

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE COURT OF COMMON PLEAS OF
CLARION COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF	*	
PENNSYLVANIA	*	
	*	CP-16-CR-86-2016
v.	*	
	*	
DAROLD PALMORE	*	

JURY TRIAL

Pages 1 through 352

LOCATION:	Clarion County Courthouse Courtroom No. 1 401 Main Street Clarion, Pennsylvania 16214
DATE:	June 12, 2019 Wednesday
BEFORE:	James G. Arner President Judge
REPORTER:	Brittany L. Beaver

BEAVER REPORTING
222 Main Street
Johnsonburg, Pa. 15845
(814) 594-5012

A P P E A R A N C E S:

For the Commonwealth:

Clarion County District Attorney Office
Drew Welsh, Esquire
514 Liberty Street
Clarion, Pennsylvania 16214

For the Defendant:

Clarion County Public Defender Officer
Erich Spessard, Esquire
16 Grant Street
Clarion, Pennsylvania 16214

I N D E X

EXAMINATION INDEX

4	Witness	Examination
5	DAROLD PALMORE	
6	By Attorney Spessard	22, 32
6	By Attorney Welsh	27
7	KATELYN HOSLER	
8	By Attorney Welsh	34, 43
8	By Attorney Spessard	41, 45
9	JARRETT BOXLEY	
10	By Attorney Welsh	47
10	By Attorney Spessard	58
11	By the Court	61
11	*****	
12	KATELYN HOSLER	
13	By Attorney Welsh	93, 138, 172
14	By Attorney Spessard	110, 145, 173
14	KIMBERLY GEALY	
15	By Attorney Welsh	149
16	By Attorney Spessard	161
16	JARRETT BOXLEY	
17	By Attorney Spessard	174, 195
18	By Attorney Welsh	186, 198
18	CORPORAL SHANE WHITE	
19	By Attorney Spessard	199, 228
20	By Attorney Welsh	221, 233
20	DAROLD PALMORE	
21	By Attorney Spessard	234
22	By Attorney Welsh	269

1	EXHIBIT INDEX	
2	EXHIBIT	ADMITTED
3	Commonwealth:	
4	--	--
5	Defendant:	
6	1. Document	185
7	2. Document	243
8	3. Document	248
9	4. Document	250
10	5. Document	257
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

P R O C E E D I N G S

(In-camera discussion commencing at 8:02 a.m.)

(Off-the-record discussion.)

THE COURT: It is now ten minutes after eight on June 12, 2019. We are here on Commonwealth vs. Darold Palmore, No. 86-CR-2016.

Present in the Judge's Chambers with me are the trial attorneys, Assistant District Attorney Drew Welsh and Defense Counsel Erich Spessard.

The first matter we will take up this morning is the defense's motion in limine.

In the motion, Mr. Spessard on behalf of the defendant is seeking to preclude the Commonwealth from having the alleged victim, Ms. Hosler, testify to the facts stated in a letter from Assistant District Attorney Welsh to Mr. Spessard dated June 3. A copy is attached to the motion. And according to Mr. Welsh, he wants the alleged victim to testify at trial today that she heard two additional victims talking about everything related to the defendant's other allegations. That was going on and felt she should tell them what

1 had taken place. And Mr. Welsh believes that
2 is what led her to speak to the police. The
3 Commonwealth wants her to present this
4 testimony and what apparently Ms. Hosler would
5 be referring to is investigation that was
6 occurring at the time of the defendant
7 regarding alleged harassment, a separate
8 indecent assault incident, and furnishing
9 alcohol to a minor.

10 Apparently, this is what the other people
11 were talking about that was overheard by the
12 alleged victim and the purpose of this would
13 be to counter what Mr. Welsh believes that the
14 defendant will be offering at trial today and
15 that is that the defendant had observed the
16 alleged victim having oral sex with his
17 roommate and he reported that to the alleged
18 victim's boyfriend at the time and offered to
19 challenge the credibility of the alleged
20 victim. That was the matter that was
21 addressed by the Superior Court. In any case,
22 that is the purpose of the Commonwealth's
23 proposal for the testimony today. In
24 response, Mr. Spessard has filed his motion
25 seeking to preclude that. I believe the

1 argument here is that Ms. Hosler already
2 testified at the first trial, and Mr. Spessard
3 references the pages and lines of the
4 transcript that she told her friends what
5 happened but she made no reference to the
6 so-called prior bad acts.

7 So I believe your argument, Mr. Spessard,
8 is that this is inadmissible as prior bad
9 acts. So you can argue what you would like
10 here in response then this morning.

11 So what is your position?

12 ATTORNEY SPESSARD: Sure.

13 ATTORNEY WELSH: Can I supplement just
14 briefly? I think it might help.

15 THE COURT: Okay.

16 ATTORNEY WELSH: I'd anticipate that her
17 trial that her testimony today will be very
18 much in line to what she testified to
19 originally. I don't expect that she would
20 testify regarding any specifics of what those
21 prior bad acts would have been. I don't think
22 she even knows to be honest with you
23 everything that was being investigated.

24 I was writing that letter because when I
25 was looking at the case, I realized that in

1 the police report that she had talked to her
2 friends. And they were talking about Darold
3 Palmore and, quote, "everything that was going
4 on," unquote, that Corporal White was
5 investigating.

6 So I expect her testimony to be very
7 similar to what it had been. I was just
8 trying to cover my bases in case -- Erich
9 coming onto the case and not being the
10 original trial counsel, I didn't want her to
11 mention: "I was taking to some friends about
12 Darold Palmore. They were talking about
13 Darold Palmore." And Erich would raise an
14 objection. I just wanted to bring this up and
15 make sure that we are all on the same page. I
16 do not expect her to say furnishing alcohol or
17 indecent assault or anything like that.

18 ATTORNEY SPESSARD: As far as you know,
19 you don't anticipate her saying something like
20 this individual told me to X, Defendant told
21 you Y, and that was my state of mind for
22 whatever.

