that's visible there. Is that the door to
23 the dock in front of the courtroom?

24 A. Yes.

25 Q. And from the dock, the courtroom to the dock?

1 A. Yes.

2 Q. And what is the orientation of that door in
3 relation to where the judge's bench is and where
4 the exit to the courtroom is?

5 A. If you were standing looking at that, the
6 judge's bench would be slightly to your right
7 and the exit to the courtroom would be behind
8 you.

9 Q. Okay. Do those three photographs fairly and
10 accurately represent what you've been -- what
11 you've described?

12 A. Yes, they do.

13 JUDGE FABRICANT: All right.
14 And I offer those three in evidence, please.

15 HEARING OFFICER: No objection?

16 MR. HOOPES: No objection.

17 HEARING OFFICER: They're
18 admitted.

19 Q. If your client is going into or out of the dock,
20 is it that door that your client goes into or
21 out of?

22 A. Depends where they're coming from. If
23 they're in the audience, if they are in custody,
24 then, yes, they would go through that door. If
25 they're leaving the dock, and they're released,

1 most of the time, then they would come out that
2 door, yes.

3 Q. Okay. And you've anticipated a question I'm
4 going to ask. So if you have a client who comes
5 into court in custody, and he's in the dock, and
6 again, we're talking about the April of 2018, --

7 A. Yes.

8 Q. -- your client comes into the courthouse in
9 custody, is in the dock, and then is ordered
10 released from custody, what was the usual
11 practice at the time?

12 A. I'm not a court officer. The usual practice
13 would have been to release them out that door,
14 which is facing the courtroom. Unless they for
15 some reason have property or something like that
16 downstairs, in which case they might go
17 downstairs together.

18 Q. So if somebody needed to check into probation,
19 for example.

20 A. Usually you go out that front door and then
21 down the public stairs, but there is a back way
22 down into the lockup and into probation.

23 Q. And if the person is released out that door into
24 the courtroom, does the court officer then
25 remove the restraints?

1 A. Yes.

2 Q. If the person is leaving, how does the person go
3 out?

4 A. Well, usually they remove the restraints in
5 the dock. And when the person would be
6 released, they would walk out through that
7 little gap there, behind which is the overhang
8 to the public area, and then out the back door,
9 which would --

10 Q. And were there exceptions to that?

11 A. Yes.

12 Q. On April 2nd of 2018, were you in the
13 Newton District Court?

14 A. Yes.

15 Q. And do you remember the reason that you went
16 there that day?

17 A. No, I don't remember the reason I was there
18 initially that day.

19 Q. And over the course of this proceeding and the
20 series of discussions that we've had, have you
21 made some effort to refresh your memory on that
22 point as to what brought you there that day?

23 A. Yes. We checked the court docket from that
24 day and we checked my diary, and I think my
25 computer cuts off the calendar after five years

1 or something, so I couldn't see what brought me
2 there that day. I don't remember.

3 Q. So you don't remember and you haven't been able
4 to refresh your memory.

5 A. No.

6 Q. Sometime during the day, did someone speak to
7 you about Mr. Medina Perez?

8 A. Yes. Approximately 10:30 in the morning, I
9 think.

10 Q. Okay. And we don't necessarily need his name.
11 But who in relation to Mr. Medina Perez was
12 that?

13 A. There were two or three people in the
14 audience who approached me, one of them claimed
15 to be his employer, and said that he was his
16 employer and asked what I thought about him and
17 if I could work with him.

18 Q. And did you have an understanding of why the
19 defendant's friends wanted you instead of the
20 bar advocate who had already been appointed?

21 A. Not initially. I think Ms. Bostwick's a good
22 attorney, and I told him that, I thought they
23 were in good hands. They said they had seen me
24 argue something and thought that I could do a
25 better job getting their friend out.

1 Q. Okay. And just to go back a step. Had
2 Ms. Bostwick been appointed to represent
3 Mr. Medina?

4 A. Yes. She was the bar advocate on duty that
5 day.

6 Q. Okay. After you had that discussion with them
7 and you told them that Ms. Bostwick was a good
8 attorney, did you agree to take the case?

9 A. Yes.

10 Q. And did they pay you?

11 A. Yes.

12 Q. And do you remember what form of payment you
13 received?

14 A. I believe it was a check, and I believe it
15 was a thousand dollars, with the discussion
16 that, if I continued to represent him beyond
17 that day, we'd meet at the office and sign a
18 longer term fee agreement.

19 Q. Once you were retained, what did you do?

20 A. I went downstairs and I told -- I believe
21 almost immediately told Mr. Medina Perez that
22 I'd be his lawyer, and I began to try to
23 understand what was going on with the case.

24 Q. Okay. Did you get some paperwork?

25 A. Yes.

1 Q. And what did you learn as to what he faced?

2 A. Well, he was charged, if I remember
3 correctly, with being a fugitive from justice
4 and with possession of an illegal substance. I
5 believe it was Class B or C. I don't remember
6 clearly. In Newton.

7 Q. And did he have another problem that you were
8 aware of?

9 A. Well, the fugitive from justice charge was
10 from Pennsylvania, and it was apparently a
11 warrant for operating under the influence of
12 drunk driving in Pennsylvania.

13 Q. And was there another problem that he had?

14 A. There was another problem that I heard or
15 learned, that ICE, Immigration, was in the area
16 and apparently he had an immigration detainer as
17 well.

18 Q. And did you make some effort to investigate his
19 identity with respect to the Pennsylvania
20 warrant and the ICE detainer?

21 A. Yes. And what began to become clear was that
22 the Pennsylvania warrant was not the same
23 gentleman that was in the lockup. I don't --
24 I'm not going to refer to him by name because I
25 don't know who was who. But the Pennsylvania

1 warrant, which was apparently verified by
2 fingerprint, the photo and the information of
3 that individual did not match the individual of
4 Mr. Medina Perez who was in lockup. So it
5 appeared to me as I began to look at it that
6 there was some problem in the identification.
7 And whether that was in the photos or the FBI
8 fingerprint database, I didn't know, and I began
9 to look into it.

10 Q. And what about the ICE detainer; did you make
11 some efforts to determine whether he was the
12 right person for that?

13 A. Yes. There was an ICE officer in the
14 courtroom, and I spoke to him and I tried to
15 understand why they thought that it was
16 Mr. Medina Perez who they were after and what
17 the situation was. They showed me an
18 administrative warrant. I tried to explain to
19 them I didn't think it was the right person.
20 And if I remember correctly, the officer showed
21 me his cell phone which had what he claimed was
22 Mr. Medina Perez on the video in a detention
23 center or walking through a detention center.

24 Q. Did he persuade you?

25 A. No.

1 Q. Did you persuade him?

2 A. No.

3 Q. And after your conversation with him, what did
4 you understand he was going to do?

5 A. My understanding, that he would be detaining
6 Mr. Medina Perez when he was released.

7 Q. Did you have a discussion with the assistant
8 district attorney regarding the Pennsylvania
9 warrant?

10 A. Yes. At some point the ADA determined that
11 it was not right gentleman in custody. In other
12 words, the gentleman in custody was not the same
13 person under the Pennsylvania warrant.

14 Q. And did she tell you what she intended to do
15 regarding the fugitive from justice charge?

16 A. She told me that that would be dismissed.

17 Q. So if the fugitive from justice charge was
18 dismissed, that leaves, as state charges, the
19 drug charges.

20 A. Correct.

21 Q. Did she tell you what she intended to do
22 regarding the drug charges?

23 A. Yeah. She said, because he had no state
24 record and because it was a minimal charge, that
25 she would not request bail.

1 Q. So what did that mean? She was going to dismiss
2 the fugitive charge. She wasn't asking for bail
3 on the drug charges. What did that mean as to
4 what would happen regarding state custody?

5 A. It would mean there would be no state custody
6 and you can walk out.

7 Q. Okay. And you had this conversation with the
8 ICE officer. So what was your concern at that
9 point?

10 A. My concern was they had the wrong guy, that
11 ICE was there for the wrong person. And that
12 was essentially because the Pennsylvania warrant
13 was apparently backed by fingerprint data. But
14 again, it wasn't the right person. So I asked
15 for the opportunity to review the Triple I's,
16 which is the interstate FBI record, and at that
17 point we're only allowed to look at them in the
18 courtroom. I believe Mr. Bostwick had already
19 gotten it. So it was provided. It was at
20 counsel table. And I reviewed that to try to
21 figure out what was going on.

22 Q. And did you have some discussion with
23 Ms. Bostwick?

24 A. Very little at that point. I believe she
25 handed me the materials.

1 Q. So you told us about your conversation with the
2 ICE officer, you told us that you were
3 unsuccessful with the ICE officer. Did you have
4 a conversation with Court Officer
5 Wesley MacGregor?

6 A. Not at that point. It wasn't until over the
7 lunch break that I spoke to Officer MacGregor,
8 and that was after I reviewed the Triple I and
9 tried to piece together what was --

10 Q. So when you reviewed the Triple I, did that
11 change anything about your thinking as to the
12 identity issues?

13 A. Yeah. It helped solidify them and
14 crystallize that it wasn't the right person,
15 because there were, by my count, 12 or 13
16 individuals tied to the FBI number. The
17 Triple I has an FBI number and apparently ties
18 to fingerprint data, and there were 12 or 13
19 identities connected to that, all with different
20 physical descriptions. One gentleman didn't
21 have an arm, one had a huge tattoo on his face,
22 that kind of thing. Where you could clearly see
23 that wasn't
24 Mr. Medina Perez. So I was very concerned that
25 somehow they had the wrong person.

1 I had also been shown -- I
2 spoke to his friends in the audience, his
3 employer, a birth certificate with a raised seal
4 on it, as if it were an official document, with
5 a Puerto Rican place of birth. So I was worried
6 they were going to take a U.S. citizen into
7 custody, and I knew that it's hard to get out of
8 ICE custody and hard to get an attorney once
9 you're there. So I was quite concerned for my
10 client.

11 Q. During the lunch break, did you have
12 conversation with Court Officer
13 Wesley MacGregor?

14 A. Yes, I did. I expressed that I was very
15 concerned they had the wrong guy.

16 Q. And where were you, where were you and he when
17 you had this conversation?

18 A. We were in the main courtroom, in that
19 courtroom there. I was sitting off to the
20 right, and he was over by the court officer's
21 desk.

22 Q. So does this show where you were?

23 A. No. I would have been -- Those chairs that
24 are on the left, there's another set on the
25 right. I would have been there.

1 Q. So let go back to Page 509.

2 A. I would have been sitting to the right.

3 Q. Okay. The counsel table chair to the right.

4 A. Yes. Or against the bar to the right, where
5 I usually left my bag.

6 Q. Okay. And so you had this conversation with
7 Officer MacGregor in the courtroom. Was anybody
8 else there?

9 A. No.

10 Q. And tell us about the conversation that you had
11 with Mr. MacGregor.

12 A. To the best of my memory, I said something
13 like I think they have the wrong guy and I'm
14 concerned. He said, you know, is there anything
15 I can do. And I said, I think if he goes out
16 the front, they're going to detain him, and
17 there's nothing we can do about that. He said
18 I'm allowed to let him out the basement if I
19 have permission, basically. I said can we do
20 that. He said if you can get him downstairs
21 with a legitimate reason, I can let him out the
22 back door if it's cleared.

23 Q. So after your conversation -- Is that the whole
24 conversation, that you recall?

25 A. Essentially, yes.

1 Q. After your conversation with Officer MacGregor,
2 did you have a hearing as to how you might solve
3 the problem?

4 A. Yes. I was going to ask the judge if there
5 was any way we could get the gentleman
6 downstairs, I knew that ICE generally in Newton
7 is asked to wait outside of the courtroom in the
8 front lobby, and that if I could get him
9 released downstairs, he might have a chance to
10 avoid ICE.

11 Q. And during the lunch break or at some time
12 around then, did you learn that the ICE officer
13 had been requested to leave the courtroom and
14 wait somewhere else?

15 A. Well, I had been in the courtroom on and off,
16 and I knew they were waiting in the front lobby.
17 I don't know if I heard the judge say it. I
18 don't know if I -- I just knew it was the policy
19 of the court or the clerk said it. But I know
20 that the ICE officers were not at that time
21 allowed to be waiting in the courtroom.

22 Q. And did that affect your thinking about how you
23 would proceed?

24 A. Well, sure. Because if they had been waiting
25 outside or downstairs, I would have wanted to go

1 out the front. The whole point was to avoid
2 them.

3 Q. Did you think at that point, with the ICE
4 officer waiting out front, did you think that
5 your client could be released from the back?

6 A. I was hopeful.

7 Q. And what would be necessary to allow that to
8 happen?

9 A. That would be the judge's permission and I
10 would need the court officer to open the door.
11 I don't have keys or control over them.

12 Q. And did he need to go downstairs?

13 A. Yes.

14 Q. Now, we're going to play the recording of the
15 conversation that occurred starting at
16 2:48.13 p.m. And there is a transcript of the
17 recording as Appendix G in that book in front of
18 you. I'm going to direct your attention to
19 Page 40.

20 So was the case called at that
21 point?

22 A. 2:48 p.m.?

23 Q. No. 2:48:13, sir.

24 A. Yes.

25 Q. Two hours and 48 minutes and 13 seconds.

1 A. Yes, that's when the case was called.

2 Q. Okay. So let's play the recording, and I'll ask
3 you to follow along in the transcript.

4 (RECORDING PLAYING)

5 Q. We'll stop there. And I'm just going to read
6 the transcript. And I'll let you know that the
7 transcript has been stipulated as accurate.

8 So what we've heard so far is,
9 Clerk Okstein says to the court officer can you
10 bring up the next, Mr. Perez. And
11 Officer MacGregor, all right. Clerk Okstein,
12 judge, the next case is Commonwealth versus
13 Jose Medina Perez, Attorney David Jellinek has
14 filed an appearance on behalf of Mr. Perez.
15 Judge Joseph, good afternoon. Attorney
16 David Jellinek, good afternoon, David Jellinek
17 on behalf of Mr. Perez, may we approach briefly.
18 Judge Joseph, yes, please. Attorney Jellinek,
19 thank you. Clerk Okstein, do you want to wait
20 for your client, we're doing it. Attorney
21 Jellinek, no, side bar. Judge Joseph, we're
22 just going to side bar.

23 Is that what you see there at
24 Page 40 of the transcript?

25 A. Yes.

1 Q. And what occurred in the recording. I think we
2 stopped a little bit before the last couple of
3 lines.

4 A. Yes.

5 Q. But up to where we played, is that what you
6 heard on the record?

7 A. Yes.

8 Q. Now, why did you want to go to side bar?

9 A. Because there were so many complex issues in
10 the case. I don't believe the fugitive of
11 justice charges were fully dismissed at that
12 point, and I thought it required a little bit
13 more of an in-depth conversation, and I wanted
14 to alert the judge that we were going to discuss
15 it in a more complicated way.

16 Q. Okay. Let's resume the recording.

17 (RECORDING PLAYING)

18 Q. Let's pause there.

19 Now that is obviously very hard to understand.
20 The volume isn't exactly as we might want it to
21 be. It's hard to understand. But we have a
22 transcript that is stipulated as accurate. You
23 have it in front of you. You do have it in
24 front of you. I want to just read what we've
25 just heard.

1 So the recording -- This clip
2 begins at 2:48:48. Judge Joseph says something
3 inaudible in the transcript and then says it is
4 dismissed, so it's my understanding that ICE is
5 here. Attorney Jellinek says something
6 inaudible and then so there's the fugitive.
7 Judge Joseph, if there's no warrant.
8 ADA Jurgens, yes. Attorney Jellinek, there
9 isn't, something inaudible that we can tie this
10 to him.
11 Attorney Jurgens, oh, I don't think, I don't
12 think it's him. Judge Joseph, okay.
13 Attorney Jellinek, ICE is convinced that this
14 guy, I went over to ICE, they say that they have
15 a biometric match, yes, we did the research,
16 there's 13 FBI numbers connected to this Social,
17 so something's bad with the inaudible, my client
18 denies that it's him, ICE is going to pick him
19 up if he walks out the front door, but I think
20 the best thing for us to do is to clear the
21 fugitive issue, release him on a personal, and
22 hope that he can avoid ICE. Assistant District
23 Attorney Jurgens, I don't think arguing ICE is
24 really my -- Attorney Jellinek, right.
25 Assistant District Attorney Jurgens, my, my.

1 Judge Joseph, something inaudible, and then the
2 other alternative is if you need more time to
3 figure this out, hold until tomorrow.

4 Attorney Jellinek, something inaudible.

5 Judge Joseph, then it's a different --

6 ADA Jurgens, there's a detainer attached to my
7 paperwork, but I feel that's separate and apart
8 from what my role is. Attorney Jellinek, there
9 is an ICE detainer, so if he's bailed out from
10 Billerica, something inaudible, ICE will pick
11 him up. Judge Joseph, ICE is going to get him.

12 Attorney Jellinek, something inaudible.

13 Judge Joseph, what if we detain him.

14 I want to stop there and ask,
15 have I read that correctly?

16 A. Yes, according to the transcript I have in
17 front of me.

18 Q. Now, let's hear the rest of the clip, starting
19 with, are we on the record.

20 (RECORDING PLAYING)

21 Q. All right. And we'll go back to the transcript
22 because it's stipulated it's accurate. And I'm
23 going to read it starting with where I stopped
24 before.

25 Judge Joseph --

1 Attorney Jellinek says, are we on record.
2 Judge Joseph says, Larry, can we go off the
3 record for a moment. Clerk says, what's that.
4 Judge Joseph, are we off the record. The clerk
5 says, no, we're on the record. And then
6 Attorney Jellinek, can with go off the record
7 for a minute.

8 Did I read that correctly?

9 A. Yes.

10 Q. I want to ask you, before we get to going off
11 the record, her statements in that clip, she
12 said if you need more time to figure this out,
13 hold him until tomorrow, she said ICE is going
14 to get him, what if we detain him. Did you get
15 an impression from those statements?

16 A. Yes, I did.

17 MR. HOOPES: Objection.

18 HEARING OFFICER: What's the
19 basis for the objection?

20 MR. HOOPES: What did he say,
21 what did she say. Why is that admissible?

22 JUDGE FABRICANT: Well, I think
23 it's admissible for multiple reasons. One is,
24 the relationship or his impression to what he
25 did next and said next, but it's also admissible

1 because the judge has an obligation to maintain
2 the appearance of impartiality. And if somebody
3 gets an impression that what's going on is not
4 impartial, that's pertinent.

5 MR. HOOPES: That's a
6 reasonable person standard, not a criminal who's
7 admitted that he did it. This does not go to
8 what a reasonable person would say. This is
9 only what he's claiming.

10 JUDGE FABRICANT: Well, I'm
11 going to suggest to you that we have a lawyer
12 practicing law in the Commonwealth, practicing
13 law in the Newton District Court. He's making
14 judgments about what he's going to do, what he's
15 going to say, how he's going to represent his
16 client, he's listening to what the judge says,
17 and making his determinations based on the
18 impression he gets. I'm going to suggest to you
19 that it's relevant.

20 HEARING OFFICER: I understand.
21 I'm going to allow it.

22 Q. All right. Did you get an impression from what
23 she said?

24 A. Yes, I did.

25 Q. And what was your impression?

1 A. My impression was that she also did not want
2 ICE necessarily to pick up the wrong person or
3 pick up Mr. Medina Perez and was trying to find
4 a solution.

5 Q. And did her statements affect your thinking
6 about how you would have proceeded?

7 A. Not necessarily. I was going to proceed
8 however I was going to proceed, but it certainly
9 did give myself some hope that I might be -- I
10 might have an opening to help my client.

11 Q. Okay. Did you think that the judge was
12 sympathetic to your argument?

13 A. Yes.

14 Q. And did you think that the judge was willing to
15 help you solve the problem?

16 A. It certainly felt that way. It sounded that
17 way. Yes.

18 Q. Okay. And why did you want to go off the
19 record?

20 A. I wanted to go off the record because I knew
21 that the next phase of our conversation and what
22 I was going to suggest or ask for as a defense
23 lawyer was perhaps right on the edge of
24 acceptable or appropriate.

25 Q. Okay. Did you -- Were you trying to protect

1 somebody?

2 A. Well, I was trying to protect essentially
3 everybody, but myself and the judge, most
4 primarily, because if we had -- if she had said,
5 no, you can't do that, fine, I never said this,
6 she never said it off the record. If she wanted
7 to help me, it was better that that's off the
8 record than on the record for her protection as
9 well. So it wouldn't have changed how I spoke.

10 Q. And so my question, if she had said, no, we're
11 staying on the record, what would you have done?

12 A. I would have said exactly the same thing.

13 Q. Okay. And when the judge told the clerk to go
14 off the record, to turn off the record, did that
15 affect your thinking?

16 A. Yeah. Yes. It made me feel like she might
17 be more sympathetic to hearing what I had to
18 say.

19 Q. And what did you say off the record?

20 A. I said that I was very concerned that ICE, as
21 I said on the record, ICE had the wrong
22 individual, because this was supposedly
23 biometric data that didn't match up, and that I
24 had spoken to the court officer, and they're
25 allowed to let the gentleman out the basement

1 sallyport door, if I can get him downstairs, and
2 I knew that ICE was out front, so that might be
3 a way for him to avoid getting into ICE custody.

4 Q. And what did she say?

5 A. To the best of my recollection, she said then
6 that's what we'll do, we'll proceed that way or
7 something like that.

8 Q. Did the off the record discussion involve any
9 topics other than ICE?

10 A. Not to my memory.

11 Q. Was there discussion of where the ICE officer
12 was waiting?

13 A. Yes. We both knew he was waiting out in the
14 front lobby, and that's why I said if we can get
15 him downstairs and out the back he won't be
16 caught by ICE.

17 Q. And how did you know that?

18 A. How did I know ICE was in front? Because I
19 had seen them there and that was the standing
20 order of the Newton Court was that ICE had to
21 wait outside the courtroom.

22 Q. And you just said that we both knew. What was
23 it that made you believe that she knew that ICE
24 was in front?

25 A. I believe she ordered them out at some point

1 that day, that they were -- that she or the
2 clerk had said they were not allowed to be in
3 the courtroom. I believe, best of my
4 recollection, that she knew that and ordered it.

5 Q. And what would have happened -- Let me step back
6 a minute. Did you believe that you needed the
7 judge's permission for the defendant to go
8 downstairs?

9 A. To go downstairs, generically, no. I can ask
10 to speak to my client downstairs but -- Yeah. I
11 mean, nothing happens in the courtroom without
12 the judge's say so. So if I want to speak to
13 him downstairs, the judge has to allow it. I
14 don't control where he goes.

15 Q. And if the judge had just said to the court,
16 he's released, what did you think would happen
17 or might happen?

18 A. Well, he'd be released out that glass door
19 into the courtroom and he'd have to walk out the
20 main lobby and he would be arrested by ICE.

21 Q. Did you believe that you had her blessing to
22 have the defendant released out the back?

23 A. Yes.

24 Q. And what would you have done if you didn't think
25 you had her blessing?

1 A. I would not have gone downstairs with him and
2 he would not have been let out the back. He
3 might have not collected his personal property
4 or to speak more to him with the interpreter to
5 say here's my card, give me a call, we'll meet.
6 That would be the extent of it.

7 Q. Now, you went back on the record; is that right?

8 A. Yes.

9 Q. And at that point did everybody go back to open
10 court?

11 A. Yes.

12 Q. Okay. And we're going to resume playing the
13 recording. And this is at 2:50:57. And this
14 is -- And this starts at the bottom of Page 41
15 of Appendix G. So let's resume playing.

16 (RECORDING PLAYING)

17 JUDGE FABRICANT: I'm sorry.
18 We're going to just pause and go back to the
19 beginning of this clip.

20 (RECORDING PLAYING)

21 Q. All right. I think this is audible enough that
22 I don't think it's necessary to read it aloud.
23 We all have it in front of us. But I want to
24 draw your attention to certain things.

25 At one point, and this is about

1 a third of the way down on Page 42, you said, I
2 would ask that he -- I believe he has some
3 property downstairs, I'd like to speak with him
4 downstairs with the interpreter if I may. What
5 did you mean?

6 A. I meant I wanted to go back downstairs with
7 my client so that he could, essentially so he
8 could go out the back door, have a further
9 conversation, and then he could be let out the
10 sallyport door to avoid ICE.

11 Q. Then over again onto the top of Page 43,
12 Clerk Okstein says, there is a representative
13 from ICE here in the court and something
14 inaudible and then to visit the lockup. And
15 Judge Joseph says, that's fine, I'm not going to
16 allow them to come in here, but he's been
17 released on this.

18 Did that exchange give you an
19 impression about what was happening? How did
20 you understand that exchange?

21 A. I understood it to mean that she understood
22 that I would be going downstairs with him and
23 that the ICE agents will remain out front and
24 that he would be released from downstairs.

25 Q. And then further down on Page 43 Judge Joseph

1 says -- After Court Officer MacGregor says he's
 2 released, Okstein says he is. You said yup.
 3 Judge Joseph says he is. And then Judge Joseph,
 4 Mr. Jellinek asked if the interpreter can
 5 accompany him downstairs to further interview
 6 him. Did you intend to further interview him?
 7 A. I wanted to speak to him for a moment, yes,
 8 but not an extensive interview.

9 Q. Was there more information you needed from him
 10 at this point?

11 A. I didn't have a cell phone number for him, I
 12 don't believe. He didn't have my card. I
 13 wanted to at least exchange some basic
 14 information to prepare for the prefile and I
 15 knew how to get in touch with him.

16 Q. And what happened next?

17 A. I went downstairs, the interpreter followed
 18 us in later, and Officer MacGregor opened the
 19 sallyport door, and Mr. Medina Perez left.

20 Q. Okay. When you spoke with Mr. Medina Perez,
 21 with Perez with the interpreter, I don't want
 22 you to tell us what you said. What I'm asking
 23 for is, how long did it take?

24 A. It was very short. 15 seconds, 30 seconds.

25 Q. Then after he left, what did you do?

1 A. I went back upstairs.

2 Q. And were you done for the day then?

3 A. I believe, yeah, I was done for the day. If
4 my memory is correct, court was pretty much done
5 at that time.

6 Q. And did you leave the courthouse?

7 A. I did.

8 Q. On your way out of the courthouse, did you see
9 Assistant District Attorney Shannon Jurgens
10 McDermott?

11 A. I actually saw her in the courtroom on my way
12 back upstairs. I looked upstairs. I saw her in
13 that main area of the courtroom.

14 Q. Okay. Did you have any conversation with her?

15 A. Very briefly.

16 Q. Okay. And do you remember that conversation?

17 A. To the best of my memory, I said what's
18 wrong, she said ICE is pissed at me, said are
19 you pissed at me, she said something like yes
20 or...

21 Q. Okay. And when you went out to get to your car,
22 did you see Attorney Bostwick?

23 A. I did. We were both walking out at the same
24 time.

25 Q. Did you have a conversation with her?

1 A. Briefly. I had said that I had gotten
2 Mr. Medina Perez out the back and he avoided ICE
3 and I was pleased, I thought it was the right
4 result. And she said she thought it was
5 obstruction of justice and she was just dismayed
6 and not pleased.

7 Q. The next day, were you back at Newton District
8 Court?

9 A. Yes.

10 Q. And were you there perhaps, were you there for
11 the drug court session?

12 A. Yes.

13 Q. And did you have some conversation with
14 Judge Heffernan?

15 A. I did.

16 Q. Tell us first how that came about.

17 A. I believe, if I remember right, I asked to
18 have a moment with her in chambers, and I think
19 I went in before the session started. And I
20 told her what had happened the day before, not
21 in great detail, and she said she already knew
22 about it.

23 Q. And how did the conversation end?

24 A. It was very brief. I believe at the end of
25 it she said don't worry about it, not your

1 problem, something to that effect.

2 Q. Was anyone else present for that conversation?

3 A. No.

4 Q. And why did you have that conversation with her?

5 A. Because she's the presiding judge, and I
6 wanted her to know that something had occurred
7 in the courthouse the day before and that at
8 least some people didn't think it was proper and
9 that ICE had been angry with the district
10 attorney.

11 Q. Did you say anything about going off the record?

12 A. No, not to my memory.

13 Q. Why not?

14 A. It didn't seem relevant at that point. In
15 the earlier part of my practice, in the early
16 2000's, that was not uncommon.

17 Q. This was 2018. Was it common or uncommon at
18 that point?

19 A. I hadn't been off the record in a while at
20 that point. But in the earlier 2000's, with
21 CPCS, we would go off the record frequently or
22 even meet in the judge's lobby, in the chambers
23 for lobby conferences to discuss cases.

24 Q. What's a lobby conference?

25 A. Lobby conference would be, usually the

1 defense lawyer, the prosecutor, probation go
2 into the judge's chambers and discuss the case
3 and frankly and directly without being on the
4 record as a way to sometimes sort it out.

5 Q. What was the purpose of that?

6 A. Often to work out a plea.

7 Q. And did there come a time when that stopped
8 happening off the record?

9 A. Yes. I believe it was 2010, 2012, I just
10 found out that lobby conferences weren't going
11 to be allowed anymore.

12 Q. Would that kind of discussion then happen on the
13 record?

14 A. Yes.

15 Q. And did you become aware that in 2015 the SJC
16 revised Rule 12 of the Rules of Criminal
17 Procedure to require that conferences regarding
18 potential pleas occur on the record?

19 A. Not in 2015. Not in 2018. But I have since,
20 yes.

21 Q. Okay. In your conversation -- Back to your
22 conversation with Judge Heffernan. And by the
23 way, we talked about the judge's lobby. What's
24 the judge's lobby?

25 A. The judge's lobby is the judge's office.

1 Q. Back to your conversation with Judge Heffernan.
2 Did you say anything about your conversation
3 with Officer MacGregor?

4 A. Not to my memory, no.

5 Q. Never?

6 A. Again, it didn't seem relevant. I was just
7 trying to give her the basics that something had
8 happened and that ADA Jurgens said that ICE was
9 mad at her.

10 Q. And did you say anything about the judge and
11 anything you told her or she said or did?

12 A. Not to my memory, no.

13 Q. And why not?

14 A. Again, it didn't seem relevant. It wasn't
15 part of the core facts.

16 Q. Okay. Did you say that you and the defendant
17 were going to probation regarding the
18 Pennsylvania warrant?

19 A. Not to my knowledge, no.

20 Q. Would probation be able to do anything for you
21 regarding the Pennsylvania warrant?

22 A. No. We would have gotten potentially a
23 dismissal on the docket from the clerk's office.
24 But nothing from probation, no. Not on an out
25 of state warrant.

1 Q. Meaning a dismissal of the fugitive --

2 A. Yes. Correct.

3 Q. Okay.

4 A. Correct.

5 Q. At some point did you learn that you would be
6 subpoenaed to the grand jury?

7 A. Yes.

8 Q. And how did you learn that?

9 A. I learned it from a lawyer who called me one
10 afternoon and said he was representing
11 Mr. Okstein, who had been subpoenaed.

12 Q. The clerk.

13 A. Yes. And that he thought I would be as well
14 and that I should come speak to him.

15 Q. And did you hire a lawyer to represent you?

16 A. I did, yes.

17 Q. And who was that?

18 A. Bob Peabody.

19 Q. And is he present?

20 A. He's -- Yes.

21 Q. Did you believe that you would have a
22 Fifth Amendment right to refuse to speak with
23 the U.S. attorney or to refuse to testify to the
24 grand jury?

25 A. That is a difficult question. I don't think

1 that what was done was -- Because at the time
2 was really advocating for my client and, as a
3 defense lawyer, simply presenting what I thought
4 was an argument to help him. It is arguable,
5 according to the Federal Government, that that
6 constituted obstruction. So I was likely to be
7 subpoenaed to the grand jury. I don't think I
8 had been already. And I may have had to assert
9 the Fifth. I may have discussed that with my
10 lawyer.

11 Q. Okay. If you had concluded that you did have
12 the Fifth Amendment right to refuse, would you
13 have asserted?

14 MR. HOOPES: Where are we
15 going, -- Objection -- where are we going with
16 this?

17 JUDGE FABRICANT: Well, I think
18 we're going to hear a lot about the letter of
19 immunity and motive and we're going to hear a
20 lot of questions on credibility of this witness,
21 and I think it's relevant, what he did and why
22 he did it, with respect to speaking to the U.S.
23 attorney, testifying to the grand jury.

24 MR. HOOPES: She can ask
25 that -- She's got another shot.

1 HEARING OFFICER: I agree. I
2 would say let's wait and see and you can
3 certainly cover that on redirect if that happens
4 on the cross.

5 JUDGE FABRICANT: Okay. Thank
6 you.

7 Q. Did you have a proffer session with U.S.
8 attorney on November 8th, 2018?

9 A. Yes.

10 Q. Did you do that based on a proffer letter on
11 that date --

12 A. Yes.

13 Q. -- that you received? And what was your
14 understanding of the effect of the proffer
15 letter?

16 A. The proffer letter essentially, to my memory,
17 said that I wouldn't be prosecuted or -- what I
18 said in that room would not be used against me
19 but that I could still be prosecuted.

20 Q. Okay. Did you have a further interview with the
21 United States attorney on January 14th of 2019?

22 A. I believe that was the date, yes.

23 Q. And did you receive an immunity agreement by
24 letter of January 17th of 2019?

25 A. Yes.

1 Q. And what was your understanding of the effect of
2 the immunity letter?

3 A. That I was not being prosecuted for what had
4 happened with Mr. Medina Perez.

5 Q. And what was the condition as you understood it?

6 A. As I understood it, the condition was that I
7 had to essentially cooperate with them and speak
8 to the grand jury truthfully and tell the truth
9 on any subsequent hearings or anytime they ask
10 me to speak about the case.

11 Q. Did you believe that you would be prosecuted if
12 United States attorney thought that you had made
13 a material false statement?