23 ATTORNEY WELSH: No. At the very most,
24 I'd think she would say -- and I don't even
25 think she will go this far.

1 "I was in the cafeteria. People were
2 talking about Darold Palmore. I decided that
3 I wanted to tell them what happened with
4 Darold Palmore with me."

5 But I don't think she is going to get into
6 any specifics. I don't think she even
7 remembers what any specific person or any
8 specific allegation would have been made.

9 And I think Corporal White testified at
10 the in camera hearing that those individuals
11 would have brought her down to the police to
12 be interviewed.

13 THE COURT: All right.

14 ATTORNEY SPESSARD: I mean if that is the
15 offer of proof, I don't think that I have a
16 problem with that. But if the picture starts
17 to become more clear so to speak for the jury,
18 I'll have to raise an objection.

19 ATTORNEY WELSH: I don't think we are
20 going to get there. I really don't.

21 ATTORNEY SPESSARD: I might suggest then
22 that we just reserve a ruling on this pending
23 her testimony. Does that make sense?

24 THE COURT: We could do that, or we could
25 agree that she is not going to testify to

1 that. If she starts to say, They told me that
2 he did this to me --

3 ATTORNEY SPESSARD: Right.

4 THE COURT: I mean then that is -- we get
5 into a difficult area at that point. But I
6 mean if she is not going to testify to that,
7 then I don't need to make a ruling at this
8 point.

9 MR. WELSH: I don't believe she will, and
10 I am not going to ask her any specifics on
11 that.

12 I talked to her on the phone last week but
13 asked her about this. When she relayed back
14 to me, I asked her something to the effect of,
15 Tell me about what happened before you
16 reported. There was something about you
17 talking about friends.

18 And she said, Yeah. I just decided that I
19 was going to tell them.

20 I said, Do you recall specifically what
21 prompted you to tell them?

22 She goes, I don't really remember
23 specifically what anyone said, but I just
24 remember that I decided to tell them.

25 She couldn't even say what anyone said or

1 what any allegations were at this point.

2 THE COURT: I guess the only thing is
3 perhaps she reviewed the police report and
4 that refreshed her memory.

5 ATTORNEY WELSH: Yeah. And I have not
6 sent her the police report or anything like
7 that for her to review.

8 THE COURT: Okay. Well, is there any
9 reason that we need to anticipate that and
10 hear your arguments on whether it is
11 admissible or not? Or do you feel you are not
12 going to get into that?

13 ATTORNEY WELSH: I don't think we will get
14 into it.

15 THE COURT: Okay.

16 ATTORNEY WELSH: And another reason for
17 the letter was again, Erich coming onto the
18 case. I know he is familiar with it from the
19 appeal.

20 THE COURT: Right.

21 ATTORNEY WELSH: I don't want Erich to ask
22 the question. When he is going to be
23 attacking her potentially depending on the
24 ruling on the "you reported because of these
25 Facebook messages." If Erich were to ask a

1 question going into this conversation with
2 friends, I didn't want an answer to come out,
3 and Erich say, I had no idea what was even out
4 there.

5 ATTORNEY SPESSARD: Right.

6 ATTORNEY WELSH: I was just covering my
7 bases.

8 THE COURT: All right.

9 So from a procedural standpoint then, the
10 defense could withdraw this motion and reserve
11 the right to object at trial. Does that seem
12 to be what we have decided at this point?

13 ATTORNEY SPESSARD: I think so. Yeah.

14 ATTORNEY WELSH: That is fair.

15 THE COURT: So I will do an order:

16 AND NOW, June 12, 2019, following a
17 discussion in chambers on the Defendant's
18 Motion in Limine where counsel for the
19 Commonwealth stated that the alleged victim is
20 not going to testify at trial to the contents
21 of the letter of June 3, 2019, which is
22 attached to the Motion in Limine, the Court
23 finds that Defense Counsel has WITHDRAWN the
24 Motion in Limine. The Defendant is not
25 precluded from objecting at trial to such

1 testimony.

2 Okay. All right. So getting back to the rape
3 shield hearing. We are talking about Title 18
4 Section 3104 evidence of victim's sexual conduct,
5 and this matter was addressed in detail by the
6 Superior Court in the opinion of September 5 of
7 2018.

8 The Superior Court has referenced on Page 5 of
9 the opinion the four part inquiry that the law
10 requires and said that the trial court must
11 determine if the proffered reason for introduction
12 of past sexual conduct evidence is mere speculation
13 or conjecture. If not, then the trial court must
14 conduct an in camera hearing.

15 The Superior Court addressed that issue of
16 speculation with conjecture and found specifically
17 that it did not constitute speculation or
18 conjecture, so the Court agreed that the trial
19 court should have and did conduct the in camera
20 hearing.

21 So I think that both attorneys today are
22 agreeing that the proposed evidence is not mere
23 speculation or conjecture. And we should conduct
24 the in camera hearing.

25 The Superior Court went on to explain what the

1 factors are for consideration by the trial court at
2 the in camera hearing. Again, on Page 5
3 referencing Section 3104 (b), the trial court must
4 determine, one, if the evidence sought to be
5 admitted is relevant to the accused defense; two,
6 whether the evidence sought to be admitted is
7 merely cumulative of evidence otherwise admissible
8 at trial; and three, whether the evidence which the
9 accused wishes to introduce at trial is more
10 probative than prejudicial.

11 So I think that we can agree on item two that
12 it is not merely cumulative or other evidence. So
13 the issues are whether the evidence is relevant to
14 the accused defense. And item three is whether it
15 is more probative than prejudicial.

16 We have had an off-the-record discussion this
17 morning about addressing these issues. Do we have
18 a relevancy issue at this point still?

19 ATTORNEY WELSH: I contend that there is a
20 relevancy issue. I can go in more detail if
21 you like or save it for later.

22 THE COURT: So you both agree those are
23 the two questions.

24 ATTORNEY SPESSARD: Relevancy and the
25 prejudice/probative.

1 THE COURT: Yes.

2 ATTORNEY SPESSARD: That is fair.

3 THE COURT: So this is -- we do know that
4 the defendant wants to introduce at trial
5 today evidence, and the Superior Court
6 referenced the previous trial testimony on
7 Page 4 of the opinion.

8 Mr. Spessard, you have a proposal on how
9 to -- what record needs to be made today to
10 address these two issues. I'll turn it over
11 to you.

12 ATTORNEY SPESSARD: Thank you, Your Honor.

13 Given the Superior Court's review of the
14 record in their opinion, I believe that the
15 most appropriate course of action here would
16 be, first of all, to offer for judicial notice
17 the transcript of the in camera hearing dated
18 October 10 of 2016 at 8:30 a.m.

19 The specific proof from that hearing
20 essentially boils down to that Mr. Palmore
21 sent messages to Katelyn Hosler's
22 then-boyfriend, Jarrett Boxley. These
23 messages would have been sent on November 5 of
24 2015. Ms. Hosler would have on the same day
25 made her report to the police on November 5,

1 2015. She made reference at the time of the
2 preliminary hearing so just citing momentarily
3 the preliminary hearing transcript
4 specifically.

5 On Page 26 of the preliminary hearing
6 transcript, Ms. Hosler was asked, "After
7 that date," -- referring to the incident
8 date -- "have you encountered Mr. Palmore
9 anymore?"

10 She answered, "No."

11 Follow-up question: "No contact or
12 party contact or anything?"

13 Onto Page 27, her answer: "He
14 messed my boyfriend at the time, and my
15 boyfriend sent me a screenshot of what he
16 messed him, but I did not talk to him at
17 all," end quote.

18 Specifically, her statement there is that she
19 received a screenshot of what he had messed him.
20 I think that the reasonable take-away here is that
21 the message also includes the information as
22 relayed in the prior in camera hearing,
23 specifically references regarding sexual activity
24 that the defendant witnessed Ms. Hosler engage in
25 with his roommate and that he reported that to

1 Mr. Boxley.

2 Specifically, in the trial record, she does
3 make reference that her reporting to the police was
4 on November 5, 2015.

5 Specifically on Page 62, she was asked:
6 "After the incident, you didn't report it to
7 the police the same day?"

8 "No."

9 "In fact, you waited until November 5 of
10 2015 to report this."

11 "Yes.

12 I believe this is relevant to show based on the
13 timing of the messages sent to Mr. Boxley, based on
14 the timing of her reporting, this is relevant going
15 towards motive. And therefore, it would be more
16 probative than prejudicial because we are not
17 offering it in an effort to tarnish the reputation
18 of Ms. Hosler but instead to confront her regarding
19 a motive to fabricate. I believe this is
20 consistent entirely with the Superior Court's prior
21 opinion in this matter; and therefore, this is
22 therefore relevant, probative, along with the other
23 factors that we agree with under -- I think it is
24 the -- Black case.

25 And then, to supplement, I could just offer

1 Mr. Palmore's testimony regarding the messages
2 between himself and Mr. Boxley.

3 THE COURT: All right. For clarification,
4 are you indicating that this evidence from the
5 prior record will also be presented at trial
6 today?

7 ATTORNEY SPESSARD: Yes -- I am sorry.
8 Not the in camera hearing, no.

9 I am sorry. Go ahead, Your Honor.

10 THE COURT: I just am wanting to know if
11 the purpose of the hearing today is for me to
12 rule on what evidence is properly to be
13 presented at trial today, and if you would be
14 offering these facts in evidence today, or
15 from the previous record. Even though maybe
16 you wouldn't be offering all of these facts
17 into evidence, is it still relevant to my
18 determination on whether certain facts are
19 admissible at trial?

20 My understanding is we are talking about
21 what is going to be presented at trial and
22 what evidence is admissible. I mean, I am
23 just asking for clarification if you intend to
24 present these facts contained in the previous
25 record at trial today.

1 ATTORNEY SPESSARD: Oh, I see. My
2 apologies.

3 I thought it was more we were -- my
4 understanding was could we at least offer
5 evidence on the subject of motive to fabricate
6 specifically regarding conduct between Ms.
7 Hosler and allegedly Mr. Palmore's roommate.

8 In terms of specific evidence that I am
9 offering, I would be requesting the
10 opportunity to cross examine Ms. Hosler
11 regarding, not only the timing of her report,
12 but also the receipt of messages from her
13 then-boyfriend, the contents at least in terms
14 of how -- in an effort to not be too specific,
15 I don't think the specifics are relevant, but
16 in making reference to the fact that there
17 were claims of some sort of infidelity
18 essentially. And I want the opportunity to
19 cross examine her regarding that.

20 I have Mr. Boxley subpoenaed. He will be
21 present today. I am potentially offering him
22 to authenticate his conversation with
23 Mr. Palmore and attempt to see if he recalls
24 either confronting her regarding this; or if
25 he can't recall, would it have been in

1 character for him to have confronted her
2 regarding this sort of information if he
3 doesn't specifically recall it. And then,
4 offer testimony from Mr. Palmore regarding
5 that he had essentially confronted or offered
6 Mr. Boxley this information consistent with
7 November 5 that we would argue that was
8 related to Ms. Hosler.

9 I think I am going to offer the text
10 messages into evidence to complete the record
11 and to establish the timeframe here.

12 Beyond establishing -- I think the
13 timeframe is important, and establishing the
14 content of the messages insofar as the
15 references that they make as far as sexual
16 conduct, it establishes that motive to
17 fabricate. I think if the Commonwealth has an
18 objection to letting the jurors see the
19 specific wording of the message, I am okay
20 with the jurors not seeing that. But at least
21 the front page of it does include the original
22 timestamp, and we can supplement via testimony
23 that this reference is included in the text
24 messages, it is not relevant for the jury's
25 determination.