14 A. Absolutely.

15 Q. Did you believe that you would be prosecuted for
16 perjury if they believed you did that?

17 A. Yes.

18 Q. Did you believe that you would also be
19 prosecuted due to the underlying conduct if they
20 believed that you did that?

21 A. Yes.

22 Q. And are you aware that a Federal agent took
23 notes at the proffer session and later
24 interviews and typed up reports?

25 A. Yes.

1 Q. At the time of the interviews, were you given an
2 opportunity to review the notes to see if they
3 accurately reflected your statement?

4 A. No.

5 Q. Have you since recently in connection with this
6 case had a chance to review those notes and
7 reports?

8 A. Yes.

9 Q. And did you find some things that --

10 MR. HOOPES: Your Honor, this
11 is -- She can pick this up on redirect, too.

12 JUDGE FABRICANT: I can, but I
13 don't know why I can't do it now.

14 MR. HOOPES: So what's her
15 purpose at this point of correcting things
16 before I've had a chance?

17 JUDGE FABRICANT: I think it's
18 fair for the witness to tell us that the first
19 time he's ever had a chance to look at these is
20 recently.

21 HEARING OFFICER: We've already
22 established that. I'm not sure if there's
23 anything more at this point that makes sense.
24 But I think all of this is certainly gain after
25 the cross.

1 JUDGE FABRICANT: Okay.

2 Q. In one of those interviews, did you say
3 something to the effect that you thought that
4 the assistant district attorney didn't
5 understand?

6 MR. HOOPES: Same objection.

7 JUDGE FABRICANT: I want to ask
8 this witness what he meant by that.

9 MR. HOOPES: Why don't you ask
10 him now and then skip the notes and then you
11 come back later.

12 Q. The question is, did you say something to that
13 effect?

14 A. I may have, yes. I don't have a clear memory
15 of it.

16 Q. What did you mean?

17 A. I meant that she was --

18 MR. HOOPES: Objection. Sorry.

19 HEARING OFFICER: He said he
20 doesn't have a clear memory. He has -- I'll
21 allow it.

22 JUDGE FABRICANT: Allow him to
23 answer or...

24 HEARING OFFICER: Yes.

25 Q. What did you mean?

1 A. What I meant was that she was a relatively
2 young district attorney and she didn't work with
3 the Federal system at all and so she was -- I
4 didn't think she fully understood after the
5 Federal -- excuse me -- after the fugitive
6 warrant was dismissed and after no request for
7 bail on the state cases that there was an issue
8 of how to release the gentleman, and that's what
9 I was trying to discuss with the judge.

10 Q. Did you testify at the grand jury on January 2nd
11 of 2019?

12 A. I believe that was the date, yes.

13 Q. And was your testimony truthful?

14 A. Yes.

15 Q. At the time of the Federal criminal
16 investigation and prosecution, did you have any
17 views about what the U.S. attorney was doing?

18 A. Yes.

19 Q. What was your view at the time?

20 A. I thought it was ludicrous. I didn't think
21 it was an appropriate prosecution.

22 Q. In your view, was your conduct on behalf of your
23 client ethical?

24 A. In my opinion, my job is to advocate for my
25 client and in their best interests, and I had

1 done that to the best of my ability. We're
2 supposed to be zealous advocates, and that's
3 what I did. I didn't think it was unethical and
4 I didn't think it was illegal.

5 Q. Did you think it was on the edge of ethical?

6 A. Absolutely.

7 Q. Is that something you have said --

8 A. I have said it in the past. Yes.

9 Absolutely. It's on the edge of ethical and
10 it's on the edge of legal. And that's one of
11 the reasons that we went off the record and it's
12 one of the reasons that I think this came up.
13 It is. It's a little bit in the gray area.

14 Q. After these events, did you continue to practice
15 in Newton?

16 A. Yes.

17 Q. And do you still to this day?

18 A. Yes.

19 Q. And for as long as you continue to work, do you
20 continue to be friendly with
21 Court Officer MacGregor?

22 A. Yes.

23 Q. Did he retire at some point?

24 A. To my knowledge, yes.

25 JUDGE FABRICANT: I have

1 nothing further at this time. Thank you.

2 MR. HOOPES: I ask if we can
3 have a short break so --

4 HEARING OFFICER: Yeah. I
5 think the normal break we'll have for the
6 morning we can take now. 10 minutes?

7 MR. HOOPES: Yes. Thank you.

8 HEARING OFFICER: Okay. So
9 we'll resume at five to 12:00. Thank you.

10 (Recess taken at 11:46 a.m.
11 Proceedings resumed at
12 11:58 a.m.)

13 HEARING OFFICER: We're back on
14 the record.

15 Mr. Hoopes.

16 MR. HOOPES: Thank you,
17 Mr. Hearing Officer.

18 CROSS-EXAMINATION

19 BY MR. HOOPES:

20 Q. So Mr. Jellinek, my name is Tom Hoopes, and I
21 represent Judge Joseph.

22 You told us this morning about
23 a side bar conference that you had there at the
24 Newton District Court with yourself,
25 Judge Joseph, and the ADA Shannon Jurgens; is

1 that right?

2 A. Yes.

3 Q. And you're the one who asked to go to side bar;
4 correct?

5 A. Correct.

6 Q. And nothing unusual about that; correct?

7 A. Not in my opinion, no.

8 Q. And when you got to side bar, it was a side bar;
9 right? It was at the side of her bench;
10 correct?

11 A. Correct.

12 MR. HOOPES: And so with the
13 hearing officer's permission.

14 Q. There's a photo of the courtroom right to your
15 left there.

16 A. Yes.

17 Q. And the judge was on the bench.

18 A. Yes.

19 Q. And you and Ms. Jurgens were right at the side;
20 correct?

21 A. Yes. Right around where the stairs are.

22 Q. So right maybe here; is that correct?

23 A. Yes.

24 Q. And you wanted to go to side bar because you
25 wanted it not out in public; correct?

1 A. Correct.

2 Q. And you wanted to speak reasonably softly; is
3 that right? So the public wouldn't be hearing
4 what you had to say exactly; right?

5 A. Well, there's also white noise that goes on
6 so the public can't hear.

7 Q. Okay. But be that as it may, you were keeping
8 your voice down; correct?

9 A. Yes. Correct.

10 Q. And I assume that you wanted the judge to be
11 able to hear what you were saying; correct?

12 A. Correct.

13 Q. Because that's what you were doing, you were
14 there to try to ask for something; correct?

15 A. Yes.

16 Q. And so when you were speaking, you spoke
17 directly to her so she could see your face;
18 right?

19 A. Correct.

20 Q. And Ms. Jurgens was there because she was the
21 assistant district attorney; right?

22 A. Correct.

23 Q. She had an important role in whatever was going
24 to be said in side bar; correct?

25 A. Yes.

1 Q. The question was, was Pennsylvania going to get
2 him, was he going to be out on bail, was ICE
3 going to get him. Those are important things to
4 you and to her; correct?

5 A. Yes.

6 Q. And you said in the past that Ms. Jurgens was
7 right there next to you; correct?

8 A. Yes.

9 Q. And so right there next to you would have been
10 close; right?

11 A. Yes.

12 Q. And not to intrude any of your space, but if the
13 hearing officer will give me permission, why
14 don't you tell me as I slowly walk towards you
15 how close Ms. Jurgens was.

16 A. Probably about there.

17 Q. Okay. A foot and a half, maybe?

18 A. Yeah.

19 Q. Okay. So you were talking. We can tell from
20 the transcript that counsel read that she is
21 listening, because she responded; correct?

22 A. She responded at certain points. Correct.

23 Q. Yup. Certain points when it was time for her to
24 talk; right?

25 A. Depends on your point of view.

1 Q. Yeah. Well, I mean, you never had a sense that
2 she was hard of hearing; right?

3 A. No, no.

4 Q. You talked to her before.

5 A. Yup.

6 Q. And she understood every word you had to say.

7 A. Yes.

8 Q. She was watching you and watching the judge and
9 keeping track of the whole situation; right?

10 A. Can't speak for her.

11 Q. Yeah. But she was paying attention; correct?

12 A. I can't speak for her.

13 Q. Okay. Did you respond when special counsel
14 asked you about the comment from Ms. Jurgens
15 saying that it wasn't -- ICE wasn't her issue?

16 A. Yes.

17 Q. And you heard her say that; correct?

18 A. Correct.

19 Q. So the transcript is accurate; right?

20 A. Transcript's accurate.

21 Q. So she was listening and hearing certain things;
22 right?

23 A. At least those things, yes.

24 Q. Now, at some point your client was sent
25 downstairs, right, to the lockup?

1 A. Yes.

2 Q. And you went with him.

3 A. Yes.

4 Q. The interpreter went with you.

5 A. Yes.

6 Q. When you left, everybody else was in the
7 courtroom, remained in the courtroom. Nobody
8 came down with you. Correct?

9 A. Correct.

10 Q. And when you were down there, you talked to your
11 client, you said for a short period of time.

12 A. Yes.

13 Q. And one of the reasons you wanted to talk to him
14 was to exchange phone numbers; is that right?

15 A. To my memory, yes.

16 Q. Okay. So that you could prepare for the next
17 time he came back; right?

18 A. Yes.

19 Q. Let me see if I understand this correctly. You
20 have told us and told many people involved with
21 the Federal Government and this prosecutor,
22 special prosecutor, that your intention was that
23 he would escape ICE; right?

24 A. That he would avoid being arrested by ICE,
25 yes.

1 Q. Okay. And so you thought he needed your phone
2 number to be in touch with you to come back
3 again if he's avoiding ICE, escaping ICE?

4 A. Yes. Just because someone is avoiding ICE
5 doesn't mean they won't return to court. I
6 expected him to come back on the next date. I
7 give all my clients my phone number.

8 Q. So you and he talked briefly.

9 A. Yes.

10 Q. The interpreter was there.

11 A. Yes.

12 Q. Officer MacGregor did something at that point;
13 right?

14 A. Yes.

15 Q. Opened the door?

16 A. Yes.

17 Q. Released him?

18 A. Yes.

19 Q. Did you peer out to see if ICE was out back?

20 A. Not to my memory.

21 Q. So if the doors for that day show that you were
22 downstairs for about six minutes, what you did
23 you do to fill the time?

24 A. I believe that I went downstairs, I spoke to
25 my client for a little while, he had to be

1 unshackled, then he was released out the back
2 door. I probably spoke to Wes for 10 to 15
3 seconds, said thank you for the assistance, and
4 went back upstairs.

5 Q. And you went back upstairs with a property bag
6 in your hand; right?

7 A. I don't remember that. I may have.

8 Q. Well, but he had property downstairs; right?

9 A. Yes.

10 Q. And that's what you told the judge; right?

11 A. I believed he had property downstairs, yes.

12 Q. And then you walk back up into the courtroom,
13 came up from the lockup up through and into the
14 courtroom; is that right?

15 A. Yes.

16 Q. And didn't go to the outside through probation.
17 You came right back up the way you went down.

18 A. To my memory, yes.

19 Q. Now, when you came upstairs, you met with
20 Mr. Medina Perez's boss and a friend at some
21 point; correct?

22 A. Yes.

23 Q. And where did you meet with them?

24 A. In the courtroom.

25 Q. They were waiting in the courtroom.

1 A. To my memory, yes. It was in the back of the
2 courtroom.

3 Q. And you had a conversation with them.

4 A. I believe it was a very brief conversation,
5 but yes.

6 Q. And so it was in the back of the courtroom, is
7 your memory.

8 A. To my memory, yes.

9 Q. And where were they in the back of the courtroom
10 and where were you?

11 A. My memory is that they had spent most of the
12 session -- Can't see it from there. But if
13 you're walking into the courtroom, just to the
14 right, in the back row or the second to last
15 row.

16 Q. And what did you say to them and what did they
17 say to you?

18 A. I don't remember specifically, but I think
19 they said something like good job, and I said
20 thank you.

21 Q. Had you been paid by that point?

22 A. Yes.

23 Q. And where was the ADA?

24 A. Probably near her desk or leaving the room.

25 Q. In the same main courtroom.

1 A. Probably.

2 Q. Now, you told us that the ADA was angry at you,
3 pissed off at you; right?

4 A. Seemed that way, yes.

5 Q. And she said something to you like, I know what
6 you did and that was not the right thing to do;
7 right?

8 A. I don't remember if that's what she said or
9 not.

10 Q. Well, you just testified that it was -- I didn't
11 like what you did, that wasn't the right thing.
12 Correct?

13 A. I think she said something along the lines
14 of, ICE is mad at me.

15 Q. She said ICE is mad at me.

16 A. Something like that, yes.

17 Q. And was ICE in the courtroom at the time?

18 A. Not to my knowledge. I don't know.

19 Q. ICE was out in the hallway?

20 A. I don't know where they were.

21 Q. And when you saw the ADA, and she said that, did
22 you say, what are you upset for, you were there
23 when we had the conversation at side bar?

24 A. I don't remember if I said that or not.

25 Q. You didn't say, what are you upset for, I didn't

1 do anything wrong, the judge gave me her
2 blessing. You didn't say that, did you?

3 A. It was not that long a conversation. I don't
4 remember.

5 Q. Well --

6 A. But I don't believe I said that, no.

7 Q. Yeah. Okay. Because she was accusing you of
8 doing something wrong. And if you hadn't done
9 anything wrong, that was the time to let her
10 know; right?

11 A. Not sure I agree with the question.

12 Q. Well, let's go back a little earlier. What
13 time -- Can you tell the hearing officer what
14 time of the morning or the afternoon did you
15 first have a conversation with the assistant
16 district attorney?

17 A. Probably around 10:30 or 11:00.

18 Q. Okay. So just to lock that in. If I can
19 grab... So today you're telling us that this
20 all happened in the morning when you first met
21 her about 10:30; right?

22 A. Could have been 11:00, could have been 11:15.

23 Q. Sometime in the morning before noon.

24 A. Yes. Probably.

25 Q. And the discussion was about Pennsylvania having

1 the wrong guy; right?

2 A. That was probably the initial conversation,
3 yes.

4 Q. You wanted him released; right?

5 A. Yes.

6 Q. You wanted to address the bail issue; correct?

7 A. Yes.

8 Q. And ICE was looking for him; right?

9 A. Yes.

10 Q. And so what time was it of the day on April 2nd,
11 2018, that you and Wesley MacGregor spoke and
12 agreed that MacGregor was going to let him out
13 the back once he came downstairs? What time was
14 that conversation?

15 A. Again, that's not the conversation we had.
16 He and I spoke over the lunch break, but he --
17 That was not an agreement that was made.

18 Q. Oh. Well, over the lunch break, between 12:00
19 and 1:00, between 1:00 and 2:00?

20 A. Between 1:00 and 2:00.

21 Q. And you were in the courtroom?

22 A. Yes.

23 Q. And he said -- You expressed to him that you
24 were upset about the fact that your client was
25 potentially going to ICE custody?

1 A. I was upset that, yes, that ICE might get the
2 wrong guy.

3 Q. And you suggested that they had the wrong guy;
4 correct? You just said that; right?

5 A. I don't believe --

6 Q. And he said, you get him downstairs, I can get
7 him out the back; right?

8 A. He said, if I remember right, if you get him
9 downstairs, I'm allowed to let him out the back.

10 Q. And I'm sure at that point you said no way;
11 right?

12 A. No.

13 Q. Okay. You didn't say you can't do that, did
14 you?

15 A. No. Because I've seen other people released
16 out the back. I knew it was possible.

17 Q. Okay. You had seen other people go out the back
18 with ICE in the courthouse?

19 A. No.

20 Q. Okay. So you told us several times now that you
21 knew that ICE was there; right?

22 A. Yes.

23 Q. And ICE was waiting for him; correct?

24 A. I assume they were waiting for him. I didn't
25 know if they were doing anything else there.

1 Q. And you're telling the hearing officer that you
2 thought going out the back door to avoid ICE was
3 an okay thing to happen.

4 A. Well, as I said earlier, I thought it was
5 right on the edge of what was okay and it was on
6 the edge of what was appropriate, but it was
7 what I advocated for.

8 Q. Well, on the edge. There's on the edge and then
9 there's over the line. You were going to be
10 avoiding Federal agents; right?

11 A. That was the goal.

12 Q. Thank you. That was the goal.

13 A. Uh-huh.

14 Q. Now, tell us, when you talked to Wes, and Wes
15 was saying I'll get him out the back if you get
16 him downstairs, you understood that conversation
17 clearly, there was no misunderstanding, you do
18 X, he's going to do Y; right?

19 A. It wasn't that linear.

20 Q. Well, which circle was it? How did it go not
21 linear?

22 A. It requires the judge's approval for those
23 things to happen.

24 Q. Well, we'll get to that. But you know that, you
25 know, nobody's going to deny a lawyer a chance

1 to go down and talk to his client; right?

2 A. That's true.

3 Q. Now -- So, as I understand it, you talked to the
4 DA and then you talked to ICE, I think; right?

5 A. Correct.

6 Q. And then you talked to MacGregor and said I'm
7 striking out on this; correct?

8 A. That's not quite what I said.

9 Q. Well, you do X -- I'll do X, you do Y; right?

10 A. It was not quite that simple.

11 Q. Well -- So let's get right to the point. Let's
12 see. You're walking over with the ADA, you say
13 can we go to side bar, she comes with you,
14 you're here, you're talking with the judge,
15 she's listening. Before she walked out, had you
16 ever told her about your recent conversation
17 with MacGregor?

18 A. No.

19 Q. Did you think you owed it to her to be honest
20 with her and tell her?

21 A. I didn't believe that I owed it to her, no.
22 I'm always honest with the ADA, but not when it
23 relates to the advocacy of my client.

24 Q. Okay. So there's two sets of rules. You can be
25 always honest with the ADA sometimes but you can

1 be dishonest when it relates to the advocacy of
2 your client; is that correct?

3 A. There are rules and ethical rules about being
4 honest and there are rules about what you have
5 to keep to yourself when you represent an
6 individual.

7 Q. Well, --

8 A. Not dishonesty when it's representing your
9 client.

10 Q. -- Mr. Jellinek, can you tell us what rule you
11 would have been violating that you think is an
12 ethical rule if you had said to her, Shannon,
13 Ms. Jurgens, he's going downstairs and then he's
14 going out the back? What rule prevents you from
15 informing her of that?

16 A. That was part of an attorney/client
17 discussion and it was part of my thinking of the
18 plan for how I was going to handle the case.
19 You don't have to reveal to the DA how you are
20 planning to handle the case.

21 Q. Well, MacGregor's not a lawyer; right?

22 A. No.

23 Q. That was not an attorney/client; right?

24 A. No.

25 Q. So your plan you claim on behalf of your client

1 was that you were going to get him out the back,
2 and you needed to tell him, you didn't need to
3 tell Ms. Jurgens that; right?

4 A. No.

5 Q. Now, you've said before that you thought that
6 Ms. Jurgens might have been angry at you because
7 your suggestion to the judge was subtle; right?
8 Do you remember doing that?

9 A. I don't think I said it was subtle. I think
10 I said she might not have gotten it.

11 Q. I think "subtle enough" is the words that you
12 said. In fact, I think, when you spoke to
13 special counsel here, in the very first visit
14 with her -- Does this refresh your recollection?
15 When asked whether he said something to Federal
16 prosecutors to the effect of it was subtle
17 enough that ADA Jurgens didn't understand,
18 Jellinek responded he might have said that.
19 That was your conversation right here; right?

20 A. Sounds like it, yes.

21 Q. So you're saying that she's a foot and a half
22 away from you, she's listening to the
23 conversation, but whatever you said was so
24 subtle that she didn't understand what you were
25 saying.

1 A. No, it's not what I'm saying.

2 Q. Well --

3 A. I'm saying that, after she had dealt with the
4 matters that related to her, I'm not sure if she
5 was as focused on the conversation about the
6 Federal issues of ICE. And she said -- and I
7 don't remember the exact language -- that's not
8 my business.

9 Q. Oh, because sometimes people are focused on
10 what's important to them and what they're
11 thinking; right?

12 A. Sure. Yeah.

13 Q. But you agree that she's right there when you
14 were continuing talking; right? All about ICE;
15 right?

16 A. Yes.

17 Q. And in fact, she said not my business; right?

18 A. Yes.

19 Q. Now, I think you've also said very recently that
20 you thought she maybe didn't get it because she
21 was inexperienced. Or newish, was the word you
22 used. Right?

23 A. She was a relatively new ADA, yes.

24 Q. So you hadn't met her and talked to her during
25 your two or three months often; right?

1 A. Yes.

2 Q. And you knew that she had been in the district
3 attorney's office now for almost three years;
4 right?

5 A. Yes.

6 Q. And that she had supervised in other courts, up
7 to 10 or 11, ADA's; right?

8 A. I didn't know her report history.

9 Q. And she handled thousands of cases.

10 A. Probably. Most DA's have.

11 Q. Maybe thousands more than you.

12 A. I don't know.

13 Q. Well, that's not newish and inexperienced, is
14 it?

15 A. She was not a Superior Court ADA. She was a
16 supervisor, alone in the Newton District Court.
17 And she said, basically, it's not him, so the
18 Pennsylvania warrant is dismissed and we're not
19 asking for bail. And at that point, I'm not
20 sure she was paying too much attention after
21 that.

22 Q. So your claim today and prior to today is that,
23 if you said something, she might not have got
24 it. She might have not have. It might have
25 been subtle, she might have been inexperienced,

1 you might not have been clear. Any of those;
2 right?

3 A. Possible. She certainly had the right to ask
4 for bail, to ask for the gentleman held if she
5 had any concerns.

6 Q. Now -- So you may have had that dialogue with
7 her and then said, what, goodbye?

8 A. Probably.

9 Q. Well --

10 A. Sorry you're upset, have a nice day.

11 Q. So when you left, did you leave out the front
12 door?

13 A. Yes.

14 Q. And today you've got a very clear memory of
15 that; right? I went out the front door. I did,
16 just went right out the front door. Right?

17 A. That's my memory, yes.

18 Q. And when you went out the front door, where were
19 the ICE agents?

20 A. I don't know.

21 Q. Well, let me see if I can refresh your
22 recollection again. You spoke to
23 Counsel Fabricant, correct, at least twice?

24 A. Yes.

25 Q. And on December 20th, there's a report. There's

1 notes. Have you seen those notes?

2 A. I believe I have, yes.

3 Q. Oh, so then you know that, when asked, Page 5,
4 when asked whether you had any further
5 interaction with ADA Jurgens after coming
6 upstairs from the lockup following
7 Medina Perez's release, Mr. Jellinek responded
8 that ADA Jurgens was in the lobby with the ICE
9 agents, not in the courtroom. Do you remember
10 saying that?

11 A. I believe she was -- had been in the lobby
12 with the ICE agents. She was in the courtroom
13 when I spoke with her. Best of my memory.

14 Q. That's not what you said to Special Counsel.
15 And she's a lawyer. You're supposed to be
16 truthful with her; right?

17 A. Did the best I could.

18 Q. And so -- let's see -- today is June the 9th;
19 right?

20 A. Yes.

21 Q. So six months ago, you put the ADA in the
22 courtroom -- excuse me -- the ADA out of the
23 courtroom and in the hallway with the ICE
24 agents, and today you put the conversation
25 inside the courtroom; right?

1 A. That's my memory.

2 Q. And you said they were all angry with each
3 other.

4 A. Appeared that way.

5 Q. Meaning, somebody was angry with -- the ICE
6 agents were angry with Ms. Jurgens; right?

7 A. What she said to me, yes.

8 Q. And when you saw Ms. Jurgens talking to the ICE
9 agents, did you see any court officer? Did you
10 see Scott Noe? You know who he is; right?

11 A. There's multiple questions there. I do know
12 who he is. I believe he's retired.

13 Q. No. My question is, did you see Scott Noe
14 outside?

15 A. I don't remember.

16 Q. Okay. So when you came out, your memory is that
17 you just saw the ICE guys and Ms. Jurgens;
18 right? And they were angry at her.

19 A. Seemed that way.

20 Q. And you just walked away; right?

21 A. Yes.

22 Q. You didn't say -- walk over to them and say it's
23 not her fault, did you?

24 A. No, not to my memory.

25 Q. You let her just be on --

1 A. To my memory, yes.

2 Q. You didn't walk over to the ICE agents and say,
3 guys, he went out the back, I arranged for him
4 to go out the back. You didn't do that, did
5 you?

6 A. Not to my memory, no.

7 Q. You worked with law enforcement for a couple of
8 years, didn't you? You've been on the Boston
9 PD?

10 A. Yes.

11 Q. Did you think that you owed any duty to any
12 police officer in the Commonwealth of
13 Massachusetts to be open and honest with them?
14 Like the ICE agents there that day? Did that go
15 off in your head? To explain to them that it
16 wasn't the DA who caused this problem, it was
17 you?

18 A. I'm sorry.

19 Q. Let me back it up. You've been in law
20 enforcement before; correct?

21 A. Yes.

22 Q. You've helped law enforcement enforce laws;
23 right?

24 A. Yes.

25 Q. Your feeling here was, not this time, I'm not

1 going to tell ICE anything; right?

2 A. Wasn't my job to tell ICE anything.

3 Q. Well, --

4 A. That's a different role.

5 Q. -- whose job was it? She didn't know that you
6 had planned this with MacGregor; right?

7 A. She was, as you said, standing next to me.
8 If she had been paying attention, she would have
9 heard it.

10 Q. Well, would I be over the top by saying you left
11 her hanging out to dry?

12 A. I don't know how she felt about it. She said
13 she was angry with me. And the next time we
14 met, it was okay.

15 Q. So there's a lot of people who work in the
16 Newton District Court; right?

17 A. Yes.

18 Q. And you take great pride in knowing these
19 people; right? The clerk, Mr. Okstein, other
20 people in the clerk's office?

21 A. Again, it's a multiple part question. I take
22 pride in knowing people who work in the court,
23 yes.

24 Q. Including the clerk's office?

25 A. Yes.

1 Q. Including the probation department?

2 A. Yes.

3 Q. You never walked up to any one of those people
4 prior to the afternoon call list and said, ICE
5 is here, you know ICE is here, and I'm going to
6 arrange for my client to go out the back door.
7 You didn't do that, did you?

8 A. Nope.

9 Q. So afterwards you never said to any of those
10 people, I had the blessing of Judge Joseph;
11 right?

12 A. I didn't speak to any of them after that, no,
13 not that day.

14 Q. Well, before that day in court ended, you saw
15 Ms. Bostwick; correct?

16 A. Yes.

17 Q. Now, Ms. Bostwick was the lawyer who was the bar
18 advocate who was there in the morning; right?

19 A. Yes.

20 Q. And she's the lawyer that you replaced.

21 A. Yes.

22 Q. And you knew that she was in the back of the
23 courtroom in the afternoon; correct?

24 A. Yes.

25 Q. What time did you first notice her?

1 A. I don't remember.

2 Q. But she was certainly there until you walked
3 out.

4 A. We walked out at the same time. I don't know
5 where she was before that. But it was her job
6 to be there that day.

7 Q. And as you walked out with Ms. Bostwick, you
8 weren't shy about the attorney/client privilege.
9 You told her I just got him released out the
10 back; right?

11 A. I said the guy just got released out the
12 back.

13 Q. Oh.

14 A. I might have said I did. I might have
15 said --

16 Q. You don't remember whether you were even
17 truthful with her; right?

18 A. (No response).

19 Q. So tell us, where was this conversation?

20 A. That was in the parking lot off to the side
21 of the building.

22 MR. HOOPES: So if the hearing
23 officer can allow me.

24 Q. So this is a, this is a little bit of a blowup.
25 So this is the back of the courthouse.

1 A. Would you like me to point it out?

2 Q. That'd be great.

3 A. If I'm right --

4 JUDGE FABRICANT: If the
5 witness steps away from the microphone, he won't
6 be amplified.

7 THE WITNESS: I understand.

8 HEARING OFFICER: Mr. Hoopes.
9 If you could. Thank you.

10 A. Looks to me like that is the Newton District
11 Court and that is the police station.

12 Q. And where was your conversation with
13 Ms. Bostwick?

14 A. In this area here.

15 Q. So facing the courthouse, to the right.

16 A. Correct. From Washington Street.

17 Q. And she said to you, you've obstructed justice.

18 A. I don't think it was that clear. More
19 direct.

20 Q. Well, you may have obstructed justice.

21 A. Something along those lines, yes.

22 Q. And if you may have obstructed justice, then you
23 may have engaged in a criminal act; right?

24 A. If you obstruct justice, that's a crime,
25 yes.

1 Q. Now, this discussion with Ms. Bostwick in the
2 parking lot right after court -- which would
3 have been at roughly what time?

4 A. 3:00 or 2:30 probably.

5 Q. That's a conversation that you never shared with
6 Federal investigators, did you?

7 A. I honestly don't remember. I thought I did,
8 but I don't remember.

9 Q. Well, as a matter of fact, did Federal
10 investigators, to your knowledge, ever interview
11 Ms. Bostwick?

12 A. I have no idea.

13 Q. Did Federal investigators ever confront you or
14 ask you about anything with regard to
15 conversations they had with Ms. Bostwick?

16 A. Not to my memory.

17 Q. Now, when Ms. Bostwick said that you may have
18 obstructed justice, what did you say?

19 A. I said -- Again, this was a long time ago.
20 I don't remember my specific language. But I
21 think I said I don't believe I did.

22 Q. Well, did you say to her, I made a deal with
23 MacGregor to let him out the back?

24 A. No.

25 Q. Did you say to her, I didn't obstruct justice,

1 Judge Joseph gave her blessing? That was the
2 time to tell her; right?

3 A. I don't know what you're --

4 Q. Well, did you say that to Ms. Bostwick?

5 A. Not to my memory.

6 Q. So you got in your car; correct?

7 A. I would have, yes, most likely.

8 Q. You drove home. Went back to your office.

9 Which was it?

10 A. Probably home.

11 Q. You walked in the door, right, of your house?

12 A. Yes.

13 Q. Did you talk to your wife about what happened
14 that day? Not what was said. Not what was
15 said. Did you speak to your wife about it?

16 A. I don't believe she was home at that time.
17 Probably later that evening.

18 Q. Speak to your parents that evening?

19 A. No, probably not.

20 Q. Well, that night, thinking about it, did you
21 have any fear whatsoever about what might have
22 happened next, to you, being prosecuted?

23 A. No. I didn't think I'd be prosecuted. I was
24 a little -- I was concerned by what Ms. Bostwick
25 said, and I thought what I had done, and I

1 didn't think it was obstruction.

2 Q. Now, you've been in the Newton District Court
3 now for a number of years; right?

4 A. Yes.

5 Q. And normally you've been there as a bar
6 advocate; correct?

7 A. As a what?

8 Q. As a bar advocate?

9 A. Yes.

10 Q. And some private cases.

11 A. Yes.

12 Q. And it's a smaller courtroom; right?

13 A. Yes.

14 Q. And smaller court generally; right?

15 A. Yes.

16 Q. Fewer cases there than say Waltham; --

17 A. Yes.

18 Q. -- correct? Or even Lowell District Court;
19 right?

20 A. Yes.

21 Q. And a number of people share the bar advocate
22 assignments; correct?

23 A. Correct.

24 Q. But you're one of a very few people who handles
25 the drug court; correct?

1 A. I was back then. I'm not anymore.

2 Q. Okay. But back then, on April 2nd of 2018, it
3 was you and maybe one other person?

4 A. I believe so, yes.

5 Q. And being on the list or being one of the two
6 people who would do the drug court gave you
7 extra cases, extra assignments; right?

8 A. It wasn't necessarily extra assignments. It
9 was to continue the case into the drug court and
10 you took whatever was there.

11 Q. Now, the bar advocate's pay back then was \$53 an
12 hour?

13 A. Sounds about right.

14 Q. And you had a case load typically of 50 to 60
15 cases?

16 A. Sounds about right.

17 Q. But this -- Newton District Court was what you
18 would consider to be a home court for you;
19 right?

20 A. It's one of two courts on the bar advocate
21 routinely.

22 Q. The other one was Waltham; correct?

23 A. Correct.

24 Q. And so the person who's the presiding justice at
25 the Newton District Court would be of some

1 importance to you; correct?

2 A. Yes.

3 Q. And that was Judge Heffernan; correct?

4 A. Correct.

5 Q. And Judge Heffernan had seen you working as a
6 bar advocate now for, by that time, four, five
7 years?

8 A. Probably, yes.

9 Q. Experience with you in regular cases?

10 A. Yes.

11 Q. Experience with you in the drug court?

12 A. Yes.

13 Q. And you were concerned about what she might hear
14 about what happened on April 2nd, so you wanted
15 go see her; correct?

16 A. Loosely, yes.

17 Q. Okay. And you wanted to talk to her; correct?

18 A. Yes.

19 Q. And you went to see her in the morning, I think
20 you've said in the past?

21 A. I believe it was in the morning, yes.

22 Q. And you believe the conversation took place in
23 her first floor chambers?

24 A. If my memory's correct, yes.

25 Q. And there was nobody else at the time in the

1 chambers?

2 A. That's my memory.

3 Q. And the conversation took place around 8:45
4 before she got on the bench.

5 A. That's my memory, yes.

6 Q. And you wanted to tell her that -- Because you
7 knew the ADA and the ICE officer were upset, you
8 thought it would be prudent to talk to
9 Judge Heffernan; right?

10 A. I thought she should know what had happened
11 in her courtroom because there might have been
12 something she should know about, particularly
13 with regards to the ADA.

14 Q. So when you're walking into a judge's lobby,
15 ex parte, by the way; right? Nobody else is
16 there.

17 A. (No response).

18 Q. She's somebody you see every day that you're in
19 Newton District Court; right?

20 A. Whenever she's on the bench.

21 Q. Yup. Which is a lot; correct?

22 A. Not necessarily. Just a couple of days a
23 week.

24 Q. Well, you're in that courtroom twice a week?

25 A. Once or twice a week, yes.

1 Q. Okay. Which can be a lot for most people;
2 right?

3 A. I don't know what other people do.

4 Q. Yeah. So, I mean, she's the presiding justice.
5 Did you think for a minute that you owed her the
6 duty to tell her the whole truth, nothing but
7 the truth, so help you God, as to what happened
8 the day before?