1 What is relevant is it is there and this
2 is the timeframe it happened.

3 THE COURT: All right. So effectively,
4 you are proposing a stipulation that the
5 record --

6 ATTORNEY SPESSARD: For purposes of this
7 hearing.

8 THE COURT: Yes.

9 ATTORNEY SPESSARD: Yes.

10 THE COURT: For purposes of this hearing,
11 you are proposing stipulations that is what
12 the record shows.

13 ATTORNEY SPESSARD: Yes.

14 THE COURT: And specifically, the
15 testimony from the in camera hearing of
16 October 10 of '16.

17 ATTORNEY SPESSARD: Yes.

18 THE COURT: And the preliminary hearing
19 transcript and the trial record.

20 ATTORNEY SPESSARD: Day one of the trial
21 record. Yes, Your Honor.

22 THE COURT: Okay. What is the
23 Commonwealth's response?

24 ATTORNEY WELSH: I will stipulate to that.

25 THE COURT: All right. So what this means

1 is the Court can consider the facts that have
2 been stated by Mr. Spessard and stipulated to
3 by Mr. Welsh as part of the record now for
4 this in camera hearing.

5 I will accept the stipulation.

6 And do you want to have Mr. Palmore
7 testify then?

8 ATTORNEY SPESSARD: Yes, Your Honor. I
9 will briefly call him.

10 **DAROLD PALMORE,**
11 called as a witness, was sworn and testifies as
12 follows:

13 THE COURT: This is the continuation
14 hearing on the Rape Shield Law that we have
15 addressed with counsel, and Mr. Spessard has
16 called to present additional evidence in the
17 form of the testimony of Mr. Palmore.

18 You may proceed.

19 ATTORNEY SPESSARD: Thank you, Your Honor.

20 **DIRECT EXAMINATION**

21 BY ATTORNEY SPESSARD:

22 Q. Mr. Palmore, you were present at the prior in
23 camera hearing that was held in this case on October 10 of
24 2016. Is that right?

25 A. Yes, sir.

1 Q. If anything -- if you don't recall something,
2 please let me know regarding either that in camera hearing
3 or the trial itself.

4 A. Okay.

5 Q. You weren't here, but we have stipulated to a
6 number of facts regarding testimony that has already
7 occurred.

8 A. Okay.

9 Q. At the prior in camera hearing, was a set of
10 messages offered as evidence?

11 A. Yes.

12 Q. Do you recall what messages?

13 A. I believe text messages -- no. It was Facebook
14 messages.

15 Q. Between who and who?

16 A. Myself and Jarrett Boxley.

17 Q. Okay. If you saw those messages, would you be able
18 to identify them?

19 A. Yes.

20 Q. Do these appear to be those messages?

21 A. Yes, sir.

22 Q. As an initial matter, is there a timestamp listed
23 at the start of this conversation?

24 A. Yes, sir. November 5, 2:42 p.m.

25 Q. Can you -- flipping through the pages in the

1 messages, is there any reference in those pages regarding
2 sexual activity that is referenced to in those messages?

3 A. I believe there is a statement at the end here that
4 says that I had asked Ms. Hosler for head.

5 Q. Is there any reference to anything regarding your
6 roommate or, sort of, a crude reference to semen or
7 anything like that?

8 A. Yes, there is.

9 There is a statement here that says: Her friends
10 said she had cum stains on her jacket by a girl named
11 Jasmine.

12 Q. Now as part of this conversation, was this the
13 first time that you had ever had any communication with
14 Mr. Boxley?

15 A. Yes.

16 Q. Via Facebook message or in person?

17 A. Via Facebook messages, but I spoke with him in
18 person prior to this.

19 Q. When you spoke with him in person, did you make any
20 statements to him regarding sexual activity of Ms. Hosler?

21 A. Yes. She had sexual activity with my roommate,
22 Kyle Evans, at the time.

23 Q. Now the messages here --

24 A. Yes.

25 Q. -- who started the initial contact?

1 A. Mr. Boxley.

2 Q. All right. And he started the initial contact with
3 you.

4 A. Yes, sir.

5 Q. The reference regarding the stains on the jacket,
6 was that made on November 5?

7 A. Yes, sir.

8 Q. Is there a timestamp from November 6?

9 A. Yes, sir. I believe so. Yes, sir.

10 Q. Okay. Is there any reference to specific sexual
11 activity that you would have made claims about on November
12 6 or are these regarding just claims against you in some
13 fashion or another? To put it another way, is there any
14 reference to stains on the jacket or anything like that on
15 November 6 or afterwards?

16 A. No.

17 Q. Okay. And so was it fair to say based on your
18 review of those messages that the prime statements
19 regarding her activity with your roommate that you were
20 making references to --

21 A. Yes.

22 Q. -- this is all on November 5?

23 A. Yes.

24 Q. What date was the conversation you had with Mr.
25 Boxley where you first brought it to his attention before

1 he messaged you on Facebook?

2 A. November 5, 9:30 a.m.

3 Q. Okay. I know that the messages were offered in the
4 prior in camera hearing.

5 ATTORNEY SPESSARD: I don't know if Your Honor
6 wants to review them or if I can formally offer
7 them as an exhibit.

8 THE COURT: Well, I think they should be
9 offered as an exhibit today.

10 ATTORNEY SPESSARD:

11 Q. Does this copy of the messages appear to fairly and
12 accurately reflect the messages that you would have sent
13 between yourself and Mr. Boxley?

14 A. Yes, sir.

15 Q. Would the messages from Mr. Boxley be the ones that
16 include a photograph with a white background?

17 A. Yes, sir.

18 Q. And would the messages sent from you be in a darker
19 background with a white font?

20 A. Yes, sir.

21 ATTORNEY SPESSARD: I move for the admission of
22 the Facebook messages between Mr. Boxley and
23 Mr. Palmore.

24 ATTORNEY WELSH: Can I just see them?

25 Okay. Yep. No objection.

1 THE COURT: Okay. Did you reference them
2 as a particular number?

3 ATTORNEY SPESSARD: No, I did not.

4 THE COURT: Okay. So this will be
5 Defendant's Exhibit 1.

6 (Defendant's Exhibit No. 1 is admitted
7 into evidence.)

8 THE COURT: Any other questions for this
9 witness?

10 ATTORNEY SPESSARD: No, Your Honor. No
11 further questions.

12 THE COURT: Mr. Welsh?

13 **CROSS EXAMINATION**

14 BY ATTORNEY WELSH:

15 Q. There are messages here on November 5 at 2:42, and
16 you also indicated that there are messages from November
17 6. Is that right?

18 A. Are you speaking to me?

19 Q. Yes, I am.

20 A. Yes, sir.

21 Q. There are also messages from November 9 at 3:53
22 p.m. Is that correct?

23 A. Yes, sir.

24 Q. Where you would have said, "Hey, man. HMB."
25 I assume that is hit me back.

1 A. Yes.

2 Q. "When you are free."

3 A. Yes.

4 Q. Mr. Boxley says, "What is up, man?"

5 You say, "I just want to be real honest. I never
6 did anything to Katie or tried to. Can you tell me
7 specifically what she is saying. I need to protect
8 myself from these allegations."

9 A. Yes.

10 Q. And Mr. Boxley responds: "I personally don't think
11 it is my place. I don't know the whole story and
12 nor do I care to know it. I don't talk to either
13 of you at the moment, so I'd rather not be
14 involved. Best of luck, though."

15 And you say, "Look, I know you don't want to be
16 involved, and that is cool. But I got to know what
17 is being said."

18 A. Yes.

19 Q. Is it fair to say that is the end of the Facebook
20 communication that you had with Mr. Boxley?

21 A. Yes.

22 Q. Okay. Now the November 6 message -- well, I guess
23 this goes back to the November 5 messages. It ends with
24 Mr. Boxley saying, "And after?"

25 And there is no response from you. Is that fair?

1 A. Yes.

2 Q. And then, November 6 at 2:59 p.m., so that will be
3 about 24 hours after this original string of messages from
4 November 5.

5 A. Okay. Yeah.

6 Q. Mr. Boxley would have responded, "Okay. No
7 responses are great. LOL."

8 I would refer to where he, "And after?", and you
9 didn't respond.

10 A. Yes.

11 Q. "But you say you have zero interest in her. So
12 what is up with you asking her for head multiple
13 times? JW."

14 Is that just wondering?

15 A. I believe it is.

16 Q. "No beef, shade, or smart ass comments needed in
17 your answer. Keep in mind that you confronted me,
18 so you would appreciate you answering my
19 questions."

20 That is what that says. Right?

21 A. Yes.

22 Q. And then, you respond to that.

23 A. Yes.

24 Q. So a couple of things I want to ask you. He
25 indicates that "you confronted me." Do you believe that

1 is a reference to when you say that you talked to him at
2 9:30 that day, the November 5 morning?

3 A. Yes.

4 Q. Then you would have confronted him. He did not ask
5 you questions about --

6 A. No. We were passing in the hallway. I recognized
7 him, and he didn't look like he normally looked on campus.
8 At that point in time, he looked like he was just going to
9 see a professor, nothing real stringent, so we talked. I
10 initiated contact by speaking to him.

11 Q. Okay. At that time, you told him, I saw your
12 girlfriend at the time perform oral sex on my roommate.

13 A. Well, I didn't know they were broken up, and I seen
14 them performing PDA out in public. So I assumed they were
15 still together at that time.

16 Q. When you say PDA, you mean public displays of
17 affection?

18 A. Yes.

19 Q. But you did confront him. You brought this up
20 first.

21 A. I don't agree with the word confront. I informed
22 him. Confront gives the impression that I had a stake in
23 some type of claim.

24 Q. You brought it to his attention. He didn't ask you
25 what information you knew initially.

1 A. Correct.

2 Q. So subsequent to that, he sends you a message
3 asking for more information on what you had told him that
4 morning.

5 A. Correct.

6 Q. It mentions here, he says, "You say that you had
7 zero interest in her. What is up with this?"

8 Would it be fair to say in these Facebook messages
9 it never references any interest or anything like that in
10 her or not in her or anything like that?

11 A. Correct.

12 Q. So it would be fair to say that if that is true, if
13 you had said that you had zero interest in her, that would
14 have been some reference to the conversation that you had
15 earlier that morning.

16 A. No. As I remember the conversation, I was just
17 informing him of what happened so maybe in his responses
18 between him and her. I don't know what he said. I don't
19 have an idea of what they spoke about, but it seems to me
20 that maybe he was told something.

21 And then, he came to me and said, "You say there is
22 no interest in her, but why are you asking her for head?"

23 Q. So you don't believe that you ever mentioned to him
24 that you had zero interest in her?

25 A. I don't believe that I had ever mentioned to him

1 that I had interest in her.

2 Q. Right. Okay. I'll leave it there.

3 ATTORNEY SPESSARD: Just briefly, Your
4 Honor.

5 ATTORNEY WELSH: I am good.

6 **REDIRECT EXAMINATION**

7 BY ATTORNEY SPESSARD:

8 Q. When you say interest, you mean any interest, zero,
9 or otherwise?

10 A. I don't understand.

11 I would never in a conversation had said that I had
12 interest in her, like, to be with her or want to have
13 sexual contact or anything like that. I am not interested
14 in Katelyn Hosler in that type of way. But I wouldn't
15 have said that. There would have been no reason to say
16 that in a conversation.

17 Q. So more specifically, you don't recall saying
18 anything like that.

19 A. No.

20 Q. Briefly, can you go to Page 4? It is not numbered.

21 A. (Witness complies.)

22 Q. On Page 4, is there a reference regarding the
23 specific comment you made to him in the hallway regarding
24 oral sex between Ms. Hosler and your roommate?

25 A. Yes. I said she gave my roommate head, and he came

1 on her face.