9 A. I would have answered any questions she asked
10 me truthfully. Absolutely.

11 Q. No. You're the one who knocked on the door.

12 A. I asked the clerk to ask her if I could come
13 by.

14 Q. But you're the one who made the approach.

15 A. Yes.

16 Q. You said to her -- Quoting your comments to the
17 Special Counsel. Mr. Jellinek stated that he
18 advised Judge Heffernan there was an issue with
19 Medina Perez's identity and he was let out the
20 back door. He added he didn't recall saying
21 anything to her about going off the record. He
22 also added that he didn't recall saying anything
23 about going back downstairs with the defendant.
24 Mr. Jellinek stated he didn't recall saying
25 anything to Heffernan, Judge Heffernan about

1 going back downstairs with him to probation.
2 Judge Heffernan told him she already knew about
3 the incident and not to worry.

4 That was what you remembered in
5 sum; right?

6 A. Yes. That sounds right.

7 Q. So, I mean, we're beyond attorney/client
8 privilege. This is being honest with a member
9 of the judiciary. Do you think that you owed it
10 to her to tell her that you had had this
11 conversation with her court officer about
12 letting him out the back? Yes or no?

13 A. She said she already knew about it.

14 Q. No. She said she knew about the incident. Are
15 you telling us -- Oh. Are you telling the
16 hearing officer that you interpreted that to
17 mean that she already knew that MacGregor had
18 made this deal with you?

19 A. I don't know what she knew. I -- She said I
20 know about it, basically just go away, and I
21 didn't respond.

22 Q. Well, I would assume that you valued her opinion
23 of you.

24 A. I do, yes.

25 Q. And you valued whether or not she had confidence

1 in your honesty and integrity; correct?

2 A. Yes.

3 Q. And you know under the Board of Bar Overseers
4 ethical rules that you're supposed to be honest
5 and forthright with members of the judiciary at
6 all times; correct?

7 A. Yes.

8 Q. Did you say one word to her about your
9 conversation with MacGregor?

10 A. Not to my memory.

11 Q. So when you left that lobby, she may have known
12 that MacGregor let him out; right?

13 A. She may have.

14 Q. But she didn't know that you were the mastermind
15 of the whole thing; right?

16 A. I don't follow the question. She knew what
17 she knew. I don't know what else she knew.

18 Q. You didn't tell her I had the conversation with
19 MacGregor, we agreed my client was going out the
20 back. You didn't tell her that.

21 A. I don't remember. I don't believe I did.

22 Q. I mean, you wouldn't quarrel with me about
23 mastermind; right? That's -- I mean, it's easy
24 to look online, that somebody controlled it,
25 planned it, directed it. That was you; right?

1 A. It was my idea.

2 Q. Yeah.

3 A. And I argued for my client.

4 Q. And you got a BA and a JD. And you'd never say
5 that MacGregor was the mastermind, would you?

6 A. No, probably not.

7 Q. Okay. I mean, certainly, you certainly didn't
8 say, you certainly didn't say to
9 Judge Heffernan, oh, by the way, Judge Joseph
10 blessed it. You never said that; right?

11 A. Not to my memory, no.

12 Q. And in fact, you came back to that same
13 courthouse on May the 29th, right, for the next
14 date on Medina Perez?

15 A. Yeah. Probably had a few other cases on that
16 day, too.

17 Q. And Judge Heffernan was in the courtroom?

18 A. I don't remember.

19 Q. But you never told any judge who was sitting
20 that day, when Medina Perez didn't show up, that
21 you knew everything that had happened, you knew
22 why he wasn't there, you were involved in it.
23 Anything. Right?

24 A. Again, it's a bit of a compound question.

25 But no. I assumed he was either going to return

1 for court or wasn't, and I don't know whether he
2 was in ICE custody or whether he was simply not
3 coming to court in the fall.

4 Q. So you had conversations I assume on that same
5 day when you back in court on April 3rd, the
6 next day after April 2nd, with other people
7 because you were in court on other cases; right?

8 A. I believe I did, yes.

9 Q. So you would have talked to people in the
10 clerk's office probably?

11 A. Probably spoke to the clerk of the courtroom,
12 yes.

13 Q. Yeah. Spoke to the people in probation
14 probably; right?

15 A. Probably, yes.

16 Q. Nobody talked about this, this disappearance out
17 the back door with your client.

18 A. No.

19 Q. And you didn't initiate it; correct?

20 A. Not to my memory, no.

21 Q. Now, tell us, from the time you left the
22 courthouse on April 2nd until
23 Wesley MacGregor -- the courthouse -- got a
24 grand jury subpoena, did you have conversations
25 with Mr. MacGregor about this incident?

1 A. Potentially brief ones, yes. I might have
2 thanked him or asked if that was -- if he was
3 okay.

4 Q. Well, you knew he had a court appearance for --
5 grand jury appearance; correct?

6 A. It was before I found out about the grand
7 jury subpoena, yes.

8 Q. No. I said between. Yeah. Well -- And you
9 knew he got a subpoena; right?

10 A. At some point I found out, yes.

11 Q. And how long before the subpoena was returnable?

12 A. I have no idea.

13 Q. So if you were to answer how many times you
14 talked to Wesley MacGregor between April 2nd,
15 when you left and when you found out that there
16 was a grand jury subpoena for him, how many
17 times did you talk to him?

18 A. In general or about this?

19 Q. About this.

20 A. Maybe twice.

21 Q. And what was your conversation?

22 A. What I just said, I probably thanked him at
23 one point. And then when I found out that ICE
24 was upset or there might be things happening, I
25 asked him if he was okay in his job.

1 Q. Now, I assume you were sort of tracking this
2 grand jury; right? I mean, you knew MacGregor
3 had gone in.

4 A. I didn't know when he went in.

5 Q. But you knew somebody hit him with a subpoena.

6 A. Yes.

7 Q. And it couldn't have been a mystery to you as to
8 what the subpoena was for.

9 A. I was told it was for this case.

10 Q. So if they're going to subpoena MacGregor, then
11 it's very possible somebody's going to subpoena
12 you.

13 A. Yes.

14 Q. So were you tracking other people in the
15 courthouse who got subpoenaed before you did?

16 A. I had no access to any grand jury. I don't
17 what you mean by "tracking."

18 Q. Did you know that Scott Noe got a grand jury
19 subpoena?

20 A. No.

21 Q. Did you know that Mike Walsh got a grand jury
22 subpoena?

23 A. No.

24 Q. Did you know that Clerk Okstein got a grand jury
25 subpoena?

1 A. Yes.

2 Q. When was that?

3 A. I don't remember.

4 Q. Before his attorney had called you.

5 A. No.

6 Q. When his attorney called you.

7 A. When...

8 Q. So you go in to see, you go in to see Federal
9 authorities on or about November 8th, 2018;
10 correct?

11 A. Yes. That sounds right.

12 Q. And so if this event happened on April 2nd, and
13 if MacGregor was in testifying in the middle of
14 July --

15 A. I don't know when he testified.

16 Q. But you knew he got a subpoena to go testify.

17 A. I was told he did, but I don't know when it
18 was for or when he testified.

19 Q. How'd it make you feel?

20 A. When he got a subpoena?

21 Q. Yeah.

22 A. I was upset. I didn't like the idea. I
23 liked the guy. Didn't think it was fair.

24 Q. Well, as we said, you must have been thinking
25 they were coming for you, too; right?

1 A. I didn't have a fear for my own subpoena
2 until I spoke to the attorney who called me,
3 after he had spoken with Mr. Okstein.

4 Q. And that was maybe two weeks before
5 November 8th; correct?

6 A. I don't remember the timeline, but probably
7 two weeks to a month before, yeah.

8 Q. And when the attorneys spoke to you, he was
9 calling to tell you that they were looking --
10 the Federal authorities were looking to subpoena
11 you; right?

12 A. He mentioned that I might be a target and I
13 should get a lawyer.

14 Q. And I assume at that point you began to be
15 concerned; right?

16 A. Yes. Sure.

17 Q. And in fact, you called the lawyer; right?

18 A. Yes.

19 Q. Mr. Peabody, right?

20 A. Correct.

21 Q. Who was a friend; right?

22 A. Good mentor of mine. Yes.

23 Q. And based on what you heard from Mr. Okstein's
24 lawyer, you were afraid of potential jail time;
25 right?

1 A. Not in that moment, no.

2 Q. Well, would it be fair to say that you talked to
3 some people in town? Right? Lawyers who are
4 friends?

5 A. I spoke to Mr. Peabody.

6 Q. You talked to nobody else.

7 A. Not to my memory, no. I did speak to one
8 other lawyer who I knew and gave a brief rundown
9 of the situation. I didn't talk about my role
10 in it. She quoted me her price. And I called
11 Mr. Peabody. I was closer with him.

12 Q. So you talked to Mr. Peabody. As far as you
13 know, Mr. Peabody contacted Federal authorities;
14 correct?

15 A. That's my understanding.

16 Q. And then arranged for you to go have a
17 conversation with them; correct?

18 A. Correct.

19 Q. And you went in to speak with them pursuant to
20 what's called a proffer letter; right?

21 A. Yes.

22 Q. Or sometimes queen for a day letter; right?
23 Which is you --

24 A. Never heard it referred to that.

25 MR. HOOPES: So pop that up.

1 So can we go to the second page? Yeah.

2 Q. So it's a two-page letter; right?

3 A. One page of substance. Yes.

4 Q. Two-page letter. And your signature's on the
5 second page; right?

6 A. Yeah.

7 Q. And that's your signature?

8 A. Yes.

9 Q. That's Mr. Peabody's signature?

10 A. Yes.

11 Q. And I'm sure that the Federal prosecutors ran
12 through the letter with you before they started
13 talking; right?

14 A. To my memory, yeah.

15 Q. So they said that you needed to give an accurate
16 and complete proffer; right?

17 A. They -- Yeah. That's the goal. As complete
18 as I could.

19 Q. And then you spoke to them.

20 A. Yes.

21 Q. And then you went back and you spoke to them a
22 second time; is that right?

23 A. I believe so, yes.

24 Q. And that would have been January 15th, I think
25 special counsel referenced, correct?

1 A. 14th or the 15th. Yes.

2 Q. And that is pursuant to the proffer letter. The
3 same terms; right?

4 A. I believe so, yes.

5 Q. Have to be accurate, detailed, and complete.

6 A. I'm not sure that it says that in the proffer
7 letter, but that was the intent.

8 Q. And then your grand jury testimony was nine days
9 later, on January the 24th; right?

10 A. Sounds right.

11 Q. And before you went in for the grand jury
12 testimony, you got what we call letter of
13 immunity; correct?

14 A. Say that again.

15 Q. You got what's called letter immunity; right?

16 A. Yeah. I received an immunity letter. Yes.

17 Q. An immunity letter. And that letter is a little
18 more detailed. Again, you have to give
19 complete, truthful information.

20 A. I believe it's to be honest to the best of
21 your ability.

22 Q. Well, let's go to Paragraph 1. See that?
23 Second sentence. You must provide complete and
24 truthful information --

25 A. Yes.

1 Q. -- to all law enforcement personnel. If his
2 testimony is requested, he must testify
3 truthfully and completely before any grand jury.
4 Correct?

5 A. Yes.

6 Q. The next sentence. You can't withhold any
7 information; correct?

8 A. That's what it says in the letter, yes.
9 That's what I signed.

10 Q. And you must not attempt to protect any person
11 or entity through false information or
12 admission. Correct?

13 A. Correct.

14 Q. Including yourself.

15 A. That's the idea of the immunity letter, yes.

16 Q. So is it fair to say, sir, that before you went
17 in to speak to them on November 8th, you were
18 afraid of doing jail time?

19 A. No. It really hadn't -- Jail hadn't occurred
20 to me at that point. I was more worried about
21 the subpoena and career issues.

22 Q. Career issues. Meaning, losing your livelihood.

23 A. Possibly. That was my biggest worry at that
24 point, yes.

25 Q. Not being able to support your family.

1 A. Correct.

2 Q. But I'm sure that you knew at some point before
3 you were immunized that they were investigating
4 Federal crimes; right?

5 A. Yes.

6 Q. Federal crimes that were punishable by
7 incarceration in a Federal prison; right?

8 A. In the statute, yes, it's punishable by
9 prison.

10 Q. Yeah. In fact, one of the indictment counts was
11 punishable by 20 years; right?

12 A. To my memory, yes.

13 Q. Conspiracy, five years; right?

14 A. I'm not an expert in those statutes. But
15 yes, I believe so.

16 Q. So for you to get this get out of jail free
17 card, this immunity letter, you needed to have
18 something to offer them; right?

19 A. Yes. I'd offer my truthful testimony.

20 Q. Okay. You were going to tell them that you were
21 the mastermind; right?

22 A. I was going to tell them that it was my idea,
23 yes.

24 Q. In return for something, they were going to give
25 you a complete pass. When I say "complete

1 pass," you understand, before we finish that
2 question, that there were all kinds of ways that
3 they could have rewarded you but for your
4 attorney's efforts, they could have done what's
5 called a 5K, plea, and do a reduced sentence.
6 You understand that; right?

7 A. We didn't discuss those things.

8 Q. Could have been placed on probation; correct?

9 A. I assume that's an option, yes.

10 Q. But you didn't get either of those.

11 A. No.

12 Q. You got complete immunity.

13 A. Yes.

14 Q. Did anybody explain to you how rare it is for
15 the mastermind of any crime Federally to ever be
16 immunized, --

17 A. No.

18 Q. -- as in testify against somebody else?

19 JUDGE FABRICANT: Can we have
20 one person speaking at a time, please.

21 Q. Go ahead. What were you going to say?

22 A. I was going to say no, I never had that
23 conversation.

24 Q. So the only thing that you needed to give them
25 really was the judge blessing it in those

1 52 seconds; right?

2 A. Not sure I follow the question.

3 Q. Well, they had a tape that had before the
4 52 seconds, they had a tape that had the after
5 the 52 seconds. The only piece of evidence that
6 you could provide them that they didn't have on
7 tape was your version of what happened in those
8 52 seconds; right?

9 A. There were other things we discussed. But
10 yes. That was the core --

11 Q. That's the core. Correct. And so they traded
12 immunity for you for the core, which was those
13 52 seconds; right? Yes?

14 A. If you'd like to phrase it as a trade, sure.

15 Q. Did you tell them or did they tell you that
16 Ms. Jurgens was there and didn't know anything
17 about that this guy was going to go out the
18 back?

19 A. Not to my memory, no. We didn't discuss
20 that.

21 Q. I mean, she's the only other witness to the
22 52 seconds; right?

23 A. Not the only other witness, no.

24 Q. Oh. Well, clerk Okstein?

25 A. Correct. And Judge Joseph.

1 Q. And Judge Joseph.

2 Now, you sort of quickly discussed with us this
3 morning that fee arrangement which you had with
4 the boss of Mr. Medina Perez. Do you remember
5 that? Right? You made a fee arrangement with
6 him; right?

7 A. With his employer, yes.

8 Q. Yeah. And in that fee arrangement, you said
9 that you were going to be paid a thousand
10 dollars; right?

11 A. Correct.

12 Q. And you said this morning and you said
13 previously that the employer paid you by check;
14 right?

15 A. That's my memory of it, yes.

16 Q. Now, did the U.S. attorney's office ever ask you
17 for your checks to confirm that?

18 A. Not to my memory, no.

19 Q. Did they ever say what's my bank account --
20 what's your bank account?

21 A. Not to my memory, no.

22 Q. And you told them about that information pretty
23 early on. I mean, you talked to them about that
24 in January before you went into the grand jury;
25 right? You said the employer paid you by check;

1 right?

2 A. Again, that's my memory of it and that's my
3 memory of what I told them.

4 Q. And then, in fact, you went in to the grand jury
5 and testified a few days later; right?

6 A. That's my memory, yes.

7 Q. And so when you go in front of a grand jury,
8 13 to 23 people in a room; right?

9 A. It was -- Yeah. There were a lot of people
10 in the room.

11 Q. And it's you along with the prosecutors; right?

12 A. Yes.

13 Q. Mr. Chow was with you; correct?

14 A. Yes.

15 Q. And you raised your right hand and you swore to
16 tell the truth, the whole truth, and nothing but
17 the truth, just like you did today; right?

18 A. Yes.

19 Q. And you told them that the boss paid you right
20 there by check.

21 A. That was my memory of it, yes.

22 Q. Now, on December the 20th of 2024, just six
23 months ago, you went and spoke in person with
24 Attorney Fabricant, did you not?

25 A. No. The judge and I spoke via Zoom.

1 Q. Oh, by Zoom. Okay. And was Mr. Neff there?

2 A. I believe so, yes.

3 Q. And whether or not it was by Zoom or in person,
4 you understood that she was asking you questions
5 and expecting that you were going to tell her
6 the truth.

7 A. Yes.

8 Q. The whole truth and nothing but the truth.

9 A. To the best of my recollection, yes.

10 Q. So on Page 2 of the report, it says Mr. Jellinek
11 stated that they gave him a thousand dollars in
12 cash for his work that day and that he planned
13 to work out the details of his ongoing
14 representation later. In fact, they followed up
15 and they said, when asked whether went before
16 the Federal grand jury, he testified that the
17 people who hired him wanted him to get
18 Medina Perez out of custody, and they paid him a
19 thousand dollars, and he said yes. When asked
20 whether they said person paid by check, he
21 responded yes.

22 So six months ago you told the
23 former chief justice of the Massachusetts
24 Trial Court that it was by check.

25 A. Well, I was -- Yeah.

1 Q. And then cash; right?

2 A. My memory six months ago was not as clear as
3 it was in the grand jury. When she refreshed my
4 memory as to what I said in the grand jury, that
5 made sense.

6 Q. Well, when she refreshed your memory. You said
7 cash. And in fact, you promised to go back to
8 your bank records to confirm whether the payment
9 you received was check or cash, and you said I'm
10 waiting on the bank for the 4/20/18 statement.

11 A. Correct.

12 Q. And so that would have been two months ago.

13 A. Yes.

14 Q. And I take it, you hadn't gotten that statement;
15 right?

16 A. No, I have not.

17 Q. That's the same statement that the Federal
18 authorities didn't ask you for back then seven
19 years ago; right?

20 A. They didn't ask me for anything about my
21 banking, no.

22 Q. And you're not denying that you said it was cash
23 when you talked to the special prosecutor.

24 A. When I spoke to special prosecutor, I didn't
25 say cash at first, yes.

1 Q. So your attorney's here in the courtroom today.

2 A. Yes.

3 Q. You know with him or without him that you have
4 an obligation in front of this hearing officer
5 to tell the truth, the whole truth, and nothing
6 but the truth; right?

7 A. That's the oath I took, yes.

8 Q. And if you got cash, that's not what you told
9 the grand jury.

10 A. No. I told the grand jury I got a check.

11 Q. Because if it was cash, then you would have
12 committed perjury.

13 A. I don't believe so, no.

14 Q. Well, if it was cash, and you told them it was a
15 check, that's not perjury?

16 A. I believe that would have been a mistake.
17 And I believe it was by check. My memory was
18 not as clear seven years after the fact when I
19 first spoke to Judge Fabricant.

20 Q. So, I mean, it's kind of an important thing;
21 right? You kind of want to be able to say I got
22 paid X amount of money, that's all it was worth,
23 and you should believe me. Right? I mean, I'm
24 assuming you had that check, if you actually had
25 one, back in November of 2018 when you first

1 talked to Federal authorities; right?

2 A. When you say I had the check, what do you
3 mean?

4 Q. You would have gotten it back from the bank.

5 A. No. I --

6 Q. You would have bank statements that had the
7 deposit on it; right?

8 A. If they asked for it, I'm sure I could have
9 found it.

10 Q. So did you deposit the check?

11 A. Yes.

12 Q. Did you declare the check?

13 A. Yes.

14 Q. Did the Federal authorities ask you to account
15 for that particular check in any documents that
16 you had reporting your income?

17 A. No.

18 Q. So without the check, we have no way of knowing
19 if it was a thousand dollars or \$10,000; right?

20 A. No, you do not.

21 Q. We don't know whether you took all the money or
22 you split the money, some of it to somebody
23 else; right?

24 A. I, I -- You don't -- I don't know what you
25 know or don't know. I know what I testified to.

1 Q. Well --

2 MR. HOOPES: Want me to keep
3 going?

4 HEARING OFFICER: I think we're
5 to the point where we could take a lunch break,
6 if now's a good point from your perspective?

7 MR. HOOPES: I think, at the
8 risk of holding everybody up, I'd say yes.
9 Thank you. Yeah.

10 HEARING OFFICER: It would be
11 best to take a break now?

12 MR. HOOPES: I think so.

13 HEARING OFFICER: Okay. Is
14 that okay from your perspective, Special
15 Counsel?

16 Okay. So we're going to take
17 our lunch break. I'd ask the witness,
18 Mr. Jellinek, not to speak to anybody about your
19 testimony or about this hearing in general
20 during this break.

21 THE WITNESS: Yes.

22 HEARING OFFICER: And we're
23 going to resume again at 2:00. Thank you All.

24 (Luncheon recess taken at
25 1:03 p.m.)

1 Proceedings resumed at
2 2:00 p.m.)

3 HEARING OFFICER: So we're back
4 on the record.

5 Back to you, Mr. Hoopes.

6 MR. HOOPES: Thank you very
7 much, Mr. Hearing Officer.

8 Q. So at the end of the morning, just before lunch,
9 you told us that it wasn't cash but it was a
10 check; right?

11 A. I told you that was my memory, and that's
12 what I told the grand jury, and that's the best
13 of my recollection, yes.

14 Q. Well -- But as we've been over, you spoke to
15 special counsel on December 20th of 2024, just
16 six months ago; correct?

17 A. Yes.

18 Q. Okay. And you said to the special counsel that,
19 in the first interview meeting with Federal
20 authorities, you didn't have immunity, that it
21 was a proffer session, you explained you did not
22 feel entirely comfortable, and was concerned at
23 the time of the November 28th proffer meeting
24 that you'd be indicted. You said that to them;
25 correct?

1 A. That was a long question. But I believe
2 you're asking if I said I was worried at the
3 proffer meeting that I could be indicted.

4 Q. Yes.

5 A. And that is correct. Yes. Of course. I
6 didn't have immunity. I had no proffer letter.

7 Q. Well, you went on to add that you weren't
8 comfortable and that the only reason you could
9 have hedged on your answers to the prosecutor
10 during that meeting about cash versus check was
11 because you didn't have immunity.

12 A. I don't believe that I said I hedged on that
13 particular point. I may have not remembered
14 exactly what I said to the special counsel.

15 Q. Well, you used the word "hedge"; right?

16 A. I just said I don't remember my exact
17 language to special counsel.

18 Q. But you wouldn't have used the word "hedging"
19 with Federal prosecutors unless you had
20 something specific in your mind; correct?

21 A. No.

22 Q. Well, would you share with us what you thought
23 you hedged on?

24 A. I honestly don't know exactly what you're
25 talking about at this point.

1 Q. Well, on Page 5 of your interview with
2 special counsel, you said the only reason you
3 could think that you would have hedged on your
4 answers to prosecutor during that meeting, that
5 first meeting, was that you didn't have
6 immunity.

7 A. Yes. The only reason that I could think that
8 I might have hedged about anything. That
9 doesn't mean I did or that I didn't. The only
10 thing I can think of in speaking to the judge
11 when she asked for the first time, said I might
12 have hedged when I didn't have a proffer letter,
13 but I don't believe I did.

14 Q. Just to make it clear. So you want to go back
15 from having received cash and making, today in
16 front of the hearing officer, you want to make
17 it, it was a check; right?

18 A. To the best of my recollection, that's what I
19 said at the grand jury, which was nearer in
20 time. So yes, I believe it was a check.

21 Q. So what was it that you saw denotes to the
22 prosecutor that Judge Fabricant referred to this
23 morning that you didn't agree with? She asked
24 you a question. She said denotes notes and you
25 didn't agree with them.

1 A. I honestly don't remember what she was
2 referring to. There may have been a moment when
3 the FBI agent wrote something down that was
4 different than what I said. I don't remember.

5 Q. So now going back to the afternoon session of
6 April 2nd, 2018. That was the first time that
7 you had contact that day with Judge Joseph;
8 correct?

9 A. I don't remember. I may have had -- I may
10 have appeared before her in the morning. I
11 don't remember.

12 Q. And so you had known Judge Joseph a little bit
13 when you both were in private practice, --

14 A. Yes.

15 Q. -- as much?

16 A. A little bit.

17 Q. You had been out to coffee with her once to get
18 some advice on something?

19 A. Correct.

20 Q. And you had seen her around a handful of times
21 prior as when she was the judge.

22 A. That's correct. And the coffee was a
23 follow-up to an MCLE that she and I went to.

24 Q. And so she was somebody that, you know, would
25 smile at you and say hello when she saw you?

1 A. As much as I remember, yes.

2 Q. Okay. Now, you told us that, this morning that
3 the point of release for people in custody, who
4 are released in custody would be out the front,
5 except if they had property; right?

6 A. Not necessarily only if they had property.

7 Q. Yes. Only if they had property.

8 A. No. There might be other reasons --

9 Q. So going down the stairs was not that unusual;
10 right?

11 A. No.

12 Q. And you were familiar with the Lunn policy at
13 that point, were you not?

14 A. No, I wasn't.

15 Q. Okay. So --

16 MR. HOOPES: Can we call up...

17 Q. Okay. So what you're looking at is the Lunn
18 policy. And it's from stipulations here by
19 counsel. And it's stipulation -- It's
20 Appendix B. And I'm assuming it's been moved
21 into evidence.

22 And so you know that there was
23 a case called Lunn back in July of 2017.

24 A. Yes.

25 Q. And the Trial Court made efforts to put that

1 case into effect by developing standards.

2 A. I -- No, I didn't know. Not a judge.

3 Q. So looking at this, this is the first time that
4 you've seen this thing called the Lunn policy.

5 A. I may have seen it once or twice before, but
6 I don't -- I haven't memorized it, no.

7 Q. So if we go to APP007, at B, and we go down to
8 Subsection A where it says, individuals over
9 whom the Trial Court has custody, and then it
10 says, consistent with Chapter 2, Section XIV and
11 XV of the Court Officer Manual, when an
12 individual is brought into court in custody is
13 subject to release after his or her court
14 proceeding, court security personnel shall
15 process that individual out of lockup in the
16 normal course regardless of whether the
17 individual is the subject of a civil immigration
18 detainer or warrant. Did you read that?

19 A. That's what it says, yes.

20 Q. So that means that regardless of whatever
21 deviant practice or practice deviating from this
22 was going on in Newton District Court, that
23 under the Lunn policy, your client was supposed
24 to go downstairs no matter what. Did you
25 realize that?

1 A. I'm not sure I follow your question.

2 Q. So your client was brought in to the
3 Newton District Court from the Newton Police
4 Department; correct?

5 A. To my knowledge, yes.

6 Q. And since he was on a -- being detained at least
7 on a warrant, among other things, he would have
8 been brought in in custody; correct?

9 A. Yes.

10 Q. And he would have been brought in the back door
11 through the sallyport area; correct?

12 A. Yup.

13 Q. And placed in lockup.

14 A. Yup.

15 Q. So technically, he was brought into court in
16 custody; right?

17 A. Yes.

18 Q. Okay. Well -- So this policy, which is the Lunn
19 policy, which governs all the courts in
20 Massachusetts as of November 2017, required that
21 defendants who came into custody -- came into
22 the courtroom and courthouse in custody, go out
23 again the way they came in, through the lockup.

24 A. Again, I'm not a judge to know about what it
25 is.

1 Q. Okay. But if I'm correct, then there was no
2 magic in Judge Joseph sending him downstairs;
3 correct? That's where he was supposed to go.

4 A. Not necessarily. That's not where a lot of
5 the releases happened.

6 Q. Well, if he was -- Not where they happen. Where
7 he was supposed to go, would have been
8 downstairs; right?

9 A. What I'm telling you is I don't know where he
10 was going to go. I'm not a court officer or a
11 judge.

12 Q. Okay. But in your head, you thought you had to
13 do something, like ask in order for him to go
14 downstairs. Is that right?

15 A. Because I had seen a lot of individuals
16 released directly out of that glass portion in
17 the courtroom. Yes, upstairs. Released out of
18 the glass portion upstairs. And so I felt I
19 needed to arrange for him to be back downstairs.

20 Q. Well, but not when ICE was involved; right? I
21 mean, the Lunn policy is specifically addressing
22 people who come in in ICE.

23 A. Again, I don't know the policy. I had
24 nothing to do with it.

25 Q. And you told us this morning that you didn't

1 think it was unusual for you to be able to go
2 downstairs and to speak to your client before
3 being released; correct?

4 A. No, no. That happens sometimes.

5 Q. As a matter of fact, he'd been given these drug
6 rights; right? Those hadn't been explained to
7 him.

8 A. Correct.

9 Q. As well as the fact that ICE was looking for
10 him; correct?

11 A. Correct.

12 Q. So you asked to go to side bar, you went to side
13 bar, and there's the recording pieces that we
14 heard this morning.

15 MR. HOOPES: Will you pull that
16 up, please.

17 Q. And on Page 33 --

18 A. Could you tell me --

19 Q. APP033. Page 4.

20 A. Of which tab?

21 Q. Tab G.

22 A. You're on 33?

23 Q. Yes. At the bottom, it says recording starting
24 at 2:48.

25 A. Sure.

1 MR. HOOPES: Okay. If I could
2 just have one moment.

3 HEARING OFFICER: Do you want
4 APP33 or APP40? I want just to make sure that
5 we're all --

6 MR. HOOPES: Yup. That's a
7 good point by special counsel. I see. They're
8 double-sided.

9 HEARING OFFICER: Yup.

10 MR. HOOPES: Yup. Okay. Thank
11 you.

12 Q. So in Number 40. Page 40. APP040. Page 40.

13 A. Okay. Yes.

14 Q. So they ask you whether or not you want your
15 client up and you said no. You said you're
16 going to side bar.

17 A. Yes.

18 Q. You say ICE is convinced that this guy and you
19 say again that you've been through this and you
20 think that there's 13 FBI numbers connected to
21 the Social, something's bad with inaudible, my
22 client denies, ICE is going to pick him up if he
23 walks out the door, I think the best thing for
24 us to do is to clear the fugitive issue, release
25 him on personal, and hope that he can avoid ICE.

1 The ADA says I don't think arguing ICE is really
2 my -- you say right, the ADA says my, my, and
3 the Judge Joseph says the other alternative is,
4 if you need more time to figure this out, hold
5 until tomorrow. Right?

6 A. That's what the transcript says, yes.

7 Q. Okay. So this comment by you about releasing
8 him on personal met the response or the
9 alternative is to hold him until tomorrow.
10 Correct?

11 A. I don't know if it met that response. There
12 are few overlapping conversations. That's what
13 the transcript reads as.

14 Q. Okay. So you don't doubt the transcript;
15 correct?

16 A. No. Transcript I don't doubt. Not at all.

17 HEARING OFFICER: Could I ask
18 that you speak a little bit closer to the
19 microphone.

20 THE WITNESS: Oh, I apologize.

21 HEARING OFFICER: Thank you.

22 A. I agree, the transcript is as it reads.

23 Q. And then it goes on. ADA Jurgens says there's a
24 detainer attached to my paperwork but I feel
25 like that's separate and apart from what my role

1 is. Attorney Jellinek says there's an ICE
 2 detainer so if he's bailed out from Billerica,
 3 ICE will pick him up. And Judge Joseph says ICE
 4 is going to get him. You say something. And
 5 she says what if we detain him. Right? So
 6 she's not responding to any suggestion by you
 7 that anything other than detaining him is what
 8 she's offering; right?

9 A. I don't know what was in her mind. I'll tell
 10 you that I didn't hear it that way.

11 Q. Okay. But you, again, you don't know what was
 12 in her mind. But that's what's in the
 13 transcript; right?

14 A. That is one way to read the transcript, yes.

15 Q. But you didn't want that; correct? You didn't
 16 want him detained overnight.

17 A. No. I was advocating for my client.

18 Q. No. That's not what I asked you. I said you
 19 didn't want him detained overnight; right?

20 A. No. I was advocating for my client. He
 21 wanted to be released. That's what I was
 22 arguing for.

23 Q. And so if he had been detained and held
 24 overnight, then you would have come back the
 25 next day; correct?

1 A. Possibly.

2 Q. ICE would have come back the next day; right?

3 A. Or ICE would have removed him from Billerica
4 that night.

5 Q. Well, if ICE didn't have him at that point,
6 right, if ICE didn't have him, then they're
7 coming back to court the next day?

8 A. Right.

9 Q. Because the fugitive warrant then would be
10 dismissed; right?

11 A. As far as I understand, yes.

12 Q. Okay. She could have held him on the fugitive
13 warrant, he could have been there on the
14 warrant, and then come back the next day; right?

15 A. Yes. Unless ICE picked him up in Billerica
16 that night.

17 Q. Well, they can't pick him up if he's on a
18 fugitive warrant; right?

19 A. I don't know.

20 Q. You don't know the law. Okay.
21 Now, at that point you say can we go off the
22 record.

23 A. I believe I asked, as the transcript's
24 stipulated to, are we on the record.

25 Q. Are we on the record. And from there, you

1 wanted to go off the record; right?