2 Q. That is a quote from the actual exhibit.

3 A. Yes.

4 ATTORNEY SPESSARD: No further questions, Your
5 Honor.

6 ATTORNEY WELSH: No recross.

7 THE COURT: So Exhibit No. 1 is admitted.

8 All right. So that completes the testimony of
9 Mr. Palmore.

10 ATTORNEY SPESSARD: Yes, Your Honor.

11 THE COURT: Any other evidence today?

12 ATTORNEY SPESSARD: I think the Court
13 accepted the stipulation. We have his
14 testimony. We have the specific exhibit, so
15 no other evidence to offer.

16 THE COURT: All right. So you want to
17 offer some testimony of Ms. Hosler?

18 ATTORNEY WELSH: Yes, I do.

19 THE COURT: Will Mr. Palmore stay in the
20 room?

21 ATTORNEY SPESSARD: We can have him.

22 THE COURT: We will just have him take a
23 seat over here by the window.

24 **KATELYN HOSLER,**

25 called as a witness, was sworn and testifies as

1 follows:

2 **DIRECT EXAMINATION**

3 BY ATTORNEY WELSH:

4 Q. Can you tell us what your name is please.

5 A. Katelyn Hosler.

6 Q. Can spell your first and last name.

7 A. K-a-t-e-l-y-n H-o-s-l-e-r.

8 Q. All right. We are here before the trial having a
9 hearing involving -- you made some testimony about
10 screenshots that you would have received from your
11 boyfriend at the time.

12 A. Yes.

13 Q. At the time back when this was alleged to have
14 happened in October of 2015, were you dating or did you
15 have a boyfriend at that time?

16 A. Yes.

17 Q. What was that person's name?

18 A. Jarrett Boxley.

19 Q. Do you remember at what point you and Jarrett broke
20 up or ended your relationship?

21 A. It was around Halloween, the very end of October.

22 Q. Of 2015?

23 A. Yeah.

24 Q. So the same timeframe that we are talking about
25 here?

1 A. Um-hmm.

2 Q. You had testified about receiving a screenshot of
3 messages from him related to Mr. Palmore.

4 A. Yes.

5 Q. And is it fair to say that you are here today
6 because you have accused Mr. Palmore of indecently
7 touching you?

8 A. Yes.

9 Q. Do you remember -- and I guess if I could see
10 Exhibit No. 1. I have a series of messages here. I am
11 showing you Page 1. Did you ever see these messages?

12 A. That first page, I never saw. No.

13 Q. I will show you this in a minute. But from your
14 memory when you talk about screenshots, what do you recall
15 seeing from what your boyfriend would have sent you?

16 A. Jarrett -- not Jarrett.

17 Darold had said something along the lines of I need
18 to know what these accusations are, and I think Jarrett
19 said something like, I don't want to get involved.

20 Q. Do you remember receiving any other screenshots of
21 messages relative to Darold from Jarrett?

22 A. No.

23 Q. All right. I am going to show you -- this has been
24 marked as No. 1. If you could look at all of those
25 messages and tell me any of them that you recognize from

1 the screenshot.

2 THE COURT: What is the question again?

3 ATTORNEY WELSH: If she recognizes any of
4 these messages as seeing them from a
5 screenshot from Jarrett Boxley.

6 THE WITNESS: I don't think it was on this
7 one. Are there more?

8 BY ATTORNEY WELSH:

9 Q. The question is: Do you recognize any of those
10 messages?

11 A. No. I didn't see these ones.

12 Q. There is a message here in darker color that says,
13 I just want to be real honest. I never did anything with
14 Katie or tried to. Can you tell me what specifically what
15 she is saying? I need to protect myself from these
16 allegations.

17 And then under white -- is that Jarrett Boxley?

18 A. Yep.

19 Q. I don't know the full story nor do I care to know
20 it. I don't talk to either of you at the moment, so I'd
21 rather not be involved. Best of luck, though.

22 A. I think from here down it might have been cut off
23 there because I remember reading something about the
24 allegations or accusations. I forget what the specific
25 word was.

1 Q. I am not saying this specific would be the exact
2 same as the screenshot that you would have received. I am
3 looking at the content of the messages.

4 A. Right.

5 Q. So you are saying that you may have seen as far as
6 this message here about -- you said -- allegations or
7 something of that nature.

8 A. Um-hm.

9 Q. And then Mr. Boxley's response: I don't think it
10 is my place and so on. Do you believe that you had seen
11 that or do you not believe that you saw that response?

12 A. I don't think I saw that one.

13 Q. So you may have seen some of this message here?

14 A. Um-hmm.

15 THE COURT: What are you referring to?

16 ATTORNEY WELSH: This would be on Page 8
17 of the Defense Exhibit 1. The message
18 starting: I just want to be real honest, and
19 it goes on from there. All right.

20 THE COURT: Excuse me.

21 The testimony and Ms. Hosler's response is
22 you remember seeing that.

23 THE WITNESS: Yes.

24 THE COURT: On the screenshot from Mr.
25 Boxley?

1 THE WITNESS: Yeah. He had taken a
2 screenshot of their conversation, but it
3 wasn't that whole thing. I think it was just
4 a small section that was from Darold.

5 BY ATTORNEY WELSH:

6 Q. A small section of this message here.

7 A. I believe so.

8 Q. There are messages here related to -- and you read
9 them to yourself -- but to ask you specifically where he
10 talks about "she gave my roommate head. He came on her
11 face or jacket.", do you remember receiving a screenshot
12 to that effect from Jarrett?

13 A. No.

14 Q. Okay.

15 THE COURT: Let me just clarify an earlier
16 question. I believe, Mr. Welsh, you asked
17 Ms. Hosler if she had seen Mr. Boxley's
18 response to that statement by the defendant,
19 "I just want to be real honest." And the
20 response from Mr. Boxley essentially was, "I
21 don't want to get involved." Is your
22 testimony that he did not send you a
23 screenshot of his response?

24 THE WITNESS: Well, I know I saw
25 something, but I don't know if it was

1 specifically that message because I thought it
2 was another screenshot. Jarrett's response
3 was shorter. I just remember Darold's first
4 message said something about, I need to
5 protect myself from these accusations or
6 something like that.

7 THE COURT: And what response did you see
8 from Mr. Boxley?

9 THE WITNESS: I believe it was just
10 something about not getting involved and not
11 knowing anything about it because I didn't
12 tell him.

13 THE COURT: And then after that testimony,
14 you had asked about another screenshot.

15 BY ATTORNEY WELSH:

16 Q. I had asked about the initial messages that you
17 read through so Pages 1, 2, 3, 4, and the top half of 5.

18 And I guess that I would classify that as being the
19 messages between Jarrett and Mr. Palmore about you
20 performing oral sex on his roommate.

21 A. I never saw that.

22 Q. Is today the first time that you are seeing these
23 messages?

24 A. Yes.

25 Q. Do you recall -- you reported this to the police on

1 November 5 of 2015.

2 A. Um-hmm.

3 Q. Do you recall if you ever spoke to Jarrett Boxley
4 about any of these allegations either of you performing
5 oral sex with his roommate or anything that Mr. Palmore
6 would have done to you did you talk about that with Mr.
7 Boxley prior to your reporting?

8 A. No, I did not.

9 Q. Did you perform oral sex on his roommate?

10 A. No.

11 ATTORNEY WELSH: That is all of the
12 questions that I have.

13 THE COURT: All right. So again, just to
14 clarify the last question and answer. You
15 asked, Did she talk to Jarrett Boxley before
16 she reported to the police about what?

17 ATTORNEY WELSH: About whether or not she
18 performed oral sex on Mr. Palmore's roommate
19 or anything involving Mr. Palmore having
20 indecent contact with her.

21 THE COURT: And your answer to that is
22 what?

23 THE WITNESS: No.

24 THE COURT: Okay. Thank you.

25 Mr. Spessard, you may cross examine.

1 **CROSS EXAMINATION**

2 BY ATTORNEY SPESSARD:

3 Q. I am Erich. I just have a couple questions.

4 You have previously testified -- is your testimony
5 today that the screenshot of the messages that you
6 received were sent from you to Jarrett while you guys were
7 still dating?

8 A. No. It would have been after the fact.

9 Q. After the fact?

10 A. Yeah.

11 Q. Do you recall testifying at a preliminary hearing
12 in February of 2016?

13 A. Yes.

14 Q. It would have been that small courtroom outside of
15 Shippenville?

16 A. Yes.

17 Q. If I showed you a copy of a transcript, would it
18 jog your memory on some things?

19 A. Probably.

20 Q. Take a look at Line 21 of this page and read the
21 first quarter of the next page to yourself.

22 THE COURT: Beginning on what page?

23 ATTORNEY SPESSARD: 26 into 27.

24 THE WITNESS: Until line four?

25 ATTORNEY SPESSARD: Yeah.

1 BY ATTORNEY SPESSARD:

2 Q. Now you and I can agree -- first of all, does that
3 jog your memory about what you testified to in February of
4 2016?

5 A. I don't really remember saying that, but obviously
6 I said it.

7 Q. So you and I can agree that your testimony in
8 February of 2016 was that you had received a screenshot
9 while you and Jarrett were still dating. Specifically,
10 you stated that he had messaged my boyfriend at the time,
11 and my boyfriend sent me, like, a screenshot.

12 A. Well, we were broken up when he screenshot it
13 because they were from November, and I know that we had
14 broken up in October. So he wouldn't have been my
15 boyfriend at the time. I don't know if I just let that
16 slip when I said my boyfriend, but we had broken up in
17 October.

18 Q. You and I can agree that is not how that reads.
19 Right?

20 A. Right.

21 Q. And then you also testified at the first trial.
22 Correct? This would have been in October of 2016.

23 A. Yes.

24 Q. And I am just referencing Page 57 of the day one of
25 the trial transcript. Go ahead and start at Line 10 here.

1 Read it to yourself down to, like, Line 22. Ten to 22.

2 A. (Witness complies.)

3 Q. Does that jog your recollection at all as to
4 whether you and Jarrett were dating at the time?

5 A. No. I really don't know why I said that. Because
6 when I reported it, it was November, and I know for sure
7 that we broke up in October.

8 Q. But again, you and I can agree that in the day one
9 trial transcript, specifically, to answer the question in
10 there is that you stated, "While I was still dating
11 Jarrett, he screenshot me these messages."

12 A. Right.

13 Q. You agree that is what your testimony was at the
14 first trial.

15 A. Yes.

16 ATTORNEY SPESSARD: Okay. I don't believe that
17 I have any other questions, Your Honor.

18 **REDIRECT EXAMINATION**

19 BY ATTORNEY WELSH:

20 Q. If I hadn't told you that you reported on November
21 5, would you have been able to say specifically what day
22 you reported to the police when this happened?

23 A. No. I just know it was after -- because it
24 happened the second week of October, and I know I waited,
25 like, two weeks. So it was somewhere in the beginning of

1 November.

2 Q. Okay. As far as some of the specific dates, if I
3 said that the message that you would have received, the
4 screenshot, would have been dated November 9.

5 A. Okay.

6 Q. Would you have been able to pick out that date if I
7 didn't just tell you that date?

8 A. No.

9 Q. You do say though that you broke up with Jarrett
10 around Halloween.

11 A. Yes.

12 Q. How do you know that it was around Halloween that
13 you broke up?

14 A. Me and my friends had a little gathering in their
15 room for Halloween. We were just watching movies, and we
16 were texting. We broke up through text messages. I know
17 it was on Halloween.

18 Q. So there was an event that happened?

19 A. Um-hmm.

20 Q. Your testimony at the preliminary hearing that you
21 had read said that my boyfriend at the time texted me.

22 A. Right.

23 Q. Was Jarrett your boyfriend at the time that this
24 alleged indecent assault would have happened in October?

25 A. Yes.

1 Q. Are there any other screenshots that you ever
2 remember receiving from Jarrett involving any
3 conversations with Darold Palmore?

4 A. The only thing that I remember is the one that said
5 something about, I need to know these allegations, or
6 however it was worded.