2 A. Actually, it was judge Joseph who said can we
3 go off the record.

4 Q. Well, you said are we on the record.

5 A. Correct.

6 Q. And she said can we go off the record. Right?

7 A. Correct.

8 Q. Now --

9 HEARING OFFICER: I'm sorry.

10 But you also said can we go off the record;
11 correct?

12 A. Later on, yes.

13 HEARING OFFICER: Later on.

14 A. Yes. Absolutely.

15 HEARING OFFICER: Okay.

16 Q. So you just said now that you didn't understand
17 what she was thinking when she said that;
18 correct?

19 A. Which part?

20 Q. The part about let's detain him.

21 A. No. I did have an inkling as to what she was
22 meaning.

23 Q. Well, I think that your comment was is that --

24 And when I asked you, was she agreeing with you,
25 you said you didn't know what she was thinking;

1 right?

2 A. I don't know what was in her head. All I
3 know is how I heard what she was saying. I said
4 this is one reading of this transcript and I had
5 a different one in the moment.

6 Q. So then we have the off the record conversation;
7 correct?

8 A. Yes.

9 Q. And two things get raised on the off the record
10 conversation. Right? The first is, you're,
11 again, advocating for him to be released; is
12 that right?

13 A. Yes.

14 Q. And you also raised issue of you going
15 downstairs to see your client; right?

16 A. Yes.

17 Q. Now, as to the part that has to do with what you
18 said when the tape recording was shut off, that
19 you asked that he be able to go downstairs and
20 be released to the lockup area; correct?

21 A. That was essentially what I was arguing for,
22 yes.

23 Q. And under the Lunn policy, that's what was going
24 to happen anyway; correct?

25 A. I don't know. I was unaware of the policy.

1 Q. Now, when you spoke to Federal prosecutor the
2 first time on November 1st -- November 8th,
3 2018, you said that you requested Judge Joseph
4 release him through the lockup area because you
5 thought it was okay for the defendant to be
6 released from the lockup area; correct?

7 A. Yes.

8 Q. Okay. Now, you gave a number of different
9 statements over time; correct? You gave -- You
10 were back for three more interviews and one
11 grand jury appearance; correct?

12 A. Yes, I did. I spoke to them at those times.

13 Q. And then you spoke to special counsel again in
14 December of 2024; correct?

15 A. I believe so, yes.

16 Q. And you told special counsel that there was --
17 your recollection is that essentially that --
18 you said to her that -- said to Judge Joseph,
19 that if ICE was waiting out front, you thought
20 it would be best to be released out the back
21 door. Is that correct?

22 A. Yes. Yes. Essentially what we were
23 discussing.

24 Q. Okay. So in other words, you were asking for
25 essentially what was in the ICE policy; correct?

1 A. Again, I don't -- I didn't know the policy.
2 In my reading of that the way you described it
3 just now is released in the normal course. And
4 I would say the majority of releases in Newton
5 occurred through the courtroom and out of that
6 glass lockup.

7 Q. Now, just a little bit ago you said that you
8 weren't sure what was in Judge Joseph's mind
9 when you were doing your conversation with her,
10 with Ms. Jurgens present at side bar; correct?

11 A. I don't believe you could ever know
12 completely what's in someone else's mind, but I
13 certainly knew what felt like it was she was
14 agreeing to.

15 Q. So when you were interviewed in February of
16 2012, you said as much as that to Federal
17 authorities -- 2019. I'm sorry. February 12,
18 2019, Jellinek stated that he had no idea what
19 was in Joseph's mind during and after the side
20 bar conversation in the courtroom. That'd be
21 accurate; right?

22 A. Yes.

23 Q. You spoke to special counsel on December 20th,
24 2024. And when you were asked whether you
25 believed that Judge Joseph understood what was

1 being said during the side bar, you responded
2 yes. When asked what Judge Joseph did or said
3 that caused him to say that she understood the
4 side bar discussion, you responded, yeah, she
5 said that's what we'll do.

6 A. Essentially, yes.

7 Q. And yeah, that's what we'll do is that he'll go
8 down the stairs and be released from downstairs;
9 right?

10 A. Correct.

11 Q. Which is exactly conforming with the Lunn
12 policy; correct?

13 A. Again, I don't know the policy. I don't know
14 how it conforms or doesn't.

15 Q. Now, at some point right after that, because the
16 matter was only 52 seconds, you went back on the
17 record; correct?

18 A. Yes.

19 Q. And when you were on the record, you asked for
20 certain things to be read into the record. She
21 read certain things into the record. Correct?

22 A. What are you saying I asked to be read into
23 the record?

24 Q. Well, did you -- You asked her to be put on the
25 record, sir, that you be allowed to go

1 downstairs to speak to your client?

2 A. Yes.

3 Q. When you were on side bar. Yeah. Okay.

4 So we have this back on the recording at
5 2:57 p.m. The clerk says, judge, we're back on
6 the record. There's a recitation of everything
7 that's going to happen; right?

8 A. Yes. That's what the transcript says.

9 Q. And then at the end there's a section where, a
10 little bit farther down, where the clerk says to
11 her, essentially, ICE is here and would like to
12 take custody. And he says that to her. And she
13 responds, he's released on this, that's okay,
14 but they're not coming in here, essentially;
15 right?

16 A. Yes. According to the transcript, yes.

17 Q. And you of anybody is familiar with
18 Newton District Court; right? You know the
19 places that can be accessed to the lockup;
20 right? You can go down the step, come into the
21 main courtroom, and go down the stairs; right?

22 A. Yes, you can.

23 Q. You can go around the back and come in through
24 the sallyport; right?

25 A. I've never gone that way, but you could.

1 That's the way prisoners come in.

2 Q. You can go through probation and go in that way;
3 right?

4 A. No. There's keycards. I can't. But you
5 could.

6 Q. But an officer, an officer could.

7 A. Yes. Sure.

8 Q. Now, you've told us that you came to the
9 Newton District Court that morning, but you
10 don't know why you were there.

11 A. I don't remember, no.

12 Q. At one point you told the grand jury that you
13 believed you had other cases there that day.

14 A. I believed I do -- I believed I did, yes.

15 Q. At another point you said that you were there
16 for your own case that day?

17 A. I thought so, yeah. I believe I was.

18 Q. And at another point you said that you were
19 there and Medina Perez's friends, the boss, had
20 seen you perform and liked what they saw;
21 correct?

22 A. Yes.

23 Q. But the fact is that you didn't perform anything
24 that day. Right? You never were heard in the
25 morning. On any transcript or any audio.

1 Right?

2 A. I was shown a transcript that doesn't include
3 anything from me, but I believe I was there and
4 did argue.

5 Q. So are you saying you think that the transcript
6 is wrong?

7 A. It could be. My memory is that I was in the
8 court that morning.

9 Q. Well, at one point you said that you thought
10 that you were there perhaps on the
11 Pamela Hodgkin case, which was on the list that
12 day.

13 A. Could have been. My understanding is that I
14 didn't inherit that case until a little bit
15 later. And because the way Masscourts work, my
16 name is attached to it now as opposed to then.

17 Q. Well, were you shown the docket entries for the
18 case that day, for the Hodgkin case, that you
19 filed your appearance the next month?

20 A. Yes.

21 Q. Okay. So that you couldn't have been
22 representing her on that day; right?

23 A. I don't believe so, no.

24 Q. Now, Ms. Bostwick was there as the bar advocate;
25 correct?

1 A. That's my understanding, yes.

2 Q. Well, did you see her there in the morning?

3 A. I believe I did, yeah.

4 Q. And where did you have contact with her?

5 A. I don't believe we had any substantive
6 contact.

7 Q. Well, where would you have been sitting in the
8 Newton District Court on that day?

9 A. Typically, if you go through the middle bar
10 area, I sit off to the right, and she was
11 probably sitting over there as well. That's
12 where the defense lawyers tend to sit.

13 Q. So you would have been somewhere over here.

14 A. Correct.

15 Q. And --

16 A. Usually, I think. Don't remember that date
17 specifically. But yes, that's usually where I
18 sit.

19 Q. And you would have recognized her and she would
20 have recognized you?

21 A. Most likely, yes.

22 Q. And did you talk about this client Medina Perez?

23 A. Not much, to my memory, no.

24 Q. And -- Not much. What did you talk about with
25 her?

1 A. I probably said good morning.

2 Q. About Medina Perez.

3 A. I probably didn't even ask her about it until
4 I was approached by his friends.

5 Q. Well, you told us this morning that you thought
6 you were approached by his friends about 10:30?

7 A. Yeah, 10:30 probably, yeah.

8 Q. And so when you talked to them, where did you
9 talk to them? Is that inside the courtroom or
10 outside the courtroom?

11 A. Best recollection I have is it was in the
12 back of the courtroom during a break.

13 Q. And the conversation was that we want you as the
14 lawyer and we'll make some financial
15 arrangements with you.

16 A. That was to my memory, yes.

17 Q. And so you would have completed that discussion
18 by what time?

19 A. I really don't remember. 11:00, 11:15.

20 Q. And did you tell Ms. Bostwick that you had been
21 retained at 11:00, 11:15?

22 A. Yes.

23 Q. You did.

24 A. I did.

25 Q. And where did you tell her that you had been

1 retained at 11:00, 11:15?

2 A. I don't remember. Probably in the courtroom.

3 Q. And after you told her that you had been
4 retained at 11:00, 11:15, why did she keep on
5 working on the case?

6 A. Maybe it was later. I don't remember the
7 exact time.

8 Q. So maybe 11:00 isn't correct. Maybe it was
9 later than 11:00.

10 A. Might have been closer to 12:00. I don't
11 remember her last appearance when she stood up
12 last on the case.

13 Q. If she was still working on the case after
14 12:00, and you had been retained, why would she
15 do that?

16 A. She wouldn't. I don't remember the exact
17 time I was retained.

18 Q. So are you sure you were there in the morning,
19 sir?

20 A. To the best of my memory, I was there in the
21 morning, yes.

22 Q. Okay. Well, to the best of your memory. So
23 you're saying that it's possible that you
24 weren't there in the morning.

25 A. I know I was there before the lunch break,

1 which qualifies to me as the morning. I don't
2 remember if I got in at 9:00, 9:30, but it was
3 in the morning.

4 Q. Well -- So the lunch break was about 12:45 or
5 so.

6 A. Correct.

7 Q. And so you're saying you were there before
8 12:45.

9 A. Yes.

10 Q. And you spoke with Ms. Bostwick before 12:45.

11 A. It's entirely possible at the break I'm
12 remembering when they hired me was the beginning
13 of lunch break and I talked to her during the
14 lunch break. Like I said, I don't remember the
15 specific timing. They approached me during a
16 break in the session.

17 Q. So Ms. Bostwick left and went to a doctor's
18 appointment at 12:45, and they set the case down
19 for her to come back a little bit late. So at
20 12:45 she couldn't have known that you were on
21 the case; right?

22 A. If that's what you say the order of events
23 was, sure.

24 Q. So in fact, you weren't there before let's say
25 12:30; right?

1 A. Again, I think I was there, and I think
2 that's why his friends approached me, because I
3 made an argument. To the best of my memory, I
4 was there making argument that morning.

5 Q. So if there's nothing on the transcript that
6 says you were there in the morning, and
7 Ms. Bostwick has no memory of you being there in
8 the morning, why do you remember you were there
9 in the morning?

10 A. That's my memory.

11 Q. Well, if you didn't get to represent
12 Medina Perez because they saw your work because
13 you're nowhere on the transcript and you don't
14 have any cases for that day, how is it that
15 these people got to you of all people?

16 A. You'd have to ask them. I don't know.

17 Q. Well, no. You've already told us that -- you
18 say they liked the way I dealt with the prior
19 case. There was no prior case for you.

20 A. My memory is there was.

21 Q. But again, why you, sir? Meaning, you weren't
22 the only lawyer who was standing up on cases
23 that day; right?

24 A. Probably not.

25 Q. There were other lawyers, good lawyers.

1 Arthur Kelly was there; correct?

2 A. I don't remember if he was there or not, but
3 he's a good lawyer.

4 Q. And so if they had asked around and said who's a
5 good lawyer, we don't like this bar advocate,
6 why you?

7 A. I don't know. I would have told them to hire
8 Arthur Kelly.

9 Q. Well, they came to you, and you didn't tell them
10 to hire Arthur Kelly, did you?

11 A. They had gone by that point, if I remember
12 right. And they asked for me, so I said sure,
13 I'll represent him. Said I think you've got a
14 really good lawyer, I wouldn't do anything about
15 it, can't change the situation, but if you want
16 to, you can hire me.

17 Q. Well, you certainly could have given
18 Arthur Kelly's number and they could have come
19 back; right?

20 A. Sure.

21 Q. But you're firm with the hearing officer, that
22 they approached you; right?

23 A. Yes.

24 Q. And are you firm that nobody pointed him in your
25 direction?

1 A. Not to my knowledge, no.

2 Q. Do you think Mr. MacGregor pointed him in your
3 direction?

4 A. I don't believe so, no.

5 Q. So tell us, your office is about seven- to
6 nine-minute drive --

7 A. Yes.

8 Q. -- from the courthouse; right?

9 A. Yes.

10 Q. It's right there in Newton; --

11 A. Yes.

12 Q. -- right? Somebody picks up the phone, you're
13 in your office, you're in court seven minutes
14 later.

15 A. Yeah. Depending on whether I have to put a
16 tie on. Absolutely.

17 Q. And so you want to leave it with the hearing
18 officer in hearing that they picked you for some
19 reason that you don't know, because you weren't
20 working that day, you didn't have any cases on
21 that day, you weren't on any transcript for that
22 day, it's just random that they got to you.

23 A. No. That's not -- Everything I said is
24 accurate.

25 Q. So what's not accurate?

1 A. It was multiple things you said there. And I
2 was working that morning. I just don't remember
3 exactly what case I was on.

4 Q. Well -- So you told Federal authorities you
5 carry an iPad; correct?

6 A. Yes.

7 Q. And you have a habit of writing on it or
8 doodling on it when you're in court; correct?

9 A. I don't doodle on it, but I write on it,
10 yeah.

11 Q. And they knew that you had an iPad, right,
12 because you told them?

13 A. Yes.

14 Q. And did any Federal authority ask to see your
15 iPad?

16 A. Not that I remember, no.

17 Q. To check whether or not you're telling the truth
18 about whether you were there in the morning or
19 not?

20 A. They did not ask, no.

21 Q. To tell us whether -- To help tell whether
22 you're telling the truth about how you got the
23 case?

24 A. I didn't hear -- Is -- What's the question?

25 Q. The question is, you didn't offer to show your

1 iPad to anybody, nobody checked on it; correct?

2 A. Nobody checked on it, no.

3 Q. So when the boss, when the boss of -- How did
4 you know he was the boss of Mr. Medina?

5 A. He told me he was his employer.

6 Q. He was his employer. Did he tell you what
7 company that was?

8 A. I don't remember.

9 Q. But when he said he was going to hire you, you
10 demanded that there be some sort of fee
11 arrangement; correct?

12 A. Well, ethically, you have to have some
13 agreement before you represent someone. He had
14 all the documents for Mr. Medina Perez, so I
15 said, yeah, I'll represent him, but we're going
16 to need some kind of agreement going forward.

17 Q. Yup. And as a matter of fact, you wouldn't --
18 you said you wouldn't represent this individual
19 unless you got paid; right?

20 A. Generally, that's how private counsel works,
21 yes.

22 Q. Yeah. Well, you weren't doing it because you
23 were in service of some cause; right? You were
24 doing it because you were going to get paid.

25 A. Yes.

1 Q. And of all the people who were representing
2 Mr. Medina Perez that day, which is only two of
3 you, Ms. Bostwick was court-appointed, and so
4 she was going to get \$53 an hour, but you were
5 the guy that got a thousand dollars for three
6 hours work. Right?

7 A. I don't remember if it was three. Could have
8 been four.

9 Q. You're the one that got the thousand dollars;
10 right?

11 A. Yes.

12 Q. Now, you told special counsel you couldn't
13 remember if you signed a fee agreement with them
14 at the time or left that until another day.

15 A. Correct.

16 Q. That's kind of ridiculous, isn't it? I mean,
17 were you carrying fee agreements with you in
18 your pocket?

19 A. Generally don't carry them. But I sometimes
20 I have one available on my iPad that I could
21 have shown them. But I didn't that day.

22 Q. Well, if it's available on your iPad, then it's
23 always on your iPad; right?

24 A. No. Sometimes I have blank ones that I leave
25 like in a desktop location I could get to

1 easily, but I didn't have one with me that day
2 that they could sign.

3 Q. Now, if you arrived there at whatever time you
4 arrived, you were hired, you got the documents,
5 you reviewed them, and you spoke again with his
6 employer, did you ever, did you ever meet with
7 Medina Perez that morning?

8 A. Yes.

9 Q. What time?

10 A. I don't remember.

11 Q. Well --

12 A. Probably just before the lunch break or
13 during the lunch break.

14 Q. And that would have been -- You don't speak
15 Spanish; right?

16 A. No.

17 Q. And that would have been you and the
18 interpreter; right?

19 A. To the best of my recollection, yes.

20 Q. So you would have met Medina Perez with the
21 interpreter by going downstairs; correct?

22 A. It's possible we had a brief conversation in
23 the lockup upstairs. I don't remember the
24 details of my first conversation with
25 Mr. Medina Perez.

1 Q. But you would have had the interpreter there
2 with you.

3 A. To my memory, yes. It's possible he knew
4 enough English to say minor things to me. It's
5 possible that I understood most of it from his
6 friends at that point and what the assignment
7 was.

8 Q. Now, you told various people at various times
9 that you got the paperwork related to
10 Medina Perez from different people. From the
11 ADA.

12 A. Yes.

13 Q. From the court clerk.

14 A. Yes.

15 Q. And from the probation officer.

16 A. Yes. Probably with Gloria.

17 Q. And, also, you got material from Ms. Bostwick.

18 A. Yes.

19 Q. Now, you knew ICE was in the building.

20 A. Yes.

21 Q. And you had heard -- You would have heard
22 Judge Joseph say no ICE in the courtroom during
23 the morning session; right?

24 A. I believe so, yes.

25 Q. So would it surprise you to note that the whole

1 transcript has been reviewed and never a word
2 from Judge Joseph about that in the morning?

3 A. As I said, it was my memory. It might have
4 been the clerk. It might have been someone else
5 that told me.

6 Q. Instead of putting it on the record, somebody
7 told you.

8 A. Again, I said I don't remember exactly how I
9 found that out that morning.

10 Q. Now, when you spoke to MacGregor, that was just
11 before -- it was during the lunch break; right?

12 A. When I spoke to him substantively about this,
13 yes, that was during the lunch break.

14 Q. And was ICE in the courtroom when that happened?

15 A. No, they were not.

16 Q. Now, you know that the ICE agent says he didn't
17 see you there in the morning at all.

18 A. I don't know that, no.

19 Q. Well, either you're correct or the ICE agent is
20 incorrect. Either you were there or you just
21 told us a half a dozen stories. Which is it?

22 A. I don't think I follow your question. I
23 don't believe it's answerable.

24 JUDGE FABRICANT: The witness
25 said he didn't know what the ICE agent said

1 about this, so I have to object to the question.

2 HEARING OFFICER: If you could
3 rephrase the question, please.

4 Q. You're saying to us that -- So let me phrase it
5 a different way. You've recounted a story about
6 what happened between you and MacGregor that
7 nobody witnessed, just the two of you; right?

8 A. Yes.

9 Q. And you're recounted a story about what happened
10 on the off the record conversation for those
11 52 seconds; correct?

12 A. Yes.

13 Q. So are you as sure about the fact that you were
14 there in the morning as you are about those
15 other two things, what MacGregor said?

16 A. Well, let me answer it this way. I believe I
17 was there in the morning. I know the transcript
18 doesn't show that. So I don't know what you're
19 getting at and what your theory is as to how or
20 why I got there. But I know that day I was
21 there, for some reason, whether I was advancing
22 a case or arguing something, and they approached
23 me during a break. That's all I remember.

24 Q. Well, no. The point is, is that -- I guess my
25 question is, are you making up the fact that you

1 were there in the morning or not?

2 A. As I said, the best of my recollection, I was
3 there in the morning.

4 Q. So it's possible your recollection is not
5 correct.

6 A. Of course.

7 Q. Of course.

8 A. Yeah, of course. It's eight years ago.

9 Q. Well, it's been -- It's eight years ago when you
10 first spoke to Federal authorities. And
11 memories tend to disintegrate quickly. We know
12 that from the most recent research; correct?

13 A. I don't know what we know as a community. I
14 know that the defense bar knows what memories
15 tend to do and become unreliable over time.

16 Q. And that may have happened to you.

17 A. Can happen to anybody. Of course.

18 Q. But that may have happened to you.

19 A. As I just said, it could happen to anybody.
20 Of course.

21 Q. That may have happened to you, too.

22 A. Could happen to anyone. Of course. It could
23 happen to you. It could happen to you.

24 MR. HOOPES: Can I just have a
25 moment, Your Honor?

1 (PAUSE)

2 Q. So Mr. Jellinek, you said I think on questions
3 from special counsel that you were trying to
4 protect the judge; is that right?

5 A. That was part of my motivation to go off the
6 record or to attempt to go off the record, yes.

7 Q. But the DA was there to protect the judge;
8 correct?

9 A. I don't know -- No. The DA's there to
10 prosecute.

11 Q. Well, but the DA was hearing everything that was
12 being said; right?

13 A. Again, I don't know what the DA...

14 Q. And when you went down to talk to
15 Judge Heffernan the next morning, it was the
16 same issue, which is, you weren't trying to
17 protect anybody when you went to see her except
18 yourself. You weren't trying to protect the
19 judge. Correct?

20 A. No, that's not my motivation. That wasn't my
21 motivation to talk to Judge Heffernan. It was
22 to tell her what happened.

23 Q. But you didn't tell her everything that
24 happened; correct?

25 A. No. I didn't spend 20 minutes talking to

1 her, no.

2 Q. So let's go back to your first interview with
3 Federal authorities on November 8th. You say
4 that you requested that the judge release
5 Medina Perez through the lockup area because you
6 thought it was okay for a defendant to be
7 released from the lockup area; correct?

8 A. I thought it had happened and it was okay for
9 it to happen, yes.

10 Q. And you didn't give them anything that she said
11 back at that point. She made no statement back
12 to you; correct?

13 A. I'm sorry. I don't follow the question.

14 Q. She didn't make any statement one way or
15 another.

16 A. Who would --

17 Q. Judge Joseph.

18 A. At what time?

19 Q. At that time. Right? So you're talking to
20 Federal authorities.

21 A. Yes.

22 Q. And you said to them, I asked her --
23 specifically, you requested that Judge Joseph
24 release Medina Perez through the lockup area
25 because you thought it was okay for defendant to

1 be released from the lockup area. That's what
2 you said; right?

3 A. I believe so, yes.

4 Q. Yeah. And you gave no response from
5 Judge Joseph; correct?

6 A. If it's not in my notes, I probably didn't.
7 But I might have said something. I don't know.

8 Q. If it's not in the notes, then you didn't say
9 it.

10 A. Well, no, that's not quite what I said. I
11 may have said something but it's not in their
12 notes. That's a different statement.

13 Q. Oh, so if you said something -- You may have
14 said something but they didn't put it in their
15 notes.

16 A. Correct.

17 Q. Well, they would be interested, would they not,
18 in whatever Judge Joseph had to say in response?
19 Correct?

20 A. I don't know what they were interested in at
21 that point.

22 Q. So if you had said to them that she responded in
23 some affirmative way that signaled that she was
24 fine with him going out the back door, they
25 would have put that in the notes, don't you

1 think?

2 A. They also would have probably asked me
3 directly, and I don't remember that they asked
4 me directly. I don't think that's in the notes
5 either. I think what is in the notes is parts
6 of a full conversation.

7 MR. HOOPES: That's all I have
8 at this time. Thank you.

9 HEARING OFFICER: Special
10 Counsel, do you have follow up?

11 JUDGE FABRICANT: Yes, please.

12 REDIRECT EXAMINATION

13 BY JUDGE FABRICANT:

14 Q. Mr. Jellinek, I want to turn to the immunity
15 letter.

16 JUDGE FABRICANT: And can you
17 bring back up...

18 A. Which tab?

19 Q. It's not in the appendix, but Mr. Neff will post
20 it on the monitor.

21 A. Sure.

22 JUDGE FABRICANT: And while
23 he's setting that up, Mr. McInerney, I'm going
24 to want to offer this in evidence. I don't have
25 a clean copy of it right now. I will have a

1 clean copy of it tomorrow. So unless there's
2 objection, I'd like to bring it in tomorrow and
3 offer it in evidence.

4 HEARING OFFICER: That's fine.
5 I see there's no objection.

6 MR. HOOPES: None.

7 JUDGE FABRICANT: And that
8 would be both the immunity letter and the
9 proffer letter.

10 HEARING OFFICER: That's fine.

11 Q. What we have on the screen now is the immunity
12 letter. Mr. Jellinek, can you see it?

13 A. Yes.

14 Q. So I'd like to call your attention to numbered
15 Paragraph 1. Mr. Hoopes read part of it. I'd
16 like to read all of the sentence that begins:
17 He must not attempt to. Do you see that? It
18 starts around the middle of --

19 A. Yes.

20 Q. -- the line.

21 (Reading) He must not attempt to protect any
22 person or entity through false information or
23 omission or, -- and this is the part that
24 Mr. Hoopes did not read -- or to implicate
25 falsely a person or entity. Do you see that?

1 A. I do.

2 Q. Did you attempt to implicate falsely any person
3 or entity?

4 A. No.

5 Q. Did you tell the truth to the grand jury?

6 A. Yes.

7 Q. And did you tell the truth to the U.S attorney
8 in your interviews with them?

9 A. Yes.

10 Q. And when you spoke with me on December 20th, and
11 Mr. Neff was there, did you talk a little bit
12 about -- did you say that the only reason you
13 could think of that you would have hedged on
14 your answers to the prosecutor during that
15 meeting was you did not have immunity?

16 A. Correct.

17 Q. And did you add that you did not remember ever
18 having a different memory from what was in the
19 transcript of your grand jury testimony?

20 A. Correct.

21 Q. And did that have anything to do with whether
22 you were paid in cash or by check?

23 A. No.

24 Q. Did you go on to say -- Mr. Dunn explained that
25 the immunity -- Did you go on to say that the

1 immunity made you more comfortable, but you do
2 not think it changed anything about what you
3 remember?

4 A. That's correct.

5 Q. Now, this event happened on April 2nd of 2018;
6 correct?

7 A. Yes.

8 Q. So that's now a little more than seven years
9 ago.

10 A. (Witness nods head).

11 Q. So in that time, have certain aspects of your
12 memory faded?

13 A. Of course. Yes.

14 Q. The matters that were the focus of your grand
15 jury testimony, that is what happened at side
16 bar, what happened off the record, your
17 conversation with Mr. MacGregor, and your client
18 going out the back, has your memory changed
19 about that?

20 A. No.

21 Q. And let's turn to your role in representing your
22 client there that day. Tell us what you view as
23 your role.

24 A. I view my role that day like I do all the
25 time. It's to, as zealously as possible,

1 advocate for my client.

2 Q. And what in particular were you trying to
3 accomplish?

4 A. On that day, he was adamant that it wasn't
5 him, he was adamant that this person they were
6 attempting to detain through immigration was not
7 him, as I said, his boss or his friend were
8 viably with a birth certificate that appeared
9 authentic, and the ICE paperwork was not a
10 judicial warrant, it was an administrative
11 warrant directed to Newton, that had no
12 biometric data that linked it to the gentleman
13 in custody. So at that time my job was to try
14 to get him out of custody and away from anything
15 that might endanger him.

16 Q. So when the judge made suggestions about
17 detaining him, did that, in your view, serve
18 purposes you were trying to serve?

19 A. It implied that she understood the problem,
20 but not fully, because that did not serve the
21 purpose I was trying to achieve.

22 Q. Did you think that you had an obligation to tell
23 anybody other than the judge what your approach
24 was to in trying to achieve your purpose?

25 A. No. In fact, I think it's the opposite. I

1 think I shouldn't be telling anybody else, like
2 the prosecutor, what my approach was going to
3 be.

4 Q. And if you told the prosecutor before this side
5 bar conference, before the off the record
6 conference, what did you think might happen?

7 A. I imagine that ICE would put one person down
8 by the lockup and one person up in front of the
9 building.

10 Q. And if you talked around the courthouse about
11 it, clerk's office or in probation or anywhere
12 else, what do you think would happen?

13 A. The same. That ICE would be more prepared to
14 get him.

15 Q. As a lawyer representing clients, is it your
16 practice to talk about your strategy in general?

17 A. No.

18 Q. Did you think that what you were doing that day
19 was a crime?

20 A. No.

21 Q. Do you think so now?

22 A. No.

23 Q. You did say earlier, though, that you thought it
24 was on the edge of ethical.

25 A. Yes. And, you know, Federal indictment makes

1 you think that some of the things you've done
2 might be on the edge of ethical and legal.

3 Q. And do you still think it was on the edge of
4 ethical?

5 A. Absolutely.

6 Q. You told us about a series of conversations with
7 the ICE officer, the assistant district
8 attorney, court officer MacGregor. Can you try
9 to put those in sequence?

10 A. My initial conversation would have been with
11 the district attorney to get the paperwork
12 together, and at that point she probably said
13 something like I'm investigating whether this is
14 really him. I believe the transcript reflects
15 that she did mention on the record she wasn't
16 sure if she was investigating him. I believe I
17 got the paperwork from Ms. Bostwick. So my
18 conversation probably would have been with the
19 ADA, then with Ms. Bostwick, and then I would
20 have checked in with the ADA, I would have
21 spoken to probation to get the Triple I, I
22 believe I got permission from the ICE to do
23 that, and review it in the courtroom, and then I
24 would have spoken with Officer MacGregor during
25 the lunch break after I reviewed the Triple I.

1 Q. So you think that was the sequence.

2 A. Yes.

3 Q. Assistant district attorney, Ms. Bostwick, the
4 ICE officer, and Officer MacGregor.

5 A. Well, yeah. And probation in between to get
6 the documents.

7 Q. To get the Triple I.

8 A. Yes.

9 Q. You made reference earlier to a CORI. What's a
10 CORI?

11 A. A CORI is a Massachusetts, criminal.

12 Q. Massachusetts, criminal.

13 A. Yes.

14 Q. And you get that from probation.

15 A. Yes.

16 Q. When you spoke with Judge Heffernan the next
17 day, what did you think she already knew?

18 A. I don't know what she already knew and what
19 she was thinking. I know that, when I went in,
20 it was a very brief conversation, and the
21 implication I got was that she understood
22 everything that happened, I had given her a full
23 briefing, and I was okay and go away.

24 Q. Did she seem willing to spend more time with you
25 that morning?

1 A. Not that morning, no.

2 Q. On May 29th, so that would have been the next
3 date, the date for pretrial conference in the
4 case, you told us earlier that Mr. Medina Perez
5 didn't show up.

6 A. Correct.

7 Q. Did you know where he was?

8 A. No.

9 Q. Did you know whether he was or wasn't in ICE
10 custody?

11 A. I did not.

12 Q. And I'm not asking you the substance of any
13 communications you had with him, but had you had
14 communication with him in the interim?

15 A. Not to my knowledge, no. And one of the
16 problems that I had to deal with that day was
17 ICE doesn't always tell you where they are, how
18 to get them back to court.

19 Q. When you go to lockup to talk with your client,
20 if you have a client in custody, how do you get
21 there?

22 A. Usually I would say 99 percent of the time
23 you go to the court officer's station next to
24 the glass box and then they open the door and
25 let you go downstairs. Usually they radio down

1 and say attorney coming down.

2 Q. You said 99 percent of the time. So what would
3 be the other percent?

4 A. I've had some major knee surgeries, and there
5 were times I couldn't get down those stairs. So
6 there is a way to get into the lockup through
7 probation, and occasionally I had to take the
8 elevator and ask to be let in through probation
9 and escorted into lockup.

10 Q. And would that still require a court officer to
11 let you in?

12 A. Absolutely. Yes. Someone -- The probation
13 department has to let you in probation and the
14 court officer would have to meet you at the back
15 and unlock that door.

16 JUDGE FABRICANT: All right.
17 That's all I have. Thank you.

18 HEARING OFFICER: Anything
19 further, Mr. Hoopes?

20 MR. HOOPES: Just a little bit,
21 if I may.

22 RE-CROSS EXAMINATION

23 BY MR. HOOPES:

24 Q. So three things, if I can. So go back, sir, and
25 talk a little bit about what was in -- what you

1 thought was in Judge Joseph's mind. Right?
2 When you first spoke to the Federal authorities
3 about that issue, it was the February 12th,
4 2019. And you said, and I'm quoting you,
5 Jellinek stated that no idea what was in
6 Judge Joseph's mind during and after the side
7 bar conversation in the courtroom.

8 A. Again, that's correct. I did not know what
9 was in her mind. I only knew what my reading of
10 statements of the implications were. I had made
11 inferences.

12 Q. So that was in February of 2019; right?

13 A. Yes.

14 Q. So if we advance from 2019 to 2020, '21, '22,
15 '23, when you spoke to special counsel in
16 December of 2024, you said, and I'm quoting,
17 when asked whether he believed Judge Joseph
18 understood what was being said at side bar,
19 Mr. Jellinek responded yes.

20 A. That's correct.

21 Q. And you had no idea what was in --

22 JUDGE FABRICANT: Can he finish
23 his answer, please?

24 A. I made an inference, yes, that I understood
25 her intent.

1 Q. So when asked what Judge Joseph did or said that
2 caused him to say that she understood the side
3 bar discussion, Mr. Jellinek responded, she
4 said, yeah, that's what we'll do.

5 A. That's correct.

6 Q. Question by special counsel; right?

7 A. Yes.

8 Q. Okay. And you were asked about that same topic
9 in 2019, six years prior, you never said, yeah,
10 that's what we'll do. You never quoted a single
11 word from her in response; right?

12 A. I don't remember saying -- I don't remember
13 the details of the meeting. If that's what the
14 report from the FBI said, as I said earlier, I
15 believe those are fragments of our
16 conversations. The whole thing may have been
17 slightly different. But if that's what it says
18 there, then you can read that.

19 Q. Now, the second point is what you said to her.
20 So your very first interview, November 8th,
21 2018, with Federal authorities. You requested
22 that Judge Joseph release Medina Perez through
23 the lockup area because you thought it was okay
24 to be released from the lockup area. Is that
25 correct?

1 A. I got a little lost in your question. But
2 yes, I believe it was okay to be released from
3 the lockup area.

4 Q. And as we've discussed today, being released
5 from the lockup area was the place that they
6 were supposed to take him, into the lockup;
7 right?

8 A. Again, I don't know that policy. My reading
9 of the paragraph you put up is that he should be
10 released in the normal course. In Newton, that
11 would be up through the glass box on the first
12 floor.

13 Q. But you testified in front of the grand jury on
14 January 24th, 2019. You said that you thought
15 that Medina Perez could be released out the back
16 door if he was received from downstairs.

17 A. That's correct.

18 Q. You never said that in your first interview in
19 November; correct?

20 A. I don't remember what I did or didn't say. I
21 said that in that interview. I don't remember
22 every detail of the interview, but they may not
23 have written down every single word that I said.

24 Q. You didn't say anything in the second interview
25 on January 14th; correct?

1 A. Again, same answer. I don't have a specific
2 memory of what was said every word for word. I
3 do think I said it at some point. It may not be
4 in their notes.

5 Q. You just think that the Federal authorities who
6 were investigating the case missed something
7 that you said that was reported.

8 A. They may have. I don't know.

9 Q. So you remain practicing in Newton District
10 Court; correct?

11 A. Yes.

12 Q. And you knew that Mr. MacGregor had been called
13 to the grand jury; correct?

14 A. I found that out at some point, yes.

15 Q. And that he continued working for some period of
16 time.

17 A. Yes.

18 Q. And you'd see him almost every time you came
19 over to Newton; correct?

20 A. I don't remember exactly when he left Newton,
21 but I saw him a number of times after that day.

22 Q. Until he left.

23 A. Yes.

24 Q. And did you tell him that you were in talking to
25 Federal authorities in November?

1 A. I don't believe I told him that, no.

2 Q. Did you tell him you were in talking with
3 Federal authorities in January?

4 A. No, I don't believe I said that.

5 Q. Did you tell him you testified in front of the
6 grand jury?

7 A. No, I don't believe I told him that.

8 Q. Did you tell him that you were interviewed again
9 by Federal authorities in February?

10 A. Not to my memory, no.

11 Q. How about March; did you tell him you were in
12 for the last time in March of 2019?

13 A. I don't believe I told him. I don't
14 remember.

15 Q. But there was a retirement party for
16 Mr. MacGregor in the spring, right after your
17 last testimony; correct?

18 A. I don't know the timing of it. I know there
19 was a retirement, yes.

20 Q. And you were there.

21 A. I believe I was.

22 Q. You were there, shook his hand. Do you remember
23 that?

24 A. I might have been. Was it at the courthouse
25 or was it at a different location?

1 Q. Courthouse.

2 A. I probably was in the courthouse, yes.

3 Q. And you didn't say anything to him then.

4 A. I don't remember, no.

5 MR. HOOPES: No other
6 questions. Thank you.

7 JUDGE FABRICANT: Nothing
8 further. Thank you.

9 HEARING OFFICER: If I may, I
10 just have a couple clarifying questions.

11 Sir, if you -- I'll just read
12 it to you. I'm sure you remember it. From the
13 transcript. It APP043. This is after the off
14 the record conversation that Clerk Okstein says,
15 quote, there is a representative from ICE here
16 in the court inaudible to, to visit the lockup.
17 Judge Joseph, that's fine, I'm not going to
18 allow them to come in here but he's been
19 released on this.

20 I believe you testified that
21 your understanding from that was that ICE would
22 remain upstairs.

23 A. Yes.

24 HEARING OFFICER: What's --
25 Could you explain that to me.

1 A. By saying that I'm not going to allow them to
2 come in here, I understood that to mean within
3 the courtroom and within the lockup, because
4 that's sort of one space, versus the lobby,
5 which is another space.

6 HEARING OFFICER: But they were
7 specifically being -- asking to visit the
8 lockup, and she said that's fine.

9 A. I don't believe the "that's fine" refers to
10 them visiting the lockup.

11 HEARING OFFICER: Okay. Just
12 so I'm clear, the language, again, is
13 Clerk Okstein saying that there's a
14 representative from ICE here in the court
15 inaudible to, to visit the lockup. Judge
16 Joseph, that's fine, I'm not going to allow them
17 to come in here, but he's been released on this.

18 A. If that's what the transcript says, that
19 might be what she meant. That's not what I
20 interpreted.

21 HEARING OFFICER: Okay. You
22 interpreted it to mean that the ICE people
23 should stay upstairs in the lobby --

24 A. Yes.

25 HEARING OFFICER: -- of the

1 courthouse.

2 A. Yes.

3 HEARING OFFICER: Okay. The
4 other thing is, on April 3rd, when you were
5 speaking to Judge Heffernan, I believe you said
6 that you thought that she knew what had
7 happened -- that you thought that she should
8 know what happened, and I think you said
9 something to the effect particularly with
10 respect to the ADA.

11 A. Yes.

12 HEARING OFFICER: Could you
13 explain that.

14 A. Sure. The ADA has to be in front of the
15 judge every day in that court. And the ADA was
16 upset by the way things had happened the day
17 before, and I thought the judge should know that
18 someone in her courtroom had been aggrieved and
19 she'd have to see that person that day.

20 HEARING OFFICER: The ADA had
21 been aggrieved?

22 A. Yes.

23 HEARING OFFICER: Did you
24 explain how the ADA had been aggrieved?

25 A. Not in any great detail, no.

1 HEARING OFFICER: In any
2 detail? There was no --

3 A. If my memory's right, I said ADA Jurgens was
4 upset yesterday, ICE got mad at her, and she was
5 upset, I thought you should know about it.

6 HEARING OFFICER: And she
7 didn't ask what was she upset about?

8 A. No, not to my memory.

9 HEARING OFFICER: Okay. And by
10 the way, Mr. Medina Perez, he had property in
11 the lockup area.

12 A. Yes, he did. I believe he did.

13 HEARING OFFICER: Okay. And
14 finally, were you aware of the special Rule 211
15 that said you should not be going off the
16 record?

17 A. Not at that time, no, I wasn't aware that we
18 were not allowed to go off the record.

19 HEARING OFFICER: Anything
20 further, Counsel?

21 JUDGE FABRICANT: Nothing
22 further. Thank you.

23 MR. HOOPES: Nothing.

24 JUDGE FABRICANT: May this
25 witness be excused?

1 HEARING OFFICER: Yes. Thank
2 you.

3 JUDGE FABRICANT: And I'm sorry
4 to say, we don't have our next witness present,
5 because Mr. Hoopes was more efficient than we
6 predicted.

7 So we will try very hard to
8 have Ms. McDermott here at 10:00 tomorrow
9 morning. As you know, we are scheduled to have
10 Mr. Mendoza on Zoom at 11:00. We had asked
11 Ms. McDermott to come at 2:00, but we'll try to
12 get that moved up to 10:00.

13 HEARING OFFICER: Okay. That
14 would be very good, if you could.

15 MR. KEATING: 9:00?

16 HEARING OFFICER: No. We're on
17 for 10:00 tomorrow. Normally we'll be starting
18 at 9:00, but tomorrow we're starting at 10:00.

19 So with that, we're adjourned.
20 Thank you All.

21 (The proceedings adjourned
22 at 3:07 p.m.)
23
24
25

C E R T I F I C A T E

I, LISA L. CROMPTON, Registered
Professional Reporter, hereby certify that the
foregoing is a true and accurate transcript of my
stenographic notes of the proceedings in this
matter on the date and time specified in the
caption hereof.

IN THIS WITNESS WHEREOF I have hereunto
set my hand this 27th day of August, 2025.



LISA L. CROMPTON

REGISTERED PROFESSIONAL REPORTER

MY COMMISSION EXPIRES 1/17/2031

&	11:46 92:10	2000 45:18	164:23 189:10
& 2:9,15	11:58 92:12	2000's 81:16,20	21 197:14
0	12 61:15,18	2001 45:20	2101 2:16
02108 2:5	82:16 164:17	2010 82:9	211 8:9 16:15
02110 2:11	12:30 172:25	2012 82:9	37:16 205:14
02114 2:17	12:45 172:4,8	164:16	22 197:14
06 45:22	172:10,18,20	2015 82:15,19	23 142:8 197:15
08 45:23	12th 197:3	2017 8:2 152:23	24th 136:9
1	13 15:15 61:15	154:20	199:14
1 136:22 188:15	61:18 65:25	2018 8:19 26:17	25 8:3
1/17/2031	68:16 142:8	28:10 36:13	260 2:10
207:24	157:20	46:14,18 53:6	27th 207:13
10 16:20,22	13th 5:13	54:12 81:17	28th 148:23
25:25 92:6	14th 86:21	82:19 86:8	29th 128:13
99:2 110:7	136:1 199:25	103:11 122:2	195:2
10,000 146:19	15 78:24 99:2	132:9 145:25	2:00 29:20
100 2:16 24:14	15th 135:24	151:6 163:3	47:12 103:19
24:20	136:1	190:5 198:21	103:20 147:23
10:00 206:8,12	163 9:7 16:21	2019 86:21,24	148:2 206:11
206:17,18	164 9:7	90:11 164:17	2:15 29:19
10:30 55:8	17th 86:24	164:18 197:4	2:30 119:4
102:17,21	187 3:5	197:12,14	2:48 65:22
170:6,7	196 3:6	198:9 199:14	156:24
11 2:4 110:7	19th 5:17	201:12	2:48.13 65:16
11:00 102:17	1:00 103:19,19	2019-22 1:4 4:6	2:48:13 14:14
102:22 170:19	103:20	2020 197:14	65:23
170:21 171:1,4	1:03 147:25	2024 5:17	2:48:48 68:2
171:8,9 206:10	1st 163:2	142:22 148:15	2:50:57 76:13
11:15 102:22	2	163:14 164:24	2:57 166:5
170:19,21	2 143:10 153:10	197:16	2nd 8:2,19
171:1,4	20 8:3,14	2025 1:13	26:17 28:10
	138:11 184:25	207:13	54:12 90:10
		20th 111:25	103:10 122:2
		142:22 148:15	123:14 129:6

129:22 130:14 132:12 151:6 190:5	509 50:2,3 63:1 511 50:19 52 7:22,24 16:18 33:3,25 140:1,4,5,8,13 140:22 165:16 182:11 525 2:5 53 122:11 178:4 5k 139:5	9 9 1:13 92 3:4 99 195:22 196:2 9:00 1:14 172:2 206:15,18 9:30 172:2 9th 112:18	accomplish 191:3 accordance 8:12 account 141:19 141:20 146:14 accurate 15:1 66:7 67:22 69:22 96:19,20 135:15 136:5 164:21 175:24 175:25 207:7 accurately 52:10 88:3 accusing 102:7 achieve 191:21 191:24 acknowledge 23:6 acknowledged 23:16 acquiesced 32:22 act 118:23 actually 26:14 29:8 39:23,24 79:11 145:24 161:2 ada 59:10 68:8 69:6 83:8 92:25 100:23 101:2,21 106:12,22,25 108:17 109:23
3	16:18 33:3,25 140:1,4,5,8,13 140:22 165:16 182:11 525 2:5 53 122:11 178:4 5k 139:5	a	
3 9:6,14 30 78:24 33 156:17,22 33863 207:21 3:00 119:4 3:07 206:22 3rd 5:8 129:5 204:4	6 60 122:14 617-248-9938 2:6 617-338-9300 2:11 617-338-9911 2:12 617-523-8300 2:17 617-725-8050 2:6	a.m. 1:14 92:10 92:12 ability 91:1 136:21 able 17:14 25:12 55:3 83:20 94:11 137:25 145:21 156:1 162:19 absolutely 48:4 87:14 91:6,9 125:10 161:14 175:16 193:5 196:12 acceptable 72:24 accepted 7:10 access 131:16 accessed 166:19 accommodate 29:21 38:15 accompany 22:10 78:5	
4	60 122:14 617-248-9938 2:6 617-338-9300 2:11 617-338-9911 2:12 617-523-8300 2:17 617-725-8050 2:6	7	
4 156:19 4/20/18 144:10 40 15:3 65:19 66:24 157:12 157:12,12 41 15:3 20:15 76:14 42 77:1 43 3:3 20:15 77:11,25 48 65:25 4:00 47:12 4:30 36:2	75 46:8	8	
5	8th 22:24 86:8 132:9 133:5 137:17 163:2 185:3 198:20		
5 112:3 150:1 50 24:17,19 122:14 508 51:13			

110:15 112:5,8 112:21,22 124:7,13 158:1 158:2,23 180:11 193:19 193:20 204:10 204:14,15,20 204:24 205:3 ada's 110:7 adamant 31:24 191:4,5 add 149:7 189:17 added 22:9 125:20,22 address 103:6 addressing 155:21 adjourned 206:19,21 adjudicated 9:3 administer 37:14 administration 23:24 administrative 14:5 22:23 30:17 58:18 191:10 admissible 70:21,23,25 admission 137:12	admit 6:17 admits 41:16 admitted 52:18 71:7 advance 197:14 advancing 182:21 advice 151:18 advised 14:7,14 22:4 31:1,13 125:18 advocacy 106:23 107:1 advocate 29:13 40:17 46:6,7,11 46:23 55:20 56:4 90:24 116:18 121:6,8 121:21 122:20 123:6 168:24 174:5 191:1 advocate's 122:11 advocated 105:7 advocates 91:2 advocating 85:2 159:17,20 162:11 affairs 45:23 affect 64:22 72:5 73:15 affirmative 186:23	afraid 133:24 137:18 afternoon 12:8 28:21 47:4,6,11 47:25 48:21 66:15,16 84:10 102:14 116:4 116:23 151:5 agent 30:8 31:10 40:5,13 87:22 151:3 181:16,19,25 agents 26:10 30:1 38:8 40:21 77:23 105:10 111:19 112:9,12,24 113:6,9 114:2 114:14 aggrieved 204:18,21,24 ago 25:10 36:6 46:15 112:21 119:19 142:23 143:22 144:2 144:12,19 148:16 164:7 183:8,9 190:9 agree 56:8 86:1 102:11 109:13 150:23,25 158:22 agreed 9:2,6 16:20 29:2	39:17 103:12 127:19 agreeing 31:25 161:24 164:14 agreement 9:3 12:2 56:18 86:23 103:17 177:13,16 178:13 agreements 178:17 ahead 49:18 139:21 alert 67:14 alleged 24:24 28:1 allow 11:2 13:23,24 22:2 65:7 71:21 75:13 77:16 89:21,22 117:23 202:18 203:1,16 allowed 16:25 22:11 30:2 60:17 63:18 64:21 73:25 75:2 82:11 104:9 165:25 205:18 allowing 22:17 aloud 76:22 alternative 15:23 69:2
--	---	---	---

158:3,9 amendment 84:22 85:12 amount 145:22 amplified 118:6 angry 81:9 101:2 108:6 113:2,5,6,18 115:13 announced 20:16 21:2 answer 41:18 89:23 130:13 182:16 197:23 200:1 answerable 181:23 answered 125:9 answers 149:9 150:4 189:14 anticipated 53:3 anybody 27:18 63:7 139:14 147:18 166:17 177:1 183:17 183:19 184:17 191:23 192:1 anymore 82:11 122:1 anytime 87:9 anyway 162:24	apart 69:7 158:25 apologize 158:20 app007 153:7 app033 156:19 app040 157:12 app043 202:13 app33 157:4 app40 157:4 apparently 33:7 57:10,16 58:1 60:13 61:17 appeals 45:20 appearance 7:18 9:19 14:15 66:14 71:2 130:4,5 163:11 168:19 171:11 appearances 2:1 appeared 10:9 11:13 58:5 113:4 151:10 191:8 appears 15:6 appendices 6:18,22 50:5 appendix 6:19 7:1 9:7,11,12 13:18 15:2 16:21 20:15	50:2,3 65:17 76:15 152:20 187:19 apply 30:25 appointed 10:23 29:12 31:14 55:20 56:2 178:3 appointment 29:19 172:18 approach 51:7 66:17 125:14 191:23 192:2 approached 36:18 55:14 170:4,6 172:15 173:2 174:22 182:22 appropriate 72:24 90:21 105:6 approval 28:1 105:22 approved 28:7 36:23 approximately 55:8 april 8:19 26:17 28:10 46:14,18 53:6 54:12 103:10 122:2 123:14 129:5,6,22 130:14 132:12	151:6 190:5 204:4 architect 27:7 area 9:16 13:3 34:9 51:6 54:8 57:15 79:13 91:13 118:14 154:11 162:20 163:4,6 169:10 185:5,7,24 186:1 198:23 198:24 199:3,5 205:11 areas 13:24 arguable 85:4 argue 55:24 168:4 argued 128:3 arguing 68:23 158:1 159:22 162:21 182:22 argument 20:9 72:12 85:4 173:3,4 arizona 45:19 arm 61:21 arraigned 34:2 arraignment 21:16 arrange 13:4 116:6 155:19 arranged 114:3 134:16
---	---	---	--

arrangement 141:3,5,8 177:11	asking 41:21 60:2 78:22 110:19 143:4 149:2 163:24 195:12 203:7	attempt 137:10 184:6 188:17 188:21 189:2	117:8 126:7 132:4,6 133:2 142:24 159:1 189:7 193:8,11 194:3 196:1
arrangements 170:15	aspects 190:11	attempting 191:6	
arrested 75:20 97:24	assert 85:8	attention 15:2 21:23 23:25 65:18 76:24 96:11 110:20 115:8 188:14	attorney's 25:8 110:3 139:4 141:16 145:1
arrived 179:3,4	asserted 85:13		attorneys 4:10 133:8
arthur 174:1,8 174:10,18	assigned 8:17 46:25	attorney 8:3,4 9:4 10:23 11:2 11:5,11,12,12 11:15,16 12:1,9 13:1 14:15,16 14:18 15:24 16:4,11,24 17:9 17:10,19 18:3,9 19:2 20:16,22 20:24 21:10 26:18 31:19 33:6 38:16 55:22 56:8 59:8 62:8 66:13,15,18,20 68:5,8,11,13,23 68:24,25 69:4,8 69:12 70:1,6 79:9,22 81:10 84:23 85:23 86:8,21 87:12 89:4 90:2,17 94:21 102:16 107:16,23	audible 76:21 audience 51:15 52:23 55:14 62:2 audio 167:25 august 207:13 authentic 191:9 authorities 23:23 132:9 133:10 134:13 144:18 146:1 146:14 148:20 164:17 176:4 183:10 185:3 185:20 197:2 198:21 200:5 200:25 201:3,9
asked 13:12 14:17 16:24 22:7,9 23:5 29:5 30:9 34:21 35:3,14 37:5 40:17 41:18,19,24 55:16 60:14 64:7 78:4 80:17 93:3 96:14 108:15 112:3,4 125:9 125:12 130:2 130:25 143:15 143:19 146:8 150:11,23 156:12 159:18 160:23 161:24 162:19 164:24 165:2,19,22,24 174:4,12 185:22 187:2,3 197:17 198:1,8 206:10	assignment 42:19 180:6 assignments 121:22 122:7,8 assistance 99:3 assistant 11:25 17:10 18:9 19:2 20:23 59:7 68:22,25 79:9 89:4 94:21 102:15 193:7 194:3 assisted 10:25 associated 11:8 assume 94:10 104:24 126:22 129:4 131:1 133:14 139:9 assumed 128:25 assuming 145:24 152:20 attached 69:6 158:24 168:16		authority 176:14 available 5:11 178:20,22 avoid 12:10 13:6 15:22 33:12 45:15

64:10 65:1 68:22 74:3 77:10 97:24 105:2 157:25 avoided 80:2 avoiding 98:3,4 105:10 aware 5:7 14:1 19:19 32:8,12 34:14 57:8 82:15 87:22 205:14,17	80:2,7 82:21 83:1 89:11 92:13 97:17 98:2,6,19 99:1 99:4,5,12,17 100:1,6,9,14 102:12 103:13 104:7,9,16,17 105:2,15 107:14 108:1 114:3,4,19 116:6,22 117:10,12,25 119:23 120:8 122:1,2,11 125:20,23 126:1,12 127:20 128:12 129:5,17 135:21 140:18 144:7,18 145:25 146:4 148:3,5 150:14 151:5 152:23 154:10 155:19 159:24 160:2,7 160:14 163:10 163:20 165:16 166:4,5,23 170:12 172:19 174:19 185:2 185:11,11 186:24 187:17 190:18 195:18	196:14,24 199:15 backed 60:13 background 45:1 bad 15:16 68:17 157:21 bag 41:4 63:5 99:5 bail 12:6 21:3 33:18 59:25 60:2 90:7 95:2 103:6 110:19 111:4 bailed 16:1 69:9 159:2 bank 141:19,20 144:8,10 146:4 146:6 banking 144:21 bar 7:23 14:17 14:20,23 17:14 19:11 29:13 39:20 41:10,15 42:1,5 46:6,7 46:11,23 51:8 51:14 55:20 56:4 63:4 66:21,22 67:8 92:23 93:3,8,8 93:24 94:24 101:23 106:13 116:17 121:5,8 121:21 122:11	122:20 123:6 127:3 156:12 156:13 157:16 164:10,20 165:1,4 166:3 168:24 169:9 174:5 183:14 190:16 192:5 197:7,18 198:3 based 5:20 10:12 18:2 20:4 25:8 71:17 86:10 133:23 basement 9:17 63:18 73:25 basic 78:13 basically 63:19 110:17 126:20 basics 83:7 basis 13:3 23:21 26:1 70:19 bathroom 49:19 bc 45:18 beacon 2:4 bears 5:25 began 14:21 56:22 57:21 58:5,8 133:14 beginning 15:5 76:19 172:12
b			
b 2:15 3:9 13:18 57:5 152:20 153:7 ba 128:4 back 13:5,6 16:25 17:3,24 18:1,6,8 20:14 20:14 23:18 24:11,16 26:25 29:19 31:20 33:18,19 34:1 36:3,7,12 39:21 39:25 40:11 41:22 46:13 53:21 54:8 56:1 63:1,22 65:5 69:21 74:15 75:5,22 76:2,7,9,18 77:6,8 79:1,12			

begins 68:2 188:16 behalf 23:15 26:11 66:14,17 90:22 107:25 believe 20:20 21:11 25:5,8 47:3 51:4 56:14,14,20 57:5 60:18,24 67:10 74:23,25 75:3,6,21 77:2 78:12 79:3 80:17,24 82:9 84:21 86:22 87:11,15,18 90:12 98:24 100:4 102:6 104:5 106:21 112:2,11 113:12 119:21 120:16 122:4 123:21,22 127:21 129:8 135:23 136:4 136:20 138:15 143:2 145:13 145:16,17,23 149:1,12 150:13,20 160:23 163:15 164:11 167:17 168:3,23 169:3 169:5 175:4	180:24 181:23 182:16 186:3 193:14,16,22 198:15 199:2 201:1,4,7,13,21 202:20 203:9 204:5 205:12 believed 18:3 87:16,20 99:11 164:25 167:13 167:14,14 197:17 believes 25:4 bench 6:20 25:2 47:21 52:3,6 93:9,17 124:4,20 best 15:19 41:17 63:12 68:20 74:5 75:3 79:17 90:25 91:1 112:13,17 136:20 143:9 147:11 148:12 150:18 157:23 163:20 170:11 171:20,22 173:3 179:19 183:2 beth 13:10 22:22 29:25 36:19	better 39:7 48:1 55:25 73:7 beyond 56:16 126:7 big 27:12 biggest 137:23 billerica 16:1 69:10 159:2 160:3,15 binder 6:20 50:4 biometric 15:14 68:15 73:23 191:12 birth 62:3,5 191:8 bit 40:22 44:19 46:15 47:5,25 48:3 49:19 67:2,12 91:13 117:24 128:24 151:12,16 158:18 164:7 166:10 168:14 172:19 189:11 196:20,25 black 2:15 51:5 blank 178:24 blessed 128:10 blessing 18:4 75:21,25 102:2 116:10 120:1 139:25	blind 38:9 blissful 27:20 blowup 117:24 blue 51:5 board 127:3 bob 84:18 bogdanow 2:15 book 37:19 65:17 boss 99:20 141:4 142:19 167:19 177:3,3 177:4 191:7 boston 1:18 2:5 2:11,17 24:23 45:22 114:8 bostwick 10:24 11:2,5,12,15 29:12 31:14,19 56:2,7 60:18,23 79:22 116:15 116:17 117:7 118:13 119:1 119:11,15,17 120:4,24 168:24 170:20 172:10,17 173:7 178:3 180:17 193:17 193:19 194:3 bostwick's 55:21 bottom 76:14 156:23
--	--	---	---

box 50:16 195:24 199:11 boyle 2:15 break 11:5 12:14 13:8 14:13 44:23 48:20 61:7 62:11 64:11 92:3,5 103:16 103:18 147:5 147:11,17,20 170:12 171:25 172:4,11,13,14 172:16 179:12 179:13 181:11 181:13 182:23 193:25 brief 49:14 80:24 100:4 130:1 134:8 179:22 194:20 briefcase 41:3 briefing 194:23 briefly 66:17 79:15 80:1 98:8 bring 13:19 33:18 38:9 48:15 66:10 187:17 188:2 brooks 2:9 brought 9:17 14:19 17:16 42:14 50:17	51:18 54:22 55:1 153:12 154:2,8,10,15 building 117:21 180:19 192:9 bunch 29:23 burden 5:25 business 109:8 109:17 busy 16:8 c c 57:5 207:1,1 calendar 54:25 call 5:22 42:25 76:5 116:4 136:12 152:16 188:14 called 10:22 11:1 14:14 20:4 28:22 30:17 65:20 66:1 84:9 132:4,6 133:2 133:17 134:10 134:20 136:15 139:5 152:23 153:4 200:12 calling 133:9 calls 29:11 cambridge 2:16 45:21 campaign 45:24	candid 23:22 candor 23:13 41:13 caption 207:10 car 79:21 120:6 card 76:5 78:12 138:17 career 137:21 137:22 carefully 42:3 carry 176:5 178:19 carrying 178:17 case 7:16 10:22 10:25 14:13 29:11 32:15 42:10,12 53:16 56:8,23 65:20 66:1,12 67:10 82:2 87:10 88:6 107:18,20 122:9,14 131:9 152:23 153:1 167:16 168:11 168:14,18,18 171:5,12,13 172:18,21 173:19,19 176:3,23 182:22 195:4 200:6 cases 10:5 47:2 81:23 90:7	110:9 121:10 121:16 122:7 122:15 123:9 128:15 129:7 167:13 173:14 173:22 175:20 cash 143:12 144:1,7,9,22,25 145:8,11,14 148:9 149:10 150:15 189:22 caught 74:16 cause 177:23 caused 114:16 165:3 198:2 cell 58:21 78:11 center 58:23,23 central 7:21 certain 9:21 76:24 95:22,23 96:21 165:20 165:21 190:11 certainly 32:19 72:8,16 86:3 88:24 111:3 117:2 128:7,7,8 164:13 174:17 certificate 62:3 191:8 certify 207:6 chair 51:4 63:3 chairs 62:23 challenge 46:16
---	---	---	--

chambers 80:18 81:22 82:2 123:23 124:1 chance 64:9 88:6,16,19 105:25 change 61:11 174:15 changed 27:24 29:23 73:9 190:2,18 chapter 153:10 charge 10:11 12:5 15:9 21:3 41:14 57:9 59:15,17,24 60:2 charged 24:25 49:1 57:2 charges 5:16 6:1 9:5 10:11 10:14,16 11:17 12:6 21:4 41:13 42:14 49:2 59:18,19 59:22 60:3 67:11 chatted 40:15 check 53:18 56:14 141:13 141:25 142:20 143:20,24 144:9 145:10	145:15,17,24 146:2,10,12,15 146:18 148:10 149:10 150:17 150:20 176:17 189:22 checked 54:23 54:24 177:1,2 193:20 checks 141:17 chief 22:24 23:14 37:5 38:1,5 143:23 chow 142:13 circle 105:20 circumstances 20:6 36:20 citizen 62:6 civil 153:17 cjc 5:16 36:14 cjc's 5:11 claim 107:25 110:22 claimed 55:14 58:21 claiming 71:9 clarify 33:4 clarifying 202:10 class 57:5 clean 187:25 188:1 clear 6:1 15:20 21:5 42:15	48:25 57:21 68:20 89:14,20 111:1,14 118:18 144:2 145:18 150:14 157:24 203:12 cleared 63:22 clearer 34:1 clearly 57:6 61:22 105:17 clerk 13:8 14:7 14:11,14,17 16:5,7,10,12 17:11 21:15,17 21:18,24 22:3,7 22:7 23:7 29:24 30:9 31:8,13 32:21 32:21 34:3 47:15 50:13 64:19 66:9,11 66:19 70:3,4 73:13 75:2 77:12 84:12 115:19 125:12 129:11 131:24 140:24 166:5 166:10 180:13 181:4 202:14 203:13 clerk's 49:17 51:4 83:23 115:20,24 129:10 192:11	clerkship 45:19 client 11:20,23 12:10,16,24 13:5 14:18 15:17 17:22,24 26:25 27:5 34:22 38:16 47:1 52:19,20 53:4,8 62:10 65:5 66:20 68:17 71:16 72:10 75:10 77:7 85:2 90:23,25 96:24 97:11 98:25 103:24 106:1 106:23 107:2,9 107:16,23,25 116:6 117:8 126:7 127:19 128:3 129:17 153:23 154:2 156:2 157:15 157:22 159:17 159:20 162:15 166:1 169:22 190:17,22 191:1 195:19 195:20 client's 11:18 clients 47:22,23 48:21,24 98:7 192:15
---	--	---	--

clip 68:1 69:18 70:11 76:19 close 45:11 95:10,15 closer 25:14 134:11 158:18 171:10 closing 20:8 42:17 code 5:21 coffee 48:15,20 151:17,22 collected 76:3 color 51:4 come 22:2 28:19 29:19 31:20 33:19 34:19 40:7 47:21 53:1 77:16 82:7 84:14 89:11 98:2,6 125:12 155:22 159:24 160:2,14 166:20,23 167:1 172:19 174:18 202:18 203:2,17 206:11 comes 16:17 53:4,8 106:13 comfortable 148:22 149:8 190:1	coming 40:8 52:22 112:5 129:3 132:25 160:7 166:14 196:1 comment 96:14 158:7 161:23 comments 125:16 commission 1:2 2:2,3 4:5,15,17 5:25 6:11 23:16,19,21 207:24 committed 145:12 committee 46:1 common 81:17 commonwealth 1:1 10:7 29:2 66:12 71:12 114:12 communication 195:14 communicati... 195:13 community 183:13 company 177:7 complaint 1:4 4:6 complete 27:11 135:16,17 136:5,19,23	138:25,25 139:12 completed 170:17 completely 35:15 137:3 164:12 completing 8:16 complex 67:9 complicated 34:23 67:15 complied 32:25 compound 128:24 computer 54:25 conceived 27:9 concern 12:23 60:8,10 concerned 30:7 61:24 62:9,15 63:14 73:20 120:24 123:13 133:15 148:22 concerning 4:6 concerns 41:20 111:5 conclude 5:19 concluded 5:18 22:12 85:11 condition 87:5 87:6	conduct 1:2 2:2 2:3 4:15,18 5:22 26:19 87:19 90:22 conduct's 4:6 conducted 4:4 5:3,14 16:14 conference 14:20 35:12 81:24,25 92:23 192:5,6 195:3 conferences 81:23 82:10,17 confidence 126:25 confirm 141:17 144:8 confirmed 20:24 conforming 165:11 conforms 165:14 confront 119:13 connect 12:3 connected 15:16 61:19 68:16 157:20 connection 4:5 88:5 consider 122:18
---	---	---	--

consistent 153:10	35:8 51:8 59:3 60:7 61:1,4	convince 33:9 33:12,21	121:6,18,22,23 121:25 122:22
consists 7:1	62:12,17 63:6	convinced	122:23 123:1,3
conspiracy 138:13	63:10,23,24 64:1 65:15	12:17 15:12 33:9 68:13	123:4,15,17,24 124:21 127:1,6
constituted 85:6	67:13 72:21 77:9 79:14,16	157:18	129:19 130:5
consult 35:1,3	79:25 80:13,23	convincing 6:1	132:10 133:5
consulted 14:4	81:2,4 82:21,22	42:16	133:20 134:14
contact 151:7	83:1,2 100:3,4	cooperate	134:17,18
169:4,6	101:23 102:3	23:23 87:7	135:25 136:13
contacted 134:13	102:15 103:2 103:14,15	copy 5:10 8:6 30:24 187:25	137:4,7,12,13 138:1 139:8
containing 5:18	105:16 106:16	188:1	140:11,25
contemporan... 39:3	108:19,23 109:5 112:24	core 83:15 140:10,11,12	141:11 142:13 144:11 148:16
contest 9:2	117:19 118:12	cori 194:9,10 194:11	148:25 149:5 149:20 151:8
context 32:4	119:5 123:22	corner 9:10 15:4 50:7	151:19,22 154:4,8,11
continue 91:14 91:19,20 122:9	124:3 126:11 127:9,18	correct 46:4 59:20 79:4	155:1,3 156:3,8 156:10,11
continued 46:7 56:16 200:15	130:21 134:17 139:23 162:6	84:2,4 93:4,5,6 93:10,11,20,22	158:10,15 159:15,25
continues 27:20	162:10 164:9 164:20 170:13	93:25 94:1,8,9 94:11,12,14,19	161:5,7,11,18 162:7,20,24
continuing 109:14	179:22,24 182:10 187:6	94:22,24 95:4,7 95:21,22 96:11	163:6,9,11,14 163:21,25
control 19:1 65:11 75:14	190:17 193:10 193:18 194:20	96:17,18 97:8,9 99:21 101:12	164:10 165:10 165:12,17,21
controlled 127:24	197:7 202:14	103:6 104:4,23 106:5,7 107:2	167:21 168:25 169:14 171:8
convened 31:22	conversations 23:9 119:15	111:23 114:20 116:15,23	172:6 174:1 176:5,8 177:1
conversation 14:23 17:17 18:19 19:6,11 19:15,22 20:13	129:4,24 158:12 193:6 198:16	118:16 120:6	177:11 178:15

179:21 181:19	150:2 152:19	31:21 32:7	178:3 180:13
182:11 183:5	157:7 163:13	33:1 37:3,5,11	193:8 195:18
183:12 184:8	163:16 164:23	37:11 38:2,14	195:23 196:10
184:19,24	177:20 178:12	45:19 46:20	196:14 200:10
185:7,12 186:5	184:3 187:10	47:2,4,5,11	202:16 203:14
186:16,19	197:15 198:6	48:19,24 51:16	204:15
189:16,20	205:20	51:19 53:5,12	courthouse 5:4
190:4,6 195:6	count 61:15	53:24 54:13,23	5:6 8:24 9:17
197:8,20 198:5	counts 138:10	61:4 62:12,20	9:24 18:8 19:7
198:25 199:17	county 5:5 16:2	64:19 65:10	22:18 26:22
199:19,25	couple 38:5,8	66:9 71:13	30:8 34:15
200:10,13,19	67:2 114:7	73:24 74:20	36:1 37:8 48:5
201:17	124:22 202:10	75:15 76:10	48:8,10,12
correcting	course 21:14	77:13 78:1	49:10,14 53:8
88:15	24:9 29:21	79:4 80:8,11	79:6,8 81:7
correctly 57:3	54:19 149:5	91:21 92:24	104:18 117:25
58:20 69:15	153:16 164:3	98:5 110:15,16	118:15 128:13
70:8 97:19	183:6,7,8,17,20	113:9 115:16	129:22,23
counsel 4:14	183:22 190:13	115:22 116:14	131:15 154:22
6:6,7,11,14	199:10	118:11 119:2	175:8 192:10
16:15 18:15	court 8:2,7,9,10	121:2,14,18,25	201:24 202:1,2
24:2,4 26:8	8:11,13,18,21	122:6,9,17,18	204:1
28:6 29:5,13	9:15,18,19,20	122:25 123:11	courthouses
30:19,22 31:1	10:10 11:4,9,9	124:19 126:11	13:23
31:14,17 35:2	11:14 12:21	129:1,3,5,7	courtroom 9:18
41:16 42:23,24	13:9,14,15,17	130:4 143:24	9:22,23 10:1,3
43:8 46:1	13:21 14:2,6	152:25 153:9	12:13 13:12
60:20 63:3	16:15 17:6,16	153:11,12,13	14:12,20 17:4
95:20 96:13	18:5 20:15	153:14,22	18:18 21:6,9
108:13 111:23	21:25 22:6,13	154:3,15	25:20 30:2,5
112:14 125:17	23:22,24 24:17	155:10 160:7	34:20 35:6
135:25 147:15	26:9,23,25	166:18 167:9	40:4 41:1
148:15,18	28:11,13,17	168:8 169:8	47:19 49:18
149:14,17	30:18,22 31:14	175:13 176:8	50:12 51:23,25

52:4,7 53:14,24 58:14 60:18 62:18,19 63:7 64:7,13,15,21 74:21 75:3,11 75:19 79:11,13 93:14 97:7,7 99:12,14,24,25 100:2,6,9,13,25 101:17 103:21 112:9,12,22,23 112:25 116:23 121:12 124:11 124:24 128:17 129:11 145:1 154:22 155:17 164:5,20 166:21 170:9 170:10,12 171:2 180:22 181:14 193:23 197:7 203:3 204:18 courtrooms 30:6 courts 110:6 122:20 154:19 cover 86:3 coverage 5:9 cpcs 45:20 46:1 81:21 credibility 20:5 85:20	credit 20:10 crime 118:24 139:15 192:19 crimes 138:4,6 criminal 8:4 9:5,15 24:18 49:1 71:6 82:16 90:15 118:23 194:11 194:12 crompton 1:22 207:5,22 cropped 29:24 cross 3:4 25:7 25:24 86:4 88:25 92:18 196:22 crowded 24:10 crystallize 61:14 csr 1:22 custody 9:16,22 10:20,21 12:8 12:11,19,24 13:25 19:20 34:8,8 50:18 51:18 52:23 53:5,9,10 59:11 59:12 60:4,5 62:7,8 74:3 103:25 129:2 143:18 152:3,4 153:9,12 154:8 154:16,21,22	166:12 191:13 191:14 195:10 195:20 custom 9:19 10:17 17:6 cuts 54:25 d d 3:1 da 50:14 106:4 107:19 114:16 184:7,11,13 da's 110:10 184:9 data 60:13 61:18 73:23 191:12 database 58:8 date 10:6 22:4 86:11,22 90:12 98:6 128:14 169:16 195:3,3 207:9 david 3:2 11:11 15:12 17:9 18:24 20:10 26:18,19,22 27:4,8,17,23 28:24 29:4 31:17 32:2,24 33:14,20 34:21 35:3,13,17 36:18 39:13,24 40:10,25 41:9	42:4,14 43:2,6 43:12 66:13,16 66:16 dawley 22:24 23:14 38:1,5,20 39:4 41:23 dawley's 38:13 38:21,23 day 8:22 10:24 26:6 28:12 36:1,17 54:16 54:18,22,24 55:2,6 56:5,17 75:1 79:2,3 80:7,20 81:7 91:17 98:21 103:10 111:10 114:14 116:13 116:14 117:6 120:14 124:18 125:8 128:16 128:20 129:5,6 134:22 143:12 151:7 159:25 160:2,7,14 167:13,16,24 168:12,18,22 169:8 173:14 173:23 175:20 175:21,22 178:2,14,21 179:1 182:20 190:22,24 191:4 192:18
--	--	--	---

194:17 195:16 200:21 204:15 204:16,19 207:13 days 22:20 38:8 46:24,24 124:22 136:8 142:5 deal 26:23,24 119:22 126:18 195:16 dealt 109:3 173:18 december 111:25 142:22 148:15 163:14 164:23 189:10 197:16 decided 31:5 decision 13:17 31:3 declare 146:12 defendant 9:21 14:19 16:24 17:1,15 18:6,12 18:21 19:6,9 21:6 22:4,14,17 23:18 25:3 26:7 33:24 34:24 35:16,21 51:16 75:7,22 83:16 125:23 163:5 185:6,25	defendant's 41:3 55:19 defendants 9:15 34:7 50:17 154:21 defender 46:4 defense 8:4 18:15 20:22 26:8 47:14 50:15 72:22 82:1 85:3 169:12 183:14 degree 42:15 demand 177:10 denial 11:18 denials 23:20 denied 19:21 23:17 denies 15:17 68:18 157:22 denis 1:12 4:8 denotes 150:21 150:24 deny 35:1 105:25 denying 144:22 department 45:22 116:1 154:4 196:13 depending 175:15 depends 41:25 52:22 95:25	deposit 146:7 146:10 depth 67:13 describe 19:23 described 52:11 164:2 describes 39:5 description 3:10 descriptions 61:20 desk 51:3,6,19 62:21 100:24 desktop 178:25 despite 27:8 32:11 detail 80:21 199:22 204:25 205:2 detailed 136:5 136:18 details 42:7 143:13 179:24 198:13 detain 16:3 63:16 69:13 70:14 159:5 161:20 191:6 detained 154:6 159:16,19,23 detainer 10:18 11:17,22 15:25 18:13 57:16,20 58:10 69:6,9	153:18 158:24 159:2 detaining 59:5 159:7 191:17 detector 49:17 detention 58:22 58:23 determination 49:2 determinations 71:17 determine 58:11 determined 59:10 developed 29:1 developing 153:1 deviant 153:21 deviating 153:21 dialogue 111:6 diary 54:24 difference 20:1 different 26:4 41:20 47:18 51:4 61:19 69:5 115:4 151:4 162:5 163:8 180:10 182:5 186:12 189:18 198:17 201:25
---	--	---	---

difficult 84:25	56:6,15 59:7	18:9 19:2	document 62:4
difficulty 47:9	60:22 74:8,11	20:23 24:17	documents
direct 3:3 15:2	82:12 102:25	26:9 28:11,13	10:8 146:15
43:9 65:18	107:17 119:1	30:18,22 32:7	177:14 179:4
118:19	165:4 170:17	33:1 46:20	194:6
directed 13:11	198:3	54:13 59:8	doing 11:19
14:11 127:25	discussions	68:22,25 71:13	16:8 29:15
191:11	54:20	79:9 80:7 81:9	39:7 41:17
direction	dishonest 107:1	89:4 90:2	46:11 51:1
174:25 175:3	dishonesty	92:24 94:21	66:20 90:17
directly 23:6	107:8	102:16 110:2	94:13 102:8
30:25 82:3	disintegrate	110:16 115:16	104:25 108:8
94:17 155:16	183:11	118:10 121:2	137:18 164:9
187:3,4	dismayed 80:5	121:18 122:17	177:22,24
disappearance	dismiss 12:5	122:25 124:19	192:18
129:16	21:2 60:1	153:22 154:3	dollars 56:15
disciplinary	dismissal 9:4	166:18 167:9	141:10 143:11
23:23	83:23 84:1	169:8 193:7,11	143:19 146:19
discipline 5:23	dismissed 15:7	194:3 200:9	178:5,9
5:24	15:8 59:16,18	disturbed	doodle 176:9
disciplined	67:11 68:4	18:14	doodling 176:8
37:24	90:6 110:18	division 45:23	door 10:3 15:19
discuss 67:14	160:10	divisions 8:18	17:4 22:17
81:23 82:2	displayed 9:8	dock 10:3 17:3	24:16 25:3
90:9 139:7	16:22	22:15 35:19	27:1 36:3 37:7
140:19	dispute 7:22	39:15 50:16	39:25 40:11
discussed 18:5	15:8 16:17	51:17,23,25,25	41:23 51:7,10
85:9 140:9	20:3 27:6	52:19,25 53:5,9	51:20,22 52:2
141:2 199:4	district 5:4 8:2	54:5	52:20,24 53:2
discussing	8:9,11,13,18,21	docket 10:10	53:13,20,23
163:23	9:15,20 10:10	28:15 54:23	54:8 63:22
discussion 7:23	11:13 12:1	83:23 168:17	65:10 68:19
16:14 17:8,18	13:9 14:6	doctor's 172:17	74:1 75:18
18:16 19:3	16:15 17:10		77:8,10 78:19

98:15 99:2 105:2 111:12 111:15,16,18 116:6 120:11 125:11,20 129:17 154:10 157:23 163:21 186:24 195:24 196:15 199:16 doors 41:1 98:21 double 157:8 doubt 158:14 158:16 downstairs 10:2 13:2,5 16:25 17:2,25 18:7 21:12,13 22:10 26:25 27:5 35:9,14 53:16,17 56:20 63:20 64:6,9,25 65:12 74:1,15 75:8,9,10,13 76:1 77:3,4,6 77:22,24 78:5 78:17 96:25 98:22,24 99:8 99:11 103:13 104:6,9 105:16 107:13 125:23 126:1 153:24 155:2,8,14,19 156:2 162:15	162:19 165:8 166:1 179:21 195:25 199:16 dozen 25:1 181:21 draw 76:24 drive 175:6 driving 57:12 dropped 24:24 drove 120:8 drug 10:14 12:6 21:4 47:2 47:5,10 48:19 48:24 59:19,22 60:3 80:11 121:25 122:6,9 123:11 156:5 drunk 57:12 dry 115:11 due 87:19 dunn 189:24 duties 13:24 duty 10:23 46:24 56:4 114:11 125:6	early 81:15 141:23 easily 179:1 easy 39:11 127:23 eaten 48:22 edge 72:23 91:5 91:9,10 105:5,6 105:8,8 192:24 193:2,3 effect 18:2,23 18:25 19:17 23:3 81:1 86:14 87:1 89:3,13 108:16 153:1 204:9 efficient 206:5 effort 19:4 54:21 57:18 efforts 58:11 139:4 152:25 eight 183:8,9 either 11:24 128:25 139:10 181:19,20 187:5 elevator 49:20 196:8 elizabeth 2:9 4:22 10:24 29:12 31:14 else's 164:12 embarrassed 40:21	employer 11:7 11:10 55:15,16 62:3 141:7,13 141:25 177:5,6 179:6 emulvey 2:12 enclosed 10:2 endanger 191:15 ended 116:14 enforce 114:22 enforcement 10:17 114:7,20 114:22 137:1 engaged 118:23 english 35:17 180:4 entirely 34:25 148:22 172:11 entity 137:11 188:22,25 189:3 entries 168:17 entry 9:24 entryway 49:15 eric 14:22 17:13 19:10 escape 97:23 escaping 98:3 escort 25:2 escorted 22:14 196:9 esq 1:12 2:4,9 2:10,15 3:2
--	--	---	--

essence 13:21 essentially 17:1 39:7 40:12 41:14 47:8,12 50:25 51:10 60:12 63:25 73:2 77:7 86:16 87:7 162:21 163:17 163:22,25 165:6 166:11 166:14 establish 5:15 established 5:20 14:8 25:10 88:22 ethical 90:23 91:5,9 107:3,12 127:4 192:24 193:2,4 ethically 177:12 evening 120:17 120:18 event 31:12 34:17 132:12 190:5 events 91:14 172:22 everybody 25:4 26:7 30:21 31:4 37:5,7 39:17 40:20 45:5 73:3 76:9	97:6 147:8 evidence 6:2,17 7:4 12:3 13:18 25:22 26:13 42:13,16 52:14 140:5 152:21 187:24 188:3 evolved 42:6 ex 36:19 124:15 exact 109:7 149:16 171:7 171:16 exactly 67:20 73:12 94:4 149:14,24 165:11 176:3 181:8 200:20 examination 3:3,4,5,6 43:9 92:18 187:12 196:22 examined 25:7 25:24 example 53:19 except 152:5 184:17 exceptions 9:21 54:10 exchange 18:3 39:3 77:18,20 78:13 97:14 exclude 30:8 excuse 48:7 90:5 112:22	excused 205:25 executed 27:15 exhibits 3:10 3:12 7:9 exit 9:24 10:2,4 52:4,7 expected 13:4 31:20 32:16 98:6 expecting 143:5 experience 39:5 46:20 123:9,11 experienced 32:21 expert 138:14 expires 207:24 explain 58:18 114:15 139:14 202:25 204:13 204:24 explained 36:21 42:7 148:21 156:6 189:24 explanation 32:2 explicitly 28:7 expressed 12:22 62:14 103:23 extensive 20:17 78:8 extent 39:15 48:11 76:6	extra 47:9,10 49:6 122:7,7,8 f f 207:1 fabrican 44:13 fabricant 2:3 3:3,5 4:13,14 6:8,10 7:7,11 7:15 43:1,10,24 44:7,10 45:7 50:21 52:13 70:22 71:10 76:17 85:17 86:5 88:12,17 89:1,7,22 91:25 111:23 118:4 139:19 142:24 145:19 150:22 181:24 187:11 187:13,16,22 188:7 196:16 197:22 202:7 205:21,24 206:3 face 61:21 94:17 faced 10:11 57:1 facing 10:3 51:16 53:14 118:15 fact 14:21 25:10 29:3
--	--	--	--

32:21 37:16 38:4 41:23 103:24 108:12 109:17 119:9 128:12 133:17 138:10 142:4 143:14 144:7 145:18 156:5,9 167:23 172:24 177:17 182:13 182:25 191:25 factored 17:23 facts 5:15,20 7:20 9:6 16:16 16:20 26:19 83:15 fade 36:6 faded 190:12 failed 12:15 23:22,23 fair 30:21 31:4 88:18 132:23 134:2 137:16 fairly 52:9 fall 41:14 129:3 false 23:9,20 87:13 137:11 188:22 falsely 188:25 189:2 familiar 8:24 28:17 48:5,8 49:9 152:12 166:17	family 137:25 far 16:16 66:8 134:12 160:11 farther 166:10 fault 113:23 fax 2:6,12 faxed 30:24 faxes 29:15 fbi 15:15 20:17 58:7 60:16 61:16,17 68:16 151:3 157:20 198:14 fear 120:21 133:1 february 164:15,17 197:3,12 201:9 federal 16:20 27:10 28:3 36:13 85:5 87:22 90:3,5,15 97:21 105:10 108:15 109:6 119:6,9,13 132:8 133:10 134:13 135:11 138:4,6,7 143:16 144:17 146:1,14 148:19 149:19 163:1 164:16 176:4,14 183:10 185:3	185:20 192:25 197:2 198:21 200:5,25 201:3 201:9 federally 139:15 fee 56:18 141:3 141:5,8 177:10 178:13,17 feedback 25:14 43:20 45:16 feel 44:21 48:2 69:7 73:16 132:19 148:22 158:24 feeling 114:25 felt 72:16 115:12 155:18 164:13 fewer 121:16 fifth 84:22 85:9 85:12 figure 15:23 31:18 40:18 60:21 69:3 70:12 158:4 figured 33:11 41:8 filed 14:15 66:14 168:19 fill 98:23 finally 22:24 28:5 31:21 35:13 205:14	financial 170:14 find 12:10 23:20,21 30:15 39:14 40:23 72:3 88:9 findings 5:19 fine 7:6 21:14 22:2 73:5 77:15 186:24 188:4,10 202:17 203:8,9 203:16 fingerprint 58:2,8 60:13 61:18 finish 139:1 197:22 finished 35:22 40:3 firm 174:21,24 first 6:6,13 10:22 13:9 14:9 15:11 20:23 22:21,21 28:14 29:23 31:9,11 36:19 37:17 42:11,25 43:4 48:19 80:16 88:18 102:15,20 108:13 116:25 123:23 144:25 145:19,25
---	---	--	---

148:19 150:5 150:11 151:6 153:3 162:10 163:2 179:24 183:10 185:2 197:2 198:20 199:11,18 five 28:12 54:25 92:9 123:6 138:13 floor 123:23 199:12 focus 38:23 190:14 focused 27:19 109:5,9 folk 24:19 follow 13:13 14:8 31:6,9 66:3 127:16 140:2 151:23 154:1 181:22 185:13 187:10 followed 78:17 143:14 following 9:1 14:10 36:17 112:6 foot 95:17 108:21 foregoing 207:7 form 56:12 formal 5:15 47:18,20	formally 6:17 formed 17:16 19:14 25:25 36:7,8,10 former 2:3 143:23 fortes 22:23 23:3,10 37:13 37:19,24 38:4 38:20 41:19 forth 14:25 forthright 127:5 fortunately 36:11 forward 39:7 42:20 177:16 found 34:24 82:10 130:6,10 130:15,23 146:9 181:9 200:14 four 8:13 123:6 178:8 fragments 198:15 franklin 2:10 frankly 30:5 82:3 free 44:21 138:16 frequently 11:13 81:21	friend 38:25 48:13 55:25 99:20 133:21 191:7 friendly 11:14 48:10,12 91:20 friends 34:11 55:19 62:2 134:4 167:19 170:4,6 173:2 180:6 front 15:19 17:4 21:19 22:19 28:23 33:5 34:12 37:7 40:4,12 50:3,13 51:14 51:23 53:20 63:16 64:8,16 65:1,4,17 67:23 67:24 68:19 69:17 74:2,14 74:18,24 76:23 77:23 111:11 111:15,16,18 142:7 145:4 150:16 152:4 163:19 192:8 199:13 201:5 204:14 fugitive 10:12 15:9,20 20:21 21:2 57:3,9 59:15,17 60:2	67:10 68:6,21 84:1 90:5 157:24 160:9 160:12,18 full 25:24 28:15 35:6 187:6 194:22 fully 36:20 67:11 90:4 191:20 furious 40:22 further 18:16 22:11 77:8,25 78:5,6 86:20 92:1 112:4 196:19 202:8 205:20,22 future 39:8
g			
g 15:2 20:15 65:17 76:15 156:21 gain 88:24 gap 15:6 54:7 general 130:18 147:19 192:16 generally 64:6 121:14 177:20 178:19 generically 75:9 gentleman 20:20,21 57:23			

59:11,12 61:20 64:5 73:25 90:8 111:4 191:12 getting 25:14 55:25 74:3 182:19 give 6:7 25:3 49:12,14 72:9 76:5 77:18 83:7 95:13 98:7 135:15 136:18 138:24 139:24 185:10 given 31:18 32:15 34:22 35:16 88:1 156:5 174:17 194:22 giving 44:6 glass 50:16 75:18 155:16 155:18 164:6 195:24 199:11 gloria 180:16 go 13:5 14:16 16:6,12,25 17:2 17:4,24 18:6 19:18 24:18 29:5 32:3,10,12 32:20 33:13 34:4,19 37:7 39:1,10 40:17 41:21 48:11	49:21,22 52:24 53:16,20 54:2 56:1 63:1 64:25 65:12 67:8 69:21 70:2,6 71:7 72:18,20 73:13 75:7,9 76:9,18 77:6,8 81:21 82:1 93:3,24 99:16 102:12 104:17 105:20 106:1,13 114:4 114:14 116:6 123:15 126:20 132:8,8,16 134:16 135:1 136:22 139:21 140:17 142:7 144:7 150:14 153:7,7,24 154:22 155:3,7 155:10,13 156:1,12 160:21 161:1,3 161:6,10 162:19 165:7 165:25 166:20 166:21,23 167:2,2 169:9 184:5,6 185:2 189:24,25 194:23 195:19 195:23,25	196:24 205:18 goal 12:10 105:11,12 135:17 god 25:4 125:7 goes 52:20 63:15 75:14 94:5 158:23 going 15:18 16:3 20:1 22:2 23:16 25:21 31:7 32:5,8,17 32:17 33:17,18 34:20 35:9 37:18 38:2,7,23 39:24 40:10,18 46:16 52:19 53:4 56:23 57:24 59:4 60:1,21 62:6 63:16 64:4 65:14,18 66:5 66:22 67:14 68:18 69:11,23 70:10,13 71:3 71:11,14,15,15 71:18,21 72:7,8 72:22 76:12,18 77:15,22 81:11 82:10 83:17 85:15,15,18,19 94:23 95:1,2,3 103:12,25 105:2,9,18,25	107:13,14,18 108:1 115:1 116:5 125:21 125:23 126:1 127:19 128:25 131:10,11 138:20,22,24 139:21,22 140:17 141:9 143:5 147:3,16 147:23 151:5 152:9 153:22 155:10 157:16 157:22 159:4 162:14,23 166:7 177:9,15 177:16,24 178:4 179:21 186:24 187:23 190:18 192:2 202:17 203:1 203:16 205:15 good 4:2,13,16 4:19,21,23 6:13 29:15 36:11 55:21,23 56:7 66:15,16 100:19 133:22 147:6 157:7 170:1 173:25 174:3,5,14 206:14 goodbye 111:7
--	---	---	---

gotten 60:19 80:1 83:22 108:10 144:14 146:4 government 27:10 28:3 85:5 97:21 governs 154:19 grab 102:19 grand 84:6,24 85:7,23 87:8 90:10 129:24 130:5,6,16 131:2,16,18,21 131:24 136:8 136:11 137:3 141:24 142:4,7 143:16 144:3,4 145:9,10 148:12 150:19 163:11 167:12 189:5,19 190:14 199:13 200:13 201:6 gray 91:13 great 44:9,13 45:14 80:21 115:18 118:2 204:25 guess 182:24 guy 15:13 32:1 33:10,13,21 41:22 60:10 62:15 63:13	68:14 103:1 104:2,3 117:11 132:23 140:17 157:18 178:5 guys 113:17 114:3 h h 3:9 habit 176:7 half 46:8 95:17 108:21 181:21 hall 40:5 hallway 31:11 101:19 112:23 hand 9:10 15:4 43:5 50:6 99:6 142:15 201:22 207:13 handed 60:25 handful 28:14 151:20 handle 107:18 107:20 handled 35:25 110:9 handles 121:24 hands 14:4 55:23 hanging 41:4 115:11 happen 18:20 22:12 27:5 60:4 65:8	75:16,17 82:12 105:3,23 155:6 162:24 166:7 183:17,19,22 183:23,23 185:9 192:6,12 happened 16:19 17:7 23:5,11 26:14 26:16 29:9 36:9,18 39:23 41:11,15 42:1,5 75:5 78:16 80:20 83:8 87:4 102:20 120:13,22 123:14 124:10 125:7 128:21 132:12 140:7 155:5 181:14 182:6,9 183:16 183:18,21 184:22,24 185:8 190:5,15 190:16 194:22 204:7,8,16 happening 77:19 82:8 130:24 happens 16:17 33:1 75:11 86:3 156:4 hard 62:7,8 67:19,21 96:2	206:7 he'll 40:8 165:7 head 114:15 155:12 162:2 190:10 headed 35:18 hear 4:2 7:24 16:7 17:8,14 18:14 19:12,14 25:16,22 26:13 32:6,10 39:16 42:11 44:5,10 69:18 85:18,19 94:6,11 123:13 159:10 176:24 heard 19:10,16 23:3,4 25:5 28:20 30:3 34:3,14 38:19 40:10 57:14 64:17 66:8 67:6,25 96:17 115:9 133:23 134:24 156:14 162:3 167:24 180:21,21 hearing 1:9,11 4:1,4,9,25 5:4 5:14,17,20 7:5 7:8,13 24:1,8 25:11,17 27:4 40:2 42:22 43:3,7,13,16,22 44:3,9,12,14
---	---	--	---

45:3,4,5,10,13 52:15,17 64:2 70:18 71:20 73:17 86:1 88:21 89:19,24 92:4,8,13,17 93:13 94:3 95:13 96:2,21 102:13 105:1 117:22 118:8 126:16 145:4 147:4,10,13,19 147:22 148:3,7 150:16 157:3,9 158:17,21 161:9,13,15 174:21 175:17 175:18 182:2 184:11 187:9 188:4,10 196:18 202:9 202:24 203:6 203:11,21,25 204:3,12,20,23 205:1,6,9,13,19 206:1,13,16 hearings 87:9 hedge 149:15 hedged 149:9 149:12,23 150:3,8,12 189:13 hedging 149:18	heffernan 13:10 22:22,25 23:2,10 30:1 36:19 37:1,23 41:19 47:7,21 80:14 82:22 83:1 123:3,5 124:9 125:18 125:25,25 126:2 128:9,17 184:15,21 194:16 204:5 heffernan's 31:9 34:18 held 111:4 159:23 160:12 hello 151:25 help 30:16 44:18 46:25 72:10,15 73:7 85:4 125:7 176:21 helped 61:13 114:22 helping 17:20 hereof 207:10 hereunto 207:12 hero 24:19 hire 84:15 174:7,10,16 177:9 hired 143:17 172:12 179:4	history 110:8 hit 131:5 hodgkin 168:11 168:18 hold 15:24 33:17 69:3 70:13 158:4,9 holding 8:8 147:8 home 120:8,10 120:16 122:18 honest 23:22 106:19,22,25 107:4 114:13 126:8 127:4 136:20 honestly 119:7 149:24 151:1 honesty 127:1 honor 4:20 88:10 183:25 honorable 2:3 2:8 hoopes 2:9,10 3:4,6 4:19,20 52:16 70:17,20 71:5 85:14,24 88:10,14 89:6,9 89:18 92:2,7,15 92:16,19,20 93:12 117:22 118:8 134:25 147:2,7,12 148:5,6 152:16	156:15 157:1,6 157:10 183:24 187:7 188:6,15 188:24 196:19 196:20,23 202:5 205:23 206:5 hope 15:21 68:22 72:9 157:25 hopeful 65:6 hour 29:17,22 48:23 122:12 178:4 hours 29:10 65:25 178:6 house 120:11 how'd 132:19 howard 2:4 4:17 hug 25:3 huge 61:21 huh 105:13 hunted 30:23 i ice 10:16,19 11:17,22 12:9 12:11,12,17,23 13:6,11,16,22 14:11 15:10,12 15:12,13,18,22 15:25 16:2,3 18:10,13,15,21
--	--	---	--

19:5,19 21:8,25 22:18 26:10 30:1,8 31:10 33:6,7,12,19,21 33:22,24 34:4,8 35:10,23 38:8 38:11 40:4,13 40:21 57:15,20 58:10,13 60:8 60:11 61:2,3 62:8 64:6,10,12 64:20 65:3 68:4,13,14,18 68:22,23 69:9 69:10,11 70:13 72:2 73:20,21 74:2,3,9,11,16 74:18,20,23 75:20 77:10,13 77:23 79:18 80:2 81:9 83:8 95:2 96:15 97:23,24 98:3,3 98:4,19 101:14 101:15,17,19 103:8,25 104:1 104:18,21,23 105:2 106:4 109:6,14 111:19 112:8 112:12,23 113:5,8,17 114:2,14 115:1 115:2 116:4,5	124:7 129:2 130:23 155:20 155:22 156:9 157:18,22,25 158:1 159:1,3,3 160:2,3,5,6,15 163:19,25 166:11 180:19 180:22 181:14 181:16,19,25 191:9 192:7,13 193:7,22 194:4 195:9,17 202:15,21 203:14,22 205:4 idea 28:3 119:12 128:1 130:12 132:22 137:15 138:22 164:18 197:5 197:21 identification 6:23 7:3 58:6 identities 61:19 identity 29:17 57:19 61:12 125:19 ignored 26:20 iii 2:4 illegal 24:15 57:4 91:4 imagine 192:7	immediately 39:4 56:21 immigrant 24:16 immigration 10:17 57:15,16 153:17 191:6 immunity 27:11 85:19 86:23 87:2 136:13,15,16 136:17 137:15 138:17 139:12 140:12 148:20 149:6,11 150:6 187:14 188:8 188:11 189:15 189:25 190:1 immunized 138:3 139:16 impartial 71:4 impartiality 7:17,19 71:2 implement 37:6 implicate 188:24 189:2 implication 194:21 implications 197:10 implied 191:19 importance 123:1	important 14:21 27:23 28:19 36:7 94:23 95:3 109:10 145:20 imposed 5:23 impression 17:17,22 70:15 70:24 71:3,18 71:22,25 72:1 77:19 inappropriate 37:12 39:10 inaudible 15:17 21:20,25 68:3,6 68:9,17 69:1,4 69:10,12 77:14 157:21 202:16 203:15 incarceration 138:7 incident 25:1 36:22 38:22 126:3,14 129:25 include 168:2 included 8:25 16:19 including 8:6 115:24 116:1 137:14 income 146:16 inconsistent 33:4
---	---	--	--

incorrect 181:20 independence 7:17,19 indicted 148:24 149:3 indictment 25:9 36:13 138:10 192:25 indigent 29:14 47:1 individual 58:3 58:3 73:22 107:6 153:12 153:15,17 177:18 individuals 47:13 61:16 153:8 155:15 inexperienced 109:21 110:13 110:25 inference 197:24 inferences 20:6 197:11 influence 57:11 information 20:25 23:12 32:18 58:2 78:9,14 136:19 136:24 137:7 137:11 141:22 188:22	informed 10:15 10:16 13:8 informing 107:15 inherit 168:14 initial 103:2 193:10 initially 54:18 55:21 initiate 129:19 inkling 161:21 inside 112:25 170:9 instructing 38:24 instruction 14:10 integrity 7:17 7:19 127:1 intend 78:6 intended 59:14 59:21 intent 136:7 197:25 intention 97:22 interaction 112:5 interactions 13:15 interest 36:10 interested 186:17,20 interestingly 34:6	interests 90:25 interim 36:9 195:14 interpret 19:5 interpreted 126:16 203:20 203:22 interpreter 10:25 14:22 17:13 19:10 21:13 22:10,15 35:14,18 38:17 76:4 77:4 78:4 78:17,21 97:4 98:10 179:18 179:21 180:1 interrupt 25:12 interstate 60:16 interview 22:11 23:15 78:5,6,8 86:20 119:10 148:19 150:1 185:2 198:20 199:18,21,22 199:24 interviewed 164:15 201:8 interviews 87:24 88:1 89:2 163:10 189:8 introduce 4:11 intrude 95:12	investigate 11:2 11:19 57:18 investigating 138:3 193:13 193:16 200:6 investigation 36:14 90:16 investigators 119:6,10,13 involve 74:8 involved 36:12 37:5 97:20 128:22 155:20 ipad 176:5,11 176:15 177:1 178:20,22,23 issue 5:18 15:20 43:20 68:21 90:7 96:15 103:6 125:18 157:24 162:14 184:16 197:3 issued 5:8,16 issues 61:12 67:9 109:6 137:21,22
j			
j 1:12 jail 16:2 24:18 133:24 137:18 137:19 138:16			

january 86:21 86:24 90:10 135:24 136:9 141:24 199:14 199:25 201:3 jd 128:4 jellinek 3:2 11:11,12,16 12:9,15,20 13:1 13:3 14:15,16 14:18 15:12,25 16:4,11,24 17:9 17:19 18:3,24 20:16 21:10,16 22:9,14 26:18 26:22 27:4,17 27:23 28:24 29:4 31:17 32:2,24 33:6,14 33:20 34:21 35:3,13,17 36:18 39:13,24 40:10,25 41:9 42:4,14 43:2,6 43:12 44:2,25 45:5 66:13,16 66:16,18,21 68:5,8,13,24 69:4,8,12 70:1 70:6 78:4 92:20 107:10 108:18 112:7 125:17,24 143:10 147:18	159:1 164:18 184:2 187:14 188:12 197:5 197:19 198:3 jellinek's 17:1 20:10 21:21 26:19 27:8 job 29:15 33:14 35:23 55:25 90:24 100:19 115:2,5 117:5 130:25 191:13 jose 66:13 joseph 2:8 4:7 4:20,22,24 5:16 5:21 6:14 8:1,5 8:13,20 9:1,13 9:14 10:6,15,23 13:8 14:1,7 15:7,9,22 16:14 16:23 17:5,20 19:21 20:11 21:14 22:1,8,9 22:21 23:6,16 24:4,15 25:2 26:2,6,11,17,21 27:16 28:1,6,21 29:12,18,20 30:2,24 31:5 32:8,15,23 33:3 34:25 35:20 36:23,24 37:16 37:17,21,25 38:18,21 39:6,9	39:13,25 41:17 66:15,18,21 68:2,7,12 69:1 69:5,11,13,25 70:2,4 77:15,25 78:3,3 92:21,25 116:10 120:1 128:9 140:25 141:1 151:7,12 155:2 158:3 159:3 161:2 163:3,18 164:25 165:2 180:22 181:2 185:17,23 186:5,18 197:17 198:1 198:22 202:17 203:16 joseph's 6:6 18:4 28:4,9 29:7 164:8,19 197:1,6 judge 3:3,5 4:7 4:13,20,22,24 5:16,21 6:6,8 6:14 7:7,11,15 7:20 8:1,1,5,5 8:13,20,21,22 9:1,13,14 10:6 10:15,23 13:8 14:1,7,15 15:7 15:9,22 16:2,5 16:9,13,23 17:5	17:20,24 18:1,4 18:14,23 19:17 19:21 20:11 21:14,15,19,21 22:1,8,9,21,25 23:2,3,5,10,10 23:16 24:4,15 25:2 26:2,6,11 26:17,21 27:16 28:1,4,6,9,12 28:16,21 29:7 29:12,18,20 30:2,24 31:3,5 31:6,19 32:8,14 32:23 33:2 34:25 35:20 36:23,24 37:1,2 37:13,15,16,17 37:19,21,23,24 37:25 38:1,4,5 38:10,13,18,20 38:20,21,21,23 38:24 39:4,6,9 39:13,25 41:17 41:19,19,23 43:1,10,24 44:7 44:10,13 45:4,7 47:7,15,21 48:2 50:13,21 51:7,9 52:13 64:4,17 66:12,15,18,21 67:14 68:2,7,12 69:1,5,11,13,25 70:2,4,22 71:1
---	---	---	---

71:10,16 72:11 72:14 73:3,13 75:13,15 76:17 77:15,25 78:3,3 80:14 81:5 82:22 83:1,10 85:17 86:5 88:12,17 89:1,7 89:22 90:9 91:25 92:21,25 93:17 94:10 96:8 99:10 102:1 106:14 108:7 116:10 118:4 120:1 123:3,5 124:9 125:18,25 126:2 128:9,9 128:17,19 139:19,25 140:25 141:1 142:25 145:19 150:10,22 151:7,12,21 153:2 154:24 155:2,11 158:3 159:3 161:2 163:3,18 164:8 164:25 165:2 166:5 180:22 181:2,24 184:4 184:7,15,19,21 185:4,17,23 186:5,18	187:11,13,16 187:22 188:7 191:16,23 194:16 196:16 197:1,6,17,22 198:1,22 202:7 202:17 203:15 204:5,15,17 205:21,24 206:3 judge's 19:4 52:3,6 65:9 75:7,12 81:22 82:2,23,24,25 82:25 105:22 124:14 judges 8:15 32:9,12 judgments 71:14 judicial 1:2 2:2 2:3 4:5,15,17 5:21 13:17 191:10 judiciary 7:18 126:9 127:5 judith 2:3 4:14 6:10 july 132:14 152:23 june 1:13 5:8 112:18 jurgens 12:1 17:10 18:10	28:25 33:8 40:3 68:8,11,23 68:25 69:6 79:9 83:8 92:25 93:19 94:20 95:6,15 96:14 107:13 108:3,6,17 112:5,8 113:6,8 113:17 140:16 158:23 164:10 205:3 jury 84:6,24 85:7,23 87:8 90:10 129:24 130:5,7,16 131:2,16,18,21 131:24 136:8 136:11 137:3 141:24 142:4,7 143:16 144:3,4 145:9,10 148:12 150:19 163:11 167:12 189:5,19 190:15 199:13 200:13 201:6 justice 10:12 13:9 14:9 15:9 20:21 21:3 22:21,23,24 23:14 26:9 29:25 31:9 34:18 36:19	37:14 57:3,9 59:15,17 67:11 80:5 118:17,20 118:22,24 119:18,25 122:24 125:4 143:23 k keating 2:15 4:23,24 206:15 keep 34:20 107:5 147:2 171:4 keeping 94:7 96:9 kelly 174:1,8 174:10 kelly's 174:18 kept 9:16 keycards 167:4 keys 65:11 kind 24:10 46:21 61:22 82:12 145:20 145:21 177:16 178:16 kinds 139:2 knee 196:4 knew 9:13,14 26:21 30:5 35:10 36:3,24 62:7 64:6,16,18 72:20 74:2,13
--	---	--	--

74:22,23 75:4	117:4 120:3	201:18,18	82:1 84:9,15
78:15 80:21	124:10,12	204:8,17 205:5	85:3,10 105:25
104:16,21	125:3 126:19	206:9	107:21 112:15
110:2 116:22	126:20 127:3	knowing	116:17,20
124:7 126:2,13	127:14,17	115:18,22	133:13,17,24
126:14,17,19	129:1 131:4,18	146:18	134:8 170:14
127:16,17,17	131:21,24	knowledge	173:22 174:3,5
128:21,21	132:15,17	19:12 26:16	174:14 192:15
130:4,9 131:2,5	134:13 140:16	83:19 91:24	lawyers 28:23
132:16 134:8	145:3 146:21	101:18 119:10	134:3 169:12
138:2 164:13	146:24,25,25	154:5 175:1	173:25,25
176:11 180:3	146:25 149:24	195:15	layout 28:18
180:19 194:17	151:24 152:22	known 127:11	learn 57:1
194:18 197:9	153:2 154:24	151:12 172:20	64:12 84:5,8
200:12 204:6	155:9,23	knows 27:18	learned 11:16
knocked	158:11 159:9	183:14	37:18 57:15
125:11	159:11 160:19	I	84:9
know 14:3 37:3	160:20 161:25	I 1:22 207:5,22	learning 39:5
38:7 39:22	162:2,3,25	language 109:7	leave 19:7
41:5 44:23	164:1,11	119:20 149:17	42:24 64:13
46:14 47:25	165:13,13	203:12	79:6 111:11
48:2 49:13	166:18 167:10	lapel 43:18	175:17 178:24
57:25 58:8	171:25 173:16	larry 70:2	leaves 59:18
63:14 64:17,18	174:7 175:19	late 172:19	leaving 52:25
64:19 66:6	177:4 181:16	law 45:18 71:12	54:2 100:24
74:17,18 81:6	181:18,25	71:13 114:7,19	led 9:24
88:13 101:5,18	182:17,18,20	114:22 137:1	left 36:1 37:22
101:20 102:10	183:11,13,13	160:20	45:24 49:19,20
104:25 105:24	183:14 184:9	laws 114:22	49:20,22 50:15
105:25 110:8	184:13 186:7	lawyer 14:4	50:16 51:19
110:12 111:20	186:20 192:25	30:4 45:2,9,17	62:24 63:5
112:3 113:10	194:18,19	47:14 56:22	78:19,25 93:15
113:11 115:5	195:7,9 197:8	71:11 72:23	97:6 111:11
115:12 116:5	199:8 200:8		115:10 127:11

129:21 130:15 172:17 178:14 200:20,22 legal 34:23 45:23 91:10 193:2 legitimate 63:21 letter 85:18 86:10,15,16,24 87:2 134:20,22 135:2,4,12 136:2,7,12,15 136:16,17,17 137:8,15 138:17 149:6 150:12 187:15 188:8,9,12 letting 126:12 level 47:10,22 49:6 50:14 lhbmlegal.com 2:12,13 libby 2:9 lie 23:9 lied 40:12 light 26:4 30:13 liked 132:23 167:20 173:18 likely 85:6 120:7 169:21 line 105:9 188:20	linear 105:19 105:21 lines 67:3 101:13 118:21 linked 191:12 lisa 1:22 207:5 207:22 list 116:4 122:5 168:11 listen 42:3 listening 16:8 17:13 71:16 95:21 96:21 106:15 108:22 little 24:7 40:22 44:19 46:14 47:5,18,25 48:3 49:19 54:7 60:24 67:2,12 91:13 98:25 102:12 117:24 120:24 136:17 151:12,16 158:18 164:7 166:10 168:14 172:19 189:11 190:8 196:20 196:25 199:1 livelihood 137:22 load 122:14 lobby 9:25 19:8 22:19 30:11,14 34:12 41:2	64:8,16 74:14 75:20 81:22,23 81:24,25 82:10 82:23,24,25 112:8,11 124:14 127:11 203:4,23 local 24:23 location 178:25 201:25 lock 102:18 lookup 9:16 10:2 13:3,24 22:1 34:5,9,13 34:19 35:4,19 53:22 57:23 58:4 77:14 96:25 99:13 112:6 153:15 154:13,23 162:20 163:4,6 164:6 166:19 179:23 185:5,7 185:24 186:1 192:8 195:19 196:6,9 198:23 198:24 199:3,5 199:6 202:16 203:3,8,10,15 205:11 logical 35:11 long 13:20 40:16 44:16 78:23 91:19	102:3 119:19 130:11 149:1 longer 40:19 48:19 56:18 look 42:19 50:10,19 51:12 58:5,9 60:17 88:19 127:24 looked 30:11 30:13 41:4 79:12 looking 33:15 52:5 103:8 133:9,10 152:17 153:3 156:9 looks 39:6 118:10 loosely 123:16 lore 24:23 losing 137:22 lost 199:1 lot 7:24 27:2 35:7 47:8 85:18,20 115:15 117:20 119:2 124:21 125:1 142:9 155:4,15 lowell 121:18 ludicrous 90:20 lunch 11:5,5 12:14 13:7 14:13 29:17,22
---	---	---	--

48:20 61:7 62:11 64:11 103:16,18 147:5,17 148:8 171:25 172:4 172:13,14 179:12,13 181:11,13 193:25 luncheon 147:24 lunches 48:20 lunn 13:16 14:6 30:23 34:7,12 34:14 37:9 152:12,17,23 153:4,23 154:18 155:21 162:23 165:11	119:23 126:17 127:9,12,19 128:5 129:23 129:25 130:14 131:2,10 132:13 175:2 181:10 182:6 182:15 190:17 193:8,24 194:4 200:12 201:16 macgregor's 107:21 mad 83:9 101:14,15 205:4 made 26:23 27:5 32:24 48:17 54:21 73:16 74:23 87:12 103:17 119:22 125:14 126:18 141:5 144:5 152:25 173:3 185:11 190:1 191:16 194:9 197:10 197:24 magic 33:21 155:2 mail 38:7 39:3 main 19:7 41:14 49:18 50:12 62:18 75:20 79:13	100:25 166:21 maintain 71:1 major 196:4 majority 164:4 make 5:23 24:25 27:3 31:3 45:7 57:18 58:10 132:19 150:14 150:16 157:4 170:14 185:14 makes 44:16 88:23 192:25 making 18:14 71:13,17 150:15 173:4 182:25 manner 47:17 manual 153:11 march 201:11 201:12 mary 13:10 22:22 29:25 36:19 massachusetts 1:1,18 2:5,11 2:17 7:18 8:7 114:13 143:23 154:20 194:11 194:12 masscourts 168:15 mastermind 27:9 127:14,23	128:5 138:21 139:15 match 15:14 58:3 68:15 73:23 material 87:13 180:17 materials 8:6 30:12,14 60:25 matter 4:9 5:13 21:22 28:22 119:9 153:24 156:5 165:16 177:17 207:9 matters 6:4 28:16 35:25 109:4 190:14 mcdermott 12:2 17:11 18:10 28:25 31:23 33:8 40:3,9,24 41:8 79:10 206:8,11 mcinerney 1:12 4:8 6:9 187:23 mcle 151:23 mean 19:6 60:1 60:3,5 75:11 77:5,21 89:16 89:25 96:1 98:5 125:4 126:7,17 127:22,23 128:7 131:2,17
m			
m 2:8,10 4:7 9:7 16:21 ma 1:22 macgregor 12:21,23,25 18:6,7 22:6,13 26:24 61:5,7 62:13 63:7,11 64:1 66:11 78:1,18 83:3 91:21 98:12 103:11,12 106:6,17 115:6			

140:21 141:23 145:20,23 146:3 150:9 155:21 178:16 203:2,22 meaning 84:1 113:5 137:22 161:22 173:21 means 153:20 meant 12:6 46:24 47:3 77:6 89:8,17 90:1 203:19 media 5:8,10 24:23 26:1,5 27:17 medical 29:18 44:2,15 medina 10:7,11 10:19,20 11:3,7 11:10 12:4,7,18 19:16 28:22 29:2,11,14,16 31:16,24 34:2 35:18 36:2 40:6,19 55:7,11 56:3,21 58:4,16 58:22 59:6 61:24 66:13 72:3 78:19,20 80:2 87:4 99:20 112:7 125:19 128:14 128:20 141:4	143:18 167:19 169:22 170:2 173:12 177:4 177:14 178:2 179:7,20,25 180:10 185:5 185:24 195:4 198:22 199:15 205:10 meehan 2:15 meet 23:13 24:14 56:17 76:5 81:22 99:23 179:6 196:14 meeting 38:8 38:20 39:4 148:19,23 149:3,10 150:4 150:5 189:15 198:13 member 126:8 members 127:5 memories 36:6 36:6 183:11,14 memorized 153:6 memory 54:21 55:4 63:12 74:10 79:4,17 81:12 83:4,12 86:16 89:14,20 97:15 98:20 99:18 100:1,7,8	100:11 111:14 111:17 112:13 113:1,16,24 114:1,6 119:16 120:5 124:2,5 127:10 128:11 129:20 134:7 135:14 138:12 140:19 141:15 141:18,21 142:2,3,6,21 144:2,4,6 145:17 148:11 168:7 169:23 170:16 171:20 171:22 173:3,7 173:10,20 180:3 181:3 189:18 190:12 190:18 200:2 201:10 205:8 memory's 123:24 205:3 mendoza 14:22 17:13 19:10 39:14 206:10 mention 15:11 27:25 193:15 mentioned 133:12 mentor 133:22 mess 33:5 met 22:21 40:4 99:19 102:20	109:24 115:14 158:8,11 179:20 metal 49:17 mic 44:4 45:11 michael 2:15 4:24 microphone 7:12 118:5 158:19 mics 43:18 middle 132:13 169:9 188:18 middlesex 16:1 mike 131:21 mild 44:17 mind 24:6 28:4 46:13 149:20 159:9,12 164:8 164:12,19 197:1,6,9 mine 133:22 minimal 59:24 minor 180:4 minute 16:6,12 70:7 75:6 125:5 175:6 minutes 65:25 92:6 98:22 175:13 184:25 misdemeanor 10:13 missed 200:6
---	---	---	--

mistake 145:16 misunderstan... 105:17 modern 49:16 moment 44:1 70:3 78:7 80:18 134:1 151:2 157:2 162:5 183:25 money 145:22 146:21,22 monitor 9:8 13:19 16:23 187:20 month 45:25 133:7 168:19 months 28:12 109:25 112:21 142:23 143:22 144:2,12 148:16 morning 4:2,13 4:16,19,21,23 5:2 6:14 10:1 11:1 12:13 27:3 29:10 31:23 33:19,20 35:7 49:13 55:8 92:6,22 102:14,20,23 116:18 123:19 123:21 141:3 141:12 148:8 150:23 151:10	152:2 155:25 156:14 167:9 167:25 168:8 169:2 170:1,5 171:18,21,24 172:1,3 173:4,6 173:8,9 176:2 176:18 179:7 180:23 181:2,9 181:17 182:14 182:17 183:1,3 184:15 194:25 195:1 206:9 motivation 184:5,20,21 motive 85:19 move 24:6 25:13 moved 152:20 206:12 moving 39:15 44:18 multiple 32:11 70:23 113:11 115:21 176:1 mulvey 2:9,9 4:21,22 24:5,10 25:19 mystery 131:7	55:10 57:24 92:20 168:16 names 10:8 near 100:24 nearer 150:19 necessarily 55:10 72:2,7 122:8 124:22 152:6 155:4 necessary 65:7 76:22 need 15:23 33:16 39:22 43:17,18 44:21 44:23 55:10 65:10,12 69:2 70:12 108:2 158:4 177:16 needed 35:24 47:9 49:6 53:18 75:6 78:9 98:1 108:2 135:15 138:17 139:24 155:19 neff 2:4 4:16,17 6:15 25:13,16 43:19 50:23 143:1 187:19 189:11 neither 37:23 41:21 neutral 13:22	never 28:8,20 30:3,4 36:20 73:5,6 83:5 96:1 116:3,9 119:5 128:4,10 128:19 134:24 139:22 166:25 167:24 181:1 198:9,10 199:18 new 8:5 37:6 38:24 109:23 newish 109:21 110:13 newton 5:4 8:20 9:15,20 11:13 13:9 24:16 26:9 28:11,13 46:20 54:13 57:6 64:6 71:13 74:20 80:7 91:15 92:24 110:16 115:16 118:10 121:2 122:17,25 124:19 153:22 154:3,3 164:4 166:18 167:9 169:8 175:10 191:11 199:10 200:9,19,20 nice 111:10
--	---	--	--

niceties 24:24 night 120:20 160:4,16 nine 136:8 175:6 nobody's 27:19 105:25 nods 190:10 noe 37:6 113:10 113:13 131:18 noise 94:5 noon 102:23 nope 116:8 normal 9:19 17:5 92:5 153:16 164:3 199:10 normally 121:5 206:17 note 15:11 20:22 180:25 noted 21:8 notes 87:23 88:2,6 89:10 112:1,1 150:24 186:6,8,12,15 186:25 187:4,5 200:4 207:8 notice 116:25 noticed 41:2 november 5:17 8:2 86:8 132:9 133:5 137:17 145:25 148:23	154:20 163:2,2 185:3 198:20 199:19 200:25 now's 147:6 number 1:4 4:6 50:22 61:16,17 78:11 98:2,7 121:3,21 157:12 163:8 174:18 200:21 numbered 9:12 50:6 188:14 numbers 9:9,9 15:3,15 20:17 20:18 68:16 97:14 157:20	119:18 obstruction 80:5 85:6 121:1 obtaining 20:19 obvious 41:11 obviously 67:19 occasionally 196:7 occasions 28:14 occupied 17:12 occur 82:18 occurred 19:22 20:7 65:15 67:1 81:6 137:19 164:5 offenses 49:1 offer 52:14 138:18,19 176:25 187:24 188:3 offered 7:9 33:6 offering 159:8 office 14:5 25:9 30:17 38:21 45:21,21 49:17 56:17 82:25 83:23 110:3 115:20,24 120:8 129:10 141:16 175:5 175:13 192:11	officer 1:11 4:1 4:9,25 7:5,8,13 9:18 10:19 12:12,17,21,23 12:25 14:11 18:5,7 19:5,19 22:6,13,18 24:1 24:8 25:11,17 26:23 27:1 37:3,6,11,11 38:2 42:22 43:3,7,13,16,22 44:3,9,12,14 45:3,10,13 47:16 52:15,17 53:12,24 58:13 58:20 60:8 61:2,3,4,7 62:12 63:7 64:1,12 65:4,10 66:9,11 70:18 71:20 73:24 74:11 78:1,18 83:3 86:1 88:21 89:19,24 91:21 92:4,8,13 92:17 95:13 98:12 102:13 105:1 113:9 114:12 117:23 118:8 124:7 126:11,16 145:4 147:4,10 147:13,22
	o		
	oath 145:7 obama 45:24 object 182:1 objection 52:15 52:16 70:17,19 85:15 89:6,18 188:2,5 obligation 23:13 71:1 145:4 191:22 obscurity 27:21 observe 8:15 obstruct 118:24 119:25 obstructed 118:17,20,22		

148:3,7 150:16 153:11 155:10 157:3,9 158:17 158:21 161:9 161:13,15 167:6,6 174:21 175:18 180:15 182:2 187:9 188:4,10 193:7 193:8,24 194:4 194:4 196:10 196:14,18 202:9,24 203:6 203:11,21,25 204:3,12,20,23 205:1,6,9,13,19 206:1,13,16 officer's 51:19 62:20 93:13 195:23 officers 13:11 13:22 64:20 official 62:4 oftentimes 47:20 48:21 oh 68:11 103:18 109:9 112:3 117:13 126:15 128:9 140:24 143:1 158:20 186:13 okay 43:22,25 44:9,13,18,21 46:5,13 48:5	49:9 50:20,24 51:12 52:9 53:3 55:10 56:1,6,24 60:7 63:3,6 66:2 67:16 68:12 72:11,18,25 73:13 76:12 78:20 79:14,16 79:21 82:21 83:16 84:3 85:11 86:5,20 89:1 92:8 94:7 95:17,19 96:13 97:16 98:1 102:7,18 104:13,17,20 105:3,5 106:24 113:16 115:14 122:2 123:17 125:1 128:7 130:3,25 138:20 143:1 147:13,14,16 148:18 152:2 152:15,17 154:18 155:1 155:12 157:1 157:10,13 158:7,14 159:11 160:12 160:20 161:15 163:5,8,24 166:3,13	168:21 171:22 185:6,8,25 194:23 198:8 198:23 199:2 203:11,21 204:3 205:9,13 206:13 okstein 17:11 66:9,11,19 77:12 78:2 84:11 115:19 131:24 133:3 140:24 202:14 203:13 okstein's 133:23 omission 188:23 once 40:2 42:17 56:19 62:8 103:13 124:25 151:17 153:5 ones 130:1 178:24 ongoing 143:13 online 127:24 open 17:20 20:14 65:10 76:9 114:13 195:24 opened 22:16 78:18 98:15 opening 6:7,12 44:6 72:10	operate 47:17 47:19 operating 57:11 operations 28:18 opinion 90:24 93:7 126:22 opportunity 25:21 26:12 35:1 42:11 60:15 88:2 opposed 168:16 opposite 191:25 option 139:9 orange 51:5 order 5:8,11 51:2 74:20 155:13 172:22 ordered 53:9 74:25 75:4 ordinary 32:4 orientation 8:14,17 52:2 outside 13:12 14:11 18:11 64:7,25 74:21 99:16 113:14 170:10 overhang 54:7 overlapping 158:12 overnight 33:17 159:16
---	---	---	---

159:19,24 overseers 127:3 overview 49:14 owed 106:19,21 114:11 125:5 126:9 own 45:25 48:12 133:1 167:16	177:19,24 189:22 painfully 41:11 pamela 168:11 paper 36:11 paperwork 56:24 69:7 158:24 180:9 191:9 193:11 193:17 paragraph 9:6 9:14 16:19,22 136:22 188:15 199:9 parents 120:18 parking 27:2 117:20 119:2 part 9:2 14:24 16:19 23:4 24:22,24 81:15 83:15 107:16 107:17 115:21 161:19,20 162:17 184:5 188:15,23 parte 36:19 124:15 participated 17:9 particular 146:15 149:13 191:2 particularly 20:7 34:11	48:17 124:12 204:9 parties 4:11,12 5:3,7 6:4 14:25 parts 187:5 party 201:15 pass 138:25 139:1 past 91:8 95:6 123:20 paul 22:24 38:1 pause 25:15 43:15,23 67:18 76:18 184:1 pay 56:10 122:11 paying 96:11 110:20 115:8 payment 56:12 144:8 pd 114:9 peabody 84:18 133:19 134:5 134:11,12,13 peabody's 135:9 peer 98:19 pennsylvania 10:13 11:4,21 12:4 20:19 21:1 29:3 31:25 57:10,12 57:19,22,25 59:8,13 60:12	83:18,21 95:1 102:25 110:18 people 17:9 24:13 25:1 32:12 35:6,22 36:7,12 43:17 44:5 47:25 48:25 49:5 55:13 81:8 97:20 104:15 104:17 109:9 115:15,19,20 115:22 116:3 116:10 121:21 121:24 122:6 125:1,3 129:6,9 129:13 131:14 134:3 142:8,9 143:17 152:3 155:22 173:15 173:15 178:1 180:8,10 203:22 percent 24:14 24:17,19,20 25:25 46:8 195:22 196:2,3 perez 10:7,11 10:19,20 11:3 12:4,7,18 19:16 28:22 29:2,11 29:14 31:16,24 34:2 35:18 36:2 40:7,19
p			
p.c. 2:15 p.m. 14:14 65:16,22 147:25 148:2 166:5 206:22 page 3:2,10 5:12 9:9,10 15:3,4 16:21 50:2,3,19 51:13 63:1 65:19 66:24 76:14 77:1,11,25 112:3 135:1,2,3 135:4,5 143:10 150:1 156:17 156:19 157:12 157:12 pages 9:7 13:20 20:15 50:5 paid 100:21 141:9,13,25 142:19 143:18 143:20 145:22			

55:7,11 56:21 58:4,16,22 59:6 61:24 66:10,13 66:14,17 72:3 78:19,20,21 80:2 87:4 128:14,20 141:4 143:18 169:22 170:2 173:12 177:14 178:2 179:7,20 179:25 180:10 185:5,24 195:4 198:22 199:15 205:10 perez's 11:7,10 29:16 99:20 112:7 125:19 167:19 perfect 7:13,14 perform 13:23 167:20,23 period 97:11 200:15 perjury 87:16 145:12,15 permission 34:22 63:19 65:9 75:7 93:13 95:13 193:22 person 11:3,8 11:18,20,22,24 12:17,18,25	13:2,25 18:12 26:15 34:15 39:19 40:18 42:11 53:23 54:2,2,5 58:12 58:19 59:13 60:11,14 61:14 61:25 71:6,8 72:2 122:3,24 137:10 139:20 142:23 143:3 143:20 188:22 188:25 189:2 191:5 192:7,8 204:19 personal 15:21 21:7 68:21 76:3 157:25 158:8 personnel 11:15 13:15,22 38:15 137:1 153:14 perspective 28:10 29:8 147:6,14 persuade 11:23 12:16 58:24 59:1 pertinent 71:4 phase 72:21 phone 30:17 58:21 78:11 97:14 98:1,7	175:12 photo 20:19 58:2 93:14 photograph 50:10,19,24 51:12 photographs 7:2 52:9 photos 58:7 phrase 140:14 182:4 physical 49:9 61:20 pick 15:18 16:2 68:18 69:10 72:2,3 88:11 157:22 159:3 160:17 picked 30:16 46:24 160:15 175:18 picks 175:12 piece 61:9 140:5 pieces 156:13 pissed 79:18,19 101:3 place 11:12 35:11 62:5 123:22 124:3 199:5 placed 139:8 154:13	places 9:25 30:6 35:7 166:19 plan 17:1 27:7 28:2,7 36:23 107:18,25 planned 12:19 27:14 115:6 127:25 143:12 planning 107:20 plastic 41:3 play 28:19 65:14 66:2 played 67:5 playing 66:4 67:17 69:20 76:12,15,16,20 plea 82:6 139:5 pleas 82:18 please 4:11 31:10 43:11 44:23,25 52:14 66:18 139:20 156:16 182:3 187:11 197:23 pleased 80:3,6 pocket 178:18 point 7:2 16:4 21:5,18 28:11 29:4 32:16 34:3,16 36:22 37:2 41:2 48:18 54:22
--	---	---	--

59:10 60:9,17 60:24 61:6 65:1,3,21 67:12 74:25 76:9,25 78:10 81:14,18 81:20 84:5 88:15,23 91:23 95:25 96:24 98:12 99:21 100:21 104:10 106:11 110:19 118:1 130:10 130:23 133:14 137:20,24 138:2 147:5,6 149:13,25 152:3,13 157:7 160:5,21 165:15 167:12 167:15,18 168:9 174:11 180:6 182:24 185:11 186:21 193:12 198:19 200:3,14 pointed 174:24 175:2 points 95:22,23 police 45:22 114:12 118:11 154:3 policies 31:6 policy 8:12 13:10,13,14,16	13:18 14:2,3,6 28:19 30:1,3,9 30:23 31:10 34:7,13,14,18 37:6,9 64:18 152:12,18 153:4,23 154:18,19 155:21,23 162:23,25 163:25 164:1 165:12,13 199:8 pop 134:25 portion 155:16 155:18 position 18:11 possession 57:4 possible 104:16 111:3 131:11 171:23 172:11 179:22 180:3,5 183:4 190:25 possibly 137:23 160:1 post 187:19 posture 32:15 potential 82:18 133:24 potentially 83:22 103:25 130:1 power 30:7	practice 9:20 13:10 14:8 17:6 27:20 32:9 46:5,8,9 53:11,12 81:15 91:14 151:13 153:21,21 192:16 practiced 8:23 28:17 practices 8:25 8:25 practicing 45:17 71:12,12 200:9 precisely 18:22 38:17 predicted 206:6 prefile 78:14 prepare 78:14 97:16 prepared 192:13 present 6:15 10:20 11:9 12:22 17:11 26:12 39:20 81:2 84:19 164:10 206:4 presenting 85:3 presiding 26:9 29:25 31:6 81:5 122:24 125:4	press 5:13 pretrial 195:3 pretty 36:11 79:4 141:22 prevents 107:14 previously 141:13 price 134:10 pride 115:18,22 primarily 8:4 73:4 prior 110:22 116:4 151:21 173:18,19 198:9 prison 138:7,9 prisoners 167:1 private 31:17 35:8,12 46:5,9 47:1 121:10 151:13 177:20 privilege 117:8 126:8 probably 40:22 46:8 95:16 99:2 100:24 101:1 102:17 102:24 103:2 110:10 111:8 119:4 120:10 120:17,19 123:8 128:6,15 129:10,11,14
--	---	--	---

129:15 130:22 133:6 169:11 170:1,3,7 171:2 173:24 179:12 180:16 186:6 187:2 193:12 193:18 202:2 probation 47:10,16 49:21 51:3 53:18,22 82:1 83:17,20 83:24 99:16 116:1 126:1 129:13 139:8 167:2 180:15 192:11 193:21 194:5,14 196:7 196:8,12,13 problem 12:8 17:21 37:2,3,11 37:15 38:2,3,10 57:7,13,14 58:6 64:3 72:15 81:1 114:16 191:19 problems 195:16 procedure 44:15 82:17 proceed 18:4 64:23 72:7,8 74:6 proceeded 21:15 29:10	72:6 proceeding 18:18 22:12 23:4 26:3 28:4 36:15 54:19 153:14 proceedings 8:10,16 47:19 92:11 148:1 206:21 207:8 process 21:16 153:15 professional 45:1 48:13 207:6,23 proffer 86:7,10 86:14,16 87:23 134:20 135:16 136:2,6 148:21 148:23 149:3,6 150:12 188:9 programs 49:7 promised 144:7 proper 81:8 property 21:11 35:9 41:4 53:15 76:3 77:3 99:5,8,11 152:5,6,7 205:10 prosecute 184:10 prosecuted 86:17,19 87:3	87:11,15,19 120:22,23 prosecution 90:16,21 prosecutor 26:8 28:24 31:23 47:14 82:1 97:21,22 144:23,24 149:9 150:4,22 163:1 189:14 192:2,4 prosecutors 108:16 135:11 142:11 149:19 protect 72:25 73:2 137:10 184:4,7,17,18 188:21 protection 73:8 protocol 5:9 provide 136:23 140:6 provided 60:19 proving 6:1 prudent 124:8 public 9:24 10:1 19:8 25:6 26:13 29:13 30:6 34:10 46:1,3,4 49:25 50:1 53:21 54:8 93:25 94:3,6	publicity 27:18 publicly 25:23 puerto 62:5 pull 50:20 156:15 punishable 138:6,8,11 purpose 6:24 20:1 82:5 88:15 191:21 191:24 purposes 191:18 pursuant 134:19 136:2 put 14:3 25:9 33:17 112:21 112:24 152:25 165:24 175:15 186:14,25 192:7 193:9 199:9 putting 181:6 puzzling 33:4 q qualifies 172:1 quarrel 127:22 queen 134:22 question 21:21 27:12,13,14 32:7 53:3 73:10 84:25 89:12 95:1
--	---	--	--

102:11 113:13 115:21 127:16 128:24 139:2 140:2 149:1 150:24 154:1 176:24,25 181:22 182:1,3 182:25 185:13 198:6 199:1 questions 29:16 41:18 46:17 85:20 113:11 125:9 143:4 184:2 202:6,10 quickly 141:2 183:11 quite 42:8 62:9 106:8,10 186:10 quote 202:15 quoted 134:10 198:10 quoting 125:16 197:4,16	ran 47:11 135:11 random 175:22 rare 139:14 rather 17:3 read 14:6 29:5 30:23 66:5 67:24 69:15,23 70:8 76:22 95:20 153:18 159:14 165:20 165:21,22 188:15,16,24 198:18 202:11 readily 32:22 reading 162:4 164:2 188:21 197:9 199:8 reads 158:13 158:22 realize 153:25 really 27:20 32:17 33:3 39:16 41:15 68:24 85:2 137:19 139:25 158:1 170:19 174:14 193:14 rear 22:18 reason 17:19 32:13 34:12 53:15 54:15,17 63:21 149:8 150:2,7 175:19	182:21 189:12 reasonable 20:5 34:25 35:5,15 71:6,8 reasonably 94:2 reasons 20:9 70:23 91:11,12 97:13 152:8 recall 63:24 125:20,22,24 receive 6:24 7:4 86:23 received 5:10 8:5 27:10,17 56:13 86:13 136:16 144:9 150:15 199:16 recent 106:16 183:12 recently 44:15 88:5,20 109:19 recess 92:10 147:24 recessed 11:4 recitation 166:6 recognizance 21:7 recognized 18:10 169:19 169:20 recollection 74:5 75:4	108:14 111:22 143:9 148:13 150:18 163:17 170:11 179:19 183:2,4 recommenda... 5:19,24 record 4:3 7:23 14:24 16:5,6,10 16:11,12 17:19 17:23 18:17,20 19:13,24,25 20:2,7 23:1,17 29:6 32:3,8,10 32:13,20 34:2 36:16 37:19 38:3,24,25 39:1 39:10 41:22 59:24 60:16 67:6 69:19 70:1,3,4,5,6,11 72:19,20 73:6,8 73:8,11,14,14 73:19,21 74:8 76:7 81:11,19 81:21 82:4,8,13 82:18 91:11 92:14 125:21 148:4 160:22 160:24,25 161:1,3,4,6,10 162:6,9 165:17 165:19,20,21 165:23,25
r			
r 6:19 207:1 radio 195:25 raise 6:5 43:5 raised 29:16 62:3 142:15 162:9,14 raj 37:13			

166:6 181:6 182:10 184:6,6 190:16 192:5 193:15 202:14 205:16,18 recorded 8:11 23:5 recorder 32:23 recording 16:13,18 20:13 23:7 65:14,17 66:2,4 67:1,16 67:17 68:1 69:20 76:13,16 76:20 156:13 156:23 162:18 166:4 records 144:8 recounted 182:5,9 recovery 47:4 49:8 recross 3:6 red 9:9 15:3 redirect 3:5 86:3 88:11 187:12 reduced 139:5 refer 57:24 reference 30:14 194:9 referenced 135:25	references 24:25 referred 13:16 49:24 134:24 150:22 referring 151:2 refers 203:9 reflected 88:3 reflects 21:20 193:14 refresh 54:21 55:4 108:14 111:21 refreshed 144:3 144:6 refuse 84:22,23 85:12 regard 119:14 regarding 5:8 13:15 18:15 59:8,15,22 60:4 82:17 83:17,21 regardless 153:16,20 regards 124:13 regional 22:22 37:14 registered 207:5,23 regular 123:9 relate 46:17 related 5:15 49:3 109:4 180:9	relates 106:23 107:1 relation 52:3 55:11 relationship 38:16 70:24 relationships 11:14 relatively 90:1 109:23 release 5:13 13:1 15:21 18:7 33:22 53:13 68:21 90:8 112:7 152:3 153:13 157:24 163:4 185:4,24 198:22 released 9:22 10:21 12:7 13:6,25 17:2,3 17:25 19:9,16 21:7 22:3,7 23:18 39:17,18 52:25 53:10,23 54:6 59:6 64:9 65:5 75:16,18 75:22 77:17,24 78:2 98:17 99:1 103:4 104:15 117:9 117:11 152:4 155:16,17	156:3 159:21 162:11,20 163:6,20 164:3 165:8 166:13 185:7 186:1 198:24 199:2,4 199:10,15 202:19 203:17 releases 155:5 164:4 releasing 158:7 relevant 71:19 81:14 83:6,14 85:21 remain 77:23 200:9 202:22 remained 12:9 12:17 97:7 remarkable 29:9 remember 18:21 54:15,17 55:2,3 56:12 57:2,5 58:20 79:16 80:17 99:7 100:18 101:8,24 102:4 104:8 108:8 109:7 112:9 113:15 117:1 117:16 119:7,8 119:20 127:21 128:18 132:3 133:6 141:4
--	--	--	--

149:16 151:1,4 151:9,11 152:1 167:11 169:16 170:19 171:2,6 171:11,16 172:2,14 173:8 174:2,11 176:2 176:16 177:8 178:7,13 179:10,23 181:8 182:23 187:3 189:17 190:3 198:12 198:12 199:20 199:21 200:20 201:14,22 202:4,12 remembered 126:4 149:13 remembering 172:12 remembers 18:19,22 reminded 34:3 removal 10:18 remove 53:25 54:4 removed 22:16 160:3 rephrase 182:3 replaced 31:16 116:20 report 5:18 24:25 37:25	110:8 111:25 143:10 198:14 reported 200:7 reporter 207:6 207:23 reporting 146:16 reports 26:1 87:24 88:7 represent 4:12 10:24 11:11 52:10 56:2,16 71:15 84:15 92:21 107:5 173:11 174:13 177:13,15,18 representation 143:14 representative 21:24 77:12 202:15 203:14 representing 31:15 84:10 107:8 168:22 178:1 190:21 192:15 reprimanded 37:24 request 6:16,24 21:3 32:20,24 34:25 35:15 59:25 90:6 requested 14:16 64:13	137:2 163:3 185:4,23 198:21 require 82:17 196:10 required 7:20 37:7 67:12 154:20 requires 8:10 105:22 research 15:15 20:17 68:15 183:12 resolve 20:4 resolved 38:3 respect 26:6 33:23 34:18 35:21 36:16 57:19 85:22 204:10 respectful 31:4 respond 96:13 126:21 responded 15:22 21:14 22:1,8 95:21,22 108:18 112:7 143:21 165:1,4 186:22 197:19 198:3 respondent 7:10 responding 21:21 159:6	responds 166:13 response 38:13 117:18 124:17 158:8,11 186:4 186:18 198:11 responsibilities 35:21 rest 50:20 69:18 restraining 51:2 restraints 22:16 53:25 54:4 result 80:4 resume 5:5 67:16 76:12,15 92:9 147:23 resumed 11:9 92:11 148:1 retained 11:10 31:17 56:19 170:21 171:1,4 171:14,17 retire 91:23 retired 113:12 retirement 201:15,19 return 98:5 128:25 138:24 returnable 130:11
--	--	---	---

reveal 107:19	94:21 95:7,9,10	129:7,14 130:9	168:22 169:10
review 60:15	95:24 96:2,9,19	131:2 132:11	172:21,25
88:2,6 193:23	96:22,25 97:14	132:25 133:11	173:23 174:12
reviewed 60:20	97:17,23 98:13	133:15,17,19	174:19,22
61:8,10 179:5	99:6,8,10,14,17	133:21,25	175:8,10,12
181:1 193:25	100:14 101:3,6	134:3,20,22	176:11 177:19
revised 82:16	101:7,11	135:2,5,13,16	177:23 178:6
rewarded	102:10,21	135:22 136:3,9	178:10,23
139:3	103:1,4,8 104:4	136:10,15	179:15,18
ri 1:22	104:7,8,11,21	138:4,7,11,13	180:23 181:11
rican 62:5	105:5,10,18	138:18,21	182:7 184:4,12
richmond 2:8	106:1,4,9,11	139:6 140:1,8	185:19 186:2
4:7	107:21,23	140:13,22	187:25 196:16
ridiculous	108:3,7,19,19	141:5,6,10,14	197:1,12 198:6
178:16	109:11,13,14	141:25 142:1,5	198:11 199:7
right 7:11 9:10	109:15,17,22	142:8,11,15,17	201:16 205:3
11:20,22,24	109:25 110:4,7	142:19 144:1	rights 26:7
12:16,18 15:4	111:2,3,15,16	144:15,19	33:23 156:6
18:12 21:19	111:16 112:16	145:6,21,23	risk 34:10
29:17 32:1	112:19,25	146:1,7,19,23	147:8
33:10,18 41:6	113:6,10,18,20	148:10 149:15	risking 34:10
43:1,5 49:4,18	114:23 115:1,6	150:17 152:5	role 18:11 27:9
50:6,15 51:3	115:16,19	152:10 154:16	69:8 94:23
52:6,13 58:12	116:11,18	155:8,14,20	115:4 134:9
58:19 59:11	117:10,17	156:6 158:2,5	158:25 190:21
60:14 61:14	118:3,15,23	159:5,8,13,19	190:23,24
62:20,25 63:2,3	119:2 120:2,11	160:2,6,8,10,14	rome 31:5
63:4 66:11	121:3,12,14,19	160:18 161:1,6	room 86:18
68:24 69:21	122:7,13,16,19	162:1,10,12,15	100:24 142:8
71:22 72:23	124:9,15,19	164:21 165:9	142:10
76:7,21 80:3,17	125:2 126:5,6	165:15 166:7	roughly 119:3
84:22 85:12	127:12,15,23	166:15,18,20	routine 47:12
93:1,9,14,19,21	127:25 128:10	166:21,24	routinely
93:22 94:3,4,18	128:13,23	167:3,24 168:1	122:21

row 100:14,15 rpr 1:22 rule 8:9 16:15 32:7,9,11 34:21 37:16,18,19 82:16 107:10 107:12,14 205:14 rules 8:7,8 82:16 106:24 107:3,3,4 127:4 run 27:3 47:6 rundown 134:8 running 40:23	saying 15:7 18:23,24 20:24 94:11 96:15 105:15 108:21 108:25 109:1,3 112:10 115:10 125:20,22,24 162:3 165:22 168:5 171:23 172:7 182:4 198:12 203:1 203:13 says 9:14 20:23 34:13 39:6 66:9 68:2,3,5 70:1,2,3,5 71:16 77:12,15 78:1,1,2,3 136:6 137:8 143:10 153:8 153:10,19 156:23 158:1,2 158:3,6,23 159:1,3,5 166:5 166:8,10,12 173:6 181:16 198:17 202:14 203:18 scheduled 206:9 scheme 27:10 27:15 school 45:18	scott 37:6 113:10,13 131:18 screen 50:2 188:11 scuffle 34:10 seal 62:3 seat 44:18 seated 43:4 second 7:22 21:23 25:12 43:14 49:23 100:14 135:1,5 135:22 136:23 198:19 199:24 seconds 7:24 16:18 33:3,25 65:25 78:24,24 99:3 140:1,4,5 140:8,13,22 165:16 182:11 section 153:10 166:9 secure 22:15 securer 34:9 security 20:18 35:22 153:14 see 30:9,12,15 37:1,14 38:6,10 39:2,11 43:25 50:24 51:13 55:1 61:22 66:23 79:8,22 86:2 88:2	94:17 97:19 98:19 100:12 106:12 111:21 112:18 113:9 113:10,13 123:15,19 124:18 132:8,8 136:22 157:7 162:15 169:2 176:14 181:17 184:17 188:5 188:12,17,25 200:18 204:19 seeking 12:6 seem 81:14 83:6,14 194:24 seemed 32:3 34:24 35:4,11 40:16 101:4 113:19 seems 15:5 seen 18:18 25:1 26:3 30:4 32:9 49:13 55:23 74:19 104:15 104:17 112:1 123:5 151:20 153:4,5 155:15 167:20 self 36:10 sending 155:2 sense 88:23 96:1 144:5
s			
s 3:9 6:22 sallyport 13:2 22:17 27:1 74:1 77:10 78:19 154:11 166:24 sat 8:22 28:13 47:14 50:14 save 38:25 saw 9:25 27:2 35:6 37:2 47:24 79:11,12 101:21 113:8 113:17 116:14 150:21 151:25 167:20 173:12 200:21			

sent 29:15 96:24 sentence 136:23 137:6 139:5 188:16 separate 69:7 158:25 separately 13:7 sequence 193:9 194:1 sequentially 9:11,11 50:6 series 46:16 54:20 193:6 serve 46:6 191:17,18,20 service 10:17 177:23 session 49:23 50:12 80:11,19 86:7 87:23 100:12 148:21 151:5 172:16 180:23 set 11:19 14:24 18:25 21:17,22 62:24 172:18 207:13 sets 106:24 setting 187:23 seven 36:5 46:15 144:18 145:18 175:5 175:13 190:8	several 11:1 13:20 29:11 104:20 shannon 12:1 17:10 18:10 28:25 33:8 40:3,9,24 41:8 79:9 92:25 107:12 shaped 36:6,8 36:10 share 121:21 149:22 shared 119:5 she'd 32:18 33:22 204:19 shed 30:13 shelley 2:8 4:7 24:15 27:16 28:1 shifted 42:6 shook 201:22 short 78:24 92:3 97:11 shot 85:25 show 62:22 98:21 128:20 176:25 182:18 195:5 showed 37:20 58:17,20 shown 32:20 62:1 168:2,17 178:21	shows 36:17 shut 162:18 shy 117:8 side 7:23 14:16 14:20,23 17:14 19:11 25:18 39:20 41:10,15 42:1,5 51:6,8 66:21,22 67:8 92:23 93:3,8,8 93:9,19,24 94:24 101:23 106:13 117:20 156:12,12 157:16 164:10 164:19 165:1,4 166:3 190:15 192:4 197:6,18 198:2 sided 38:9 157:8 sign 56:17 179:2 signaled 186:23 signature 135:7 135:9 207:21 signature's 135:4 signed 137:9 178:13 simple 106:10 simply 42:8 85:3 129:2	single 25:6 198:10 199:23 sinister 32:19 sir 50:8 65:23 137:16 165:25 171:19 173:21 196:24 202:11 sit 8:17 44:16 50:13,15 169:10,12,18 sitting 8:14,20 12:13 62:19 63:2 128:19 169:7,11 situation 30:20 31:1 34:23 39:8,12,12 58:17 96:9 134:9 174:15 six 25:9 98:22 112:21 142:22 143:22 144:2 148:16 198:9 sjc 42:15 82:15 skip 89:10 skirt 19:4 slight 15:6 slightly 52:6 198:17 slowly 95:14 smaller 121:12 121:14 smile 151:25
--	---	---	--

smiled 41:6	203:4	special 4:14 6:6	62:2 73:9
social 15:16	sought 11:18	6:10 8:9 24:2	78:20 94:16
20:18 68:16	sound 43:25	28:5 29:5	98:24 99:2
157:21	sounded 72:16	41:16 42:24	103:11,16
softly 94:2	sounds 38:14	43:7 96:13	108:12 111:22
solidify 61:13	43:25 108:20	97:22 108:13	112:13 129:11
solution 72:4	122:13,16	112:14 125:17	129:13 133:2,8
solve 17:21	126:6 132:11	135:25 144:23	134:5 135:19
64:2 72:15	136:10	144:24 147:14	135:21 142:23
somebody	sources 32:11	148:15,18	142:25 144:24
32:16 53:18	space 95:12	149:14,17	145:19 148:14
71:2 73:1	203:4,5	150:2 157:7	163:1,12,13
113:5 124:18	spanish 10:25	163:13,16	164:23 172:10
127:24 131:5	179:15	164:23 178:12	179:5 181:10
139:18 146:22	speak 21:12	184:3 187:9	181:12 183:10
151:24 175:12	47:22 55:6	197:15 198:6	189:10 194:16
181:6	75:10,12 76:4	205:14	197:2,15
somebody's	77:3 78:7	specific 119:20	spoken 73:24
131:11	84:14,22 87:7	149:20 172:15	133:3 193:21
something's	87:10 94:2	200:1	193:24
15:16 68:17	96:10,12	specifically	spring 201:16
157:21	116:12 120:15	100:18 155:21	square 37:9
somewhat	120:18 134:7	169:17 185:23	stacey 22:23
49:15	134:19 137:17	203:7	staff 14:4 30:19
sorry 37:21	147:18 156:2	specified 207:9	48:6,8,10
43:14 44:7	158:18 166:1	speed 25:4	stairs 35:19
45:3 76:17	179:14	spend 184:25	49:21,22,24
89:18 111:10	speaker 25:14	194:24	50:1 53:21
114:18 161:9	speakers 43:21	spent 8:13	93:21 152:9
164:17 185:13	speaking 43:17	100:11	165:8 166:21
206:3	85:22 94:16	split 146:22	196:5
sort 32:16 49:6	139:20 150:10	spoke 11:25	stairway 22:16
82:4 131:1	204:5	12:15,20 35:16	stand 41:14
141:2 177:10		58:14 61:7	51:1,16

standard 71:6 standards 153:1 standing 51:15 52:5 74:19 115:7 173:22 start 7:25 started 28:5 45:20 80:19 135:12 starting 65:15 69:18,23 156:23 206:17 206:18 starts 76:14 188:18 state 10:21 12:8 43:11 45:19 46:3,4 59:18,23 60:4,5 83:25 90:7 stated 125:17 125:24 143:11 164:18 197:5 statement 9:6 16:20 41:25 87:13 88:3 144:10,14,17 185:11,14 186:12 statements 6:7 6:13 19:4 70:11,15 72:5 146:6 163:9	197:10 states 9:4 86:21 87:12 station 118:11 195:23 statute 138:8 statutes 138:14 statutory 22:5 stay 45:11 48:18 203:23 staying 73:11 stenographic 207:8 step 56:1 75:5 166:20 steps 51:11 118:5 stipulated 6:18 6:23 7:2 9:1 15:1 16:23 17:5 66:7 67:22 69:22 160:24 stipulation 7:9 152:19 stipulations 152:18 stood 40:5,14 40:14 171:11 stop 66:5 69:14 stopped 67:2 69:23 82:7 stories 181:21	story 25:24 27:24 182:5,9 strategy 192:16 street 2:4,10,16 24:13 118:16 striking 106:7 subconsciously 32:14 subject 9:20 29:3 31:24 153:13,17 subpoena 129:24 130:7,9 130:11,16 131:5,8,10,11 131:19,22,25 132:16,20 133:1,10 137:21 subpoenaed 84:6,11 85:7 131:15 subsection 153:8 subsequent 87:9 substance 17:17 19:15 49:3 57:4 135:3 195:12 substantive 169:5 substantively 181:12	subtle 108:7,9 108:11,16,24 110:25 successfully 33:8 sufficient 12:3 suffolk 5:5 suggest 20:9 39:20 40:9 42:9,12 71:11 71:18 72:22 suggested 104:3 suggestion 108:7 159:6 suggestions 18:14 191:16 suite 2:5,16 sum 126:5 superior 110:15 supervised 110:6 supervisor 110:16 support 42:14 47:9 49:6 137:25 supposed 91:2 112:15 127:4 153:23 155:3,7 199:6 supposedly 73:22
--	--	--	---

supreme 13:17	t	38:22 82:23	95:14,19
sure 25:19 42:2	t 3:9 6:22 207:1	96:4 97:10	102:13 105:14
44:4 45:4,8,12	207:1	98:8 105:14	106:20 107:10
46:23 48:12	tab 156:20,21	106:3,4,6	108:2,3 115:1,2
49:15 64:24	187:18	109:24 129:9	117:19 120:2
88:22 102:11	table 60:20	129:16 130:14	124:6 125:6
104:10 109:4	63:3	134:2,6,12	126:10 127:18
109:12 110:20	take 10:20	141:23 144:23	127:20 129:21
133:16 135:11	12:19,24 13:24	146:1 170:8	133:9 138:20
136:6 138:2	19:19 24:13	172:13 192:10	138:22 140:15
140:2,14 146:8	33:22 35:14,23	talking 37:4	140:15 142:16
154:1 156:25	46:13 56:8	53:6 95:19	143:5 145:5
157:4 164:8	62:6 78:23	106:14 109:14	156:18 159:9
167:7 171:18	92:6 115:18,21	113:8 135:13	170:20,25
172:23 174:12	144:14 147:5	149:25 184:25	174:9 175:5
174:20 182:13	147:11,16	185:19 200:24	176:21,21
187:21 193:16	166:12 196:7	201:2	177:6 184:22
202:12 204:14	199:6	tape 140:3,4,7	184:23 189:5,7
surgeries 196:4	taken 12:11	162:18	190:22 191:22
surprise 180:25	34:8 50:25	target 133:12	195:17 200:24
surprised 18:13	92:10 147:24	tasks 17:12	201:2,5,8,11
18:16 19:18	talk 33:5 34:22	tattoo 61:21	telling 28:25
38:11	95:24 97:13	team 47:2,17	38:14 102:19
survey 24:13	106:1 120:13	technically	105:1 126:15
swear 43:4	123:17 124:8	154:15	126:15 155:9
swinging 51:7	130:17 134:9	tell 23:11 24:14	176:17,22
swore 142:15	169:22,24	24:17,19,20	192:1
sworn 23:15	170:9 184:14	28:6 32:17	tells 39:22
43:6	184:21 189:11	37:17 38:4	tend 169:12
sympathetic	192:16 195:19	41:23 44:25	183:11,15
72:12 73:17	196:25	47:5 50:11	term 56:18
system 16:13	talked 30:18,25	59:14,21 63:10	terms 136:3
90:3	36:21 37:15,22	78:22 80:16	testified 7:3
		87:8 88:18	101:10 132:15

132:18 142:5 143:16 146:25 199:13 201:5 202:20 testify 25:23 84:23 90:10 132:16 137:2 139:18 testifying 85:23 132:13 testimony 14:22 16:7 20:10 25:6 42:4 90:13 136:8,12 137:2 138:19 147:19 189:19 190:15 201:17 thank 4:25 6:8 7:7,15 23:25 24:1,5 25:19 26:12 42:18,21 42:22 44:8,14 44:22,24 45:14 50:8 66:19 86:5 92:1,7,9 92:16 99:3 100:20 105:12 118:9 147:9,23 148:6 157:10 158:21 187:8 196:17 202:6,8 205:22 206:1 206:20	thanked 130:2 130:22 thanks 39:6 that'd 118:2 164:20 theory 182:19 thing 15:6,19 29:23 41:6 61:22 68:20 73:12 101:6,11 105:3 127:15 139:24 145:20 150:10 153:4 157:23 198:16 204:4 things 16:8 29:9,23 41:11 46:17 48:16 76:24 88:9,15 95:3 96:21,23 105:23 130:24 139:7 140:9 154:7 162:9 165:20,21 176:1 180:4 182:15 193:1 196:24 204:16 think 4:1 15:19 17:19 20:25 39:14 43:20 54:24 55:9,21 58:19 63:13,15 65:3,4 67:1 68:11,12,19,23	70:22 72:11,14 75:16,24 76:21 76:22 80:18 81:8 84:25 85:7,17,21 88:17,24 90:4 90:20 91:3,4,5 91:12 92:5 100:18 101:13 106:4,19 107:11 108:9,9 108:11,12 109:19 114:11 118:18 119:21 120:23 121:1 123:19 125:5 126:9 132:23 135:24 147:4,7 147:12 150:3,7 150:10 156:1 157:20,23 158:1 161:23 168:5 169:16 173:1,1 174:13 175:2 181:22 184:2 187:1,4,5 189:13 190:2 191:22,25 192:1,6,12,18 192:21 193:1,3 194:1,17 200:3 200:5 204:8 thinking 61:11 64:22 72:5	73:15 107:17 109:11 120:20 132:24 161:17 161:25 194:19 third 38:20 39:19 49:23 77:1 thomas 2:10 thoopes 2:13 thought 17:25 33:15 35:20 36:7,12 55:16 55:22,24 58:15 67:12 80:3,4 84:13 85:3 87:12 89:3 90:20 98:1 105:2,4 108:5 109:20 119:7 120:25 124:8 124:10 149:22 155:12 163:5 163:19 167:17 168:9 170:5 185:6,8,25 192:23 197:1 198:23 199:14 204:6,7,17 205:5 thousand 56:15 141:9 143:11 143:19 146:19 178:5,9
---	---	--	--

thousands 110:9,11 three 10:11 52:9,14 55:13 109:25 110:3 163:10 178:5,7 196:24 tie 68:9 175:16 tied 61:16 ties 61:17 time 6:5 8:15 10:10 15:23 27:24,25 28:2 28:15 33:7,16 36:8 41:20 42:19 44:16 46:19 47:3,7 53:1,11 64:11 64:20 69:2 70:12 79:5,24 82:7 85:1 88:1 88:19 90:15,19 92:1 95:23 97:11,17 98:23 101:17 102:9 102:13,14 103:10,13 114:25 115:13 116:25 117:4 119:3,19 120:2 120:16 123:6 123:25 129:21 133:24 135:22 137:18 139:20	148:23 150:11 150:20 151:6 153:3 158:4 163:2,9 170:18 171:7,17 178:14 179:3,9 183:15 185:18 185:19 187:8 190:11,25 191:13 194:24 195:22 196:2 200:16,18 201:12 205:17 207:9 timeline 133:6 times 8:22 11:1 42:8 104:20 127:6 130:13 130:17 151:20 163:12 180:8 196:5 200:21 timing 172:15 201:18 today 25:20 102:19 110:22 110:22 111:14 112:18,24 142:17 145:1 150:15 199:4 together 53:17 61:9 193:12 told 12:25 17:24 21:24 23:7 25:24	28:2 29:25 30:10 31:22 36:2,21 38:6 42:20 55:22 56:7,20,21 59:16 61:1,2 73:13 80:20 83:11 92:22 97:20,20 99:10 101:2 104:20 106:16 117:9 126:2 128:19 131:9 132:17 141:22 142:3 142:19 143:22 145:8,10,14 148:9,11,12 152:2 155:25 163:16 167:8 167:12 170:5 171:3 173:17 174:7 176:4,12 177:5 178:12 180:8 181:5,7 181:21 192:4 193:6 195:4 201:1,7,13 tom 4:20 92:20 tomorrow 15:24 69:3 70:13 158:5,9 188:1,2 206:8 206:17,18	took 18:11 27:4 37:19 47:1 87:22 122:10 123:22 124:3 145:7 146:21 top 51:5 77:11 115:10 topic 198:8 topics 74:9 touch 78:15 98:2 toward 10:4 13:22 towards 95:14 town 134:3 track 96:9 tracking 131:1 131:14,17 trade 140:14 traded 140:11 trail 36:11 training 8:6 30:12 transcript 14:25 15:1 21:20 65:16 66:3,6,7,24 67:22 68:3 69:16,21 95:20 96:19 158:6,13 158:14,16,22 159:13,14 162:4 166:8,16 167:25 168:2,5
---	--	--	---

173:5,13 175:21 181:1 182:17 189:19 193:14 202:13 203:18 207:7 transcript's 96:20 160:23 travel 48:22 treated 37:10 38:1 39:8 tremont 24:13 trial 13:14 14:2 49:23 143:24 152:25 153:9 tried 58:14,18 61:9 triple 60:15 61:8,10,17 193:21,25 194:7 true 41:25 42:8 106:2 207:7 truth 42:20 87:8 125:6,7 142:16,16,17 143:6,8,8 145:5 145:5,6 176:17 176:22 189:5,7 truthful 90:13 112:16 117:17 136:19,24 138:19 truthfully 87:8 125:10 137:3	try 43:24 56:22 60:20 94:14 191:13 193:8 206:7,11 trying 17:21 26:6 29:20 30:20 31:4 33:23 34:17 38:15,18 40:23 45:15 72:3,25 73:2 83:7 90:9 184:3,16,18 191:2,18,21,24 tuesday 47:4,6 47:24 48:17 tuesdays 47:11 turn 6:5,12 23:7 24:3 26:5 32:23 43:18 73:14 187:14 190:21 turned 16:13 21:23 twice 111:23 124:24,25 130:20 153:5 two 10:13 23:8 28:23 35:25 48:23 55:13 65:25 106:24 109:25 122:5 122:20 133:4,7 135:2,4 144:12 162:9 178:2	182:7,15 tying 21:1 typed 87:24 typically 122:14 169:9 u u 7:1 50:3 u.s 189:7 u.s. 25:8 62:6 84:23 85:22 86:7 90:17 141:16 uh 105:13 unaware 19:8 162:25 uncomfortable 19:3 44:16 uncommon 81:16,17 under 19:1 36:20 57:11 59:13 127:3 153:23 162:23 underlying 87:19 understand 39:2 56:23 58:15 59:4 67:19,21 71:20 77:20 89:5 97:19 106:3 108:17,24 118:7 139:1,6	160:11 161:16 understanding 15:10 19:14 55:18 59:5 68:4 86:14 87:1 134:15 168:13 169:1 202:21 understood 77:21,21 87:5,6 90:4 96:6 105:16 143:4 164:25 165:3 180:5 191:19 194:21 197:18 197:24 198:2 203:2 undertaking 42:18 undisputed 7:21 16:17 20:13 26:19 unethical 91:3 unfortunately 33:2 united 9:4 86:21 87:12 unlock 196:15 unrecorded 16:14 17:8 20:12 unreliable 183:15
---	---	--	---

unshackled 99:1 unsuccessful 61:3 untruthful 41:17 unusual 31:12 93:6 152:9 156:1 uphold 7:20 upper 50:6 upset 40:21 101:22,25 103:24 104:1 111:10 124:7 130:24 132:22 204:16 205:4,5 205:7 upstairs 9:18 79:1,12,12 99:4 99:5,19 112:6 155:17,18 179:23 202:22 203:23 use 38:16 49:3 used 86:18 109:22 149:15 149:18 useful 32:18 using 9:9 10:9 usual 53:10,12 usually 48:19 49:5 53:20 54:4 63:5	81:25 169:16 169:17 195:22 195:25	virtually 27:17 35:16 visible 51:22 visit 21:25 77:14 108:13 202:16 203:7 203:15 visiting 203:10 voice 94:8 volume 1:8 7:12 8:7,8 67:20 volunteer 23:1 23:12 volunteered 23:13	60:6 75:19 95:14 99:12 113:22 114:2 walked 25:18 40:3,25 41:6 106:15 113:20 116:3 117:2,4,7 120:11 walking 58:23 79:23 100:13 106:12 124:14 walks 15:18 68:19 157:23 walsh 131:21 waltham 121:16 122:22 want 6:13 7:25 34:4 38:9,11 46:13 66:19 67:8,20,24 69:14 70:10 72:1,18 75:12 76:23 78:21 89:7 145:21 147:2 150:14 150:16 157:3,4 157:14 159:15 159:16,19 170:13 174:15 175:17 187:14 187:24 wanted 11:3 14:17 55:19 64:25 67:13
	v	wait 13:11 14:11,17 21:22 31:10 32:22 64:7,14 66:19 74:21 86:2 waited 17:15 40:6 waiting 19:19 22:19 40:6 64:16,21,24 65:4 74:12,13 99:25 104:23 104:24 144:10 163:19 walk 24:12 49:16 54:6	
	v 2:4 6:19 valued 126:22 126:25 variety 8:16 various 8:5,17 10:8,8 42:8 180:8,8 verified 58:1 version 140:7 versus 10:7 66:12 149:10 203:4 viably 191:8 victim 40:17 video 58:22 view 5:3 90:19 90:22 95:25 190:22,24 191:17 viewing 19:3 views 90:17 vilified 26:4 27:16 violated 5:21 violating 107:11 violation 5:22 16:15		

72:20 73:6	82:4,23 99:17	91:11 97:2,4	118:5,7 140:21
77:6 78:7,13	101:4 104:10	98:24 99:4,5,17	140:23 147:17
81:6 93:24,25	113:4,19	111:15,16,18	147:21 158:20
94:2,10 97:13	124:15 128:9	114:3 120:8	181:24 190:10
103:4,6 123:14	146:18 154:23	123:19 131:4	205:25 206:4
123:17 124:6	159:10,14	134:19 135:21	207:12
143:17 159:21	164:2 166:25	136:11 137:16	witnessed
161:1	167:1,2 168:15	141:24 142:4	182:7
warning 22:5	173:18 182:5	142:23 143:15	witnesses 19:22
warrant 10:13	182:16 185:14	149:7 151:23	20:5 25:23
10:18 11:21	186:23 196:6	156:12 165:16	worcester
12:4 20:22	204:16 205:10	172:17 184:14	45:21
21:1 29:4	ways 26:15	184:17 194:19	word 25:6 96:6
31:25 57:11,20	139:2	wes 26:24 99:2	109:21 127:8
57:22 58:1,18	we've 49:13	105:14,14	149:15,18
59:9,13 60:12	54:20 66:8	wesley 12:21	181:1 198:11
68:7 83:18,21	67:24 88:21	61:5 62:13	199:23 200:2,2
83:25 90:6	148:14 199:4	103:11 129:23	words 19:17
110:18 153:18	web 5:12	130:14	59:12 108:11
154:7 160:9,13	website 5:12	whatsoever	163:24
160:14,18	week 25:21	120:21	work 46:7,11
191:10,11	47:13,23,24	whereof 207:12	46:21 48:18
washington	124:23,24,25	white 94:5	55:17 82:6
118:16	weeks 8:14	wide 8:15	90:2 91:19
watching 96:8	22:20 38:6	wife 120:13,15	115:15,22
96:8	133:4,7	willing 72:14	143:12,13
way 12:10 19:9	went 15:13,14	194:24	168:15 173:12
26:4 27:24	18:16 20:14	wish 25:3	178:6
37:25 40:7,8	30:11 34:1	withhold 137:6	worked 33:20
42:5 44:5 49:3	40:23 45:18,22	witness 25:7	45:20 47:13
49:22 53:21	45:25 54:15	40:17 42:25	114:7
64:5 67:15	56:20 68:14	45:12,15 50:8	working 7:12
72:16,17 74:3,6	76:7 78:17	51:1 85:20	11:6 45:23
77:1 79:8,11	79:1,21 80:19	88:18 89:8	123:5 171:5,13

175:20 176:2 200:15 works 177:20 worried 62:5 137:20 149:2 worry 80:25 126:3 137:23 worth 145:22 write 176:9 writing 176:7 written 30:10 199:23 wrong 12:25 60:10,11 61:25 62:15 63:13 72:2 73:21 79:18 102:1,8,9 103:1 104:2,3 168:6 wrote 38:14 151:3	109:12 125:4 128:2,15 129:13 130:8 132:21 133:7 135:1,6,14,17 136:16 138:10 141:8 142:9 143:25 147:9 165:4,7 166:3 167:17 169:3 170:7,7 175:15 176:10 177:15 177:22 183:8 186:4 194:5 198:4,9 year 45:19 years 8:3 25:9 36:5 42:6 46:15 54:25 110:3 114:8 121:3 123:7 138:11,13 144:19 145:18 183:8,9 190:8 198:9 yesterday 205:4 young 90:2 yup 78:2 95:23 96:5 124:21 154:12,14 157:6,9,10 177:17	z z 6:19 zealous 91:2 zealously 31:15 190:25 zoom 142:25 143:1,3 206:10
x		
x 3:1,9 105:18 106:9,9 145:22 xiv 153:10 xv 153:11		
y		
y 105:18 106:9 yeah 59:23 61:13 73:16 75:10 79:3 92:4 95:18 96:1,11 102:7		