7 Q. Okay. Not anything -- I am not even talking about
8 what I showed you here. Anything other than that?

9 A. I don't believe so.

10 ATTORNEY WELSH: That is all of the
11 questions that I have.

12 THE COURT: Anything else, Mr. Spessard?

13 **RECROSS EXAMINATION**

14 BY ATTORNEY SPESSARD:

15 Q. Do you recall -- you have testified that specific
16 dates are eluding you a little bit here, and Mr. Welsh
17 made reference to the specific dates on the actual
18 messages. Do you recall when the screenshot would have
19 been sent to you at all?

20 A. No. But if it is from the 9th, it might have been
21 after the fact.

22 Q. Are you aware that you previously testified that
23 you stated that you thought it was towards the end of
24 October because it was around the time that you broke up
25 with Jarrett.

1 A. I don't remember saying that.

2 Q. If I showed you your testimony, would it jog your
3 memory a bit?

4 A. Yes.

5 Q. I will ask you to take a look again at Page 57
6 starting at Line 23 going onto Page 58 to -- we will say
7 Line 3 so from 23 to 3.

8 A. (Witness complies.)

9 Q. So we can agree that your trial testimony was that
10 the messages were sent around the time -- you recall
11 anyway at the time of the first trial the messages being
12 sent near the end of October.

13 A. Yes.

14 Q. And near the time that you and Jarrett would have
15 broken up. Is that fair?

16 A. Um-hmm.

17 Q. Can we agree -- this is a dumb question. Can we
18 agree that November 5 is closer to the end of October than
19 November 9?

20 A. Well, wouldn't it be closer to the --

21 Q. November 5, would it be closer to the end of
22 October than November 9 to the end of October?

23 A. Oh. Yeah, yeah, yeah.

24 ATTORNEY SPESSARD: No other questions, Your
25 Honor.

1 THE COURT: Does that complete the testimony?

2 ATTORNEY WELSH: It does.

3 THE COURT: Is there any other evidence
4 for this in camera hearing today?

5 ATTORNEY WELSH: I think Mr. Boxley was to
6 appear at nine o'clock. I hadn't intended on
7 calling him, but if he is here, I will call
8 Mr. Boxley.

9 THE COURT: Do you know whether he is
10 here?

11 ATTORNEY SPESSARD: He is supposed to be.
12 I haven't had a chance to see if he is here or
13 not.

14 THE COURT: If you could check with the
15 bailiff.

16 ATTORNEY SPESSARD: Sure.

17 **JARRETT BOXLEY,**
18 called as a witness, was sworn and testifies as
19 follows:

20 **DIRECT EXAMINATION**

21 BY ATTORNEY WELSH:

22 Q. Can you state and spell your full name.

23 A. Jarrett Boxley, J-a-r-r-e-t-t B-o-x-l-e-y.

24 Q. Now I want to take you both to the fall of 2015.
25 Were you a student at Clarion University?

1 A. Yes.

2 Q. What year were you at that point?

3 A. Junior.

4 Q. All right. Now did you in the fall -- let us talk
5 about September and October of 2015. Were you dating
6 Katelyn Hosler?

7 A. Yes.

8 Q. Do you know how long the two of you had been
9 dating?

10 A. No.

11 Q. Do you know generally for the whole length of your
12 relationship how long were you dating?

13 A. If I had to guess, fall semester of like that year.

14 Q. Okay. Is it fair to say that she was a freshmen
15 that year and you began dating when she was a freshman?

16 A. I believe so.

17 Q. So prior to her coming to Clarion University, did
18 you have any knowledge of who she was?

19 A. No.

20 Q. You didn't grow up in the same town?

21 A. No.

22 Q. Do you remember at what point the two of you would
23 have broken up?

24 A. Towards the end of the fall semester. I don't know
25 exactly when.

1 Q. Do you remember if you broke up by text message?

2 A. I don't remember, but I wouldn't say it is out of
3 the question. I honestly don't remember.

4 Q. That is fine. If you don't remember something, it
5 is fine to say that you don't remember.

6 Do you remember a Facebook conversation that you
7 would have had with Darold Palmore?

8 A. Yes.

9 Q. Now have you reviewed those messages at all prior
10 to coming to court today?

11 A. I saw them once, yes.

12 Q. Okay. Now do you remember the dates of any of
13 those messages or anything like that?

14 A. I believe the messages that I reviewed showed it
15 was some time in November.

16 Q. Are you basing that opinion that it was November
17 based on having reviewed the messages again?

18 A. Yes.

19 Q. Before you saw the messages, if I asked you --

20 A. What month? I'd have no idea. I'd say fall
21 semester just to cover.

22 Q. If another witness had testified that you and
23 Katelyn had broken up around Halloween of 2015, would that
24 seem right, wrong, or just don't know?

25 A. I won't argue. It was some time in the fall

1 semester, not in the beginning. I don't believe it was in
2 December, but it was somewhere in there.

3 Q. Now the messages that -- and I'll just -- at this
4 point, it has been admitted as Defendant's Exhibit 1 if
5 you want to take a look at those messages there.

6 A. Yeah.

7 Q. Now those messages there, you mentioned that you
8 looked at them before. You are skimming through them now.

9 A. Correct.

10 Q. Let me know if that is what you reviewed
11 previously.

12 A. Yes. Yes.

13 Q. So looking at those, and I want to draw some
14 generalities about the conversation.

15 A. Please.

16 Q. The beginning of the conversation, is it fair to
17 say that he is talking to you about Katelyn performing
18 oral sex on his roommate at the time?

19 A. I remember that. I do remember that conversation.
20 I don't know if was face-to-face or a Facebook message,
21 but I do remember that.

22 Q. Okay. On the next page, there is message. It has
23 already been discussed. That is your picture there.

24 A. Yes.

25 Q. So that would be things that you are typing on

1 Facebook.

2 A. Yes.

3 Q. And then the other messages with the darker
4 background, that would be Mr. Palmore. Correct?

5 A. Yes.

6 Q. It said, She had gave my roommate head. He came on
7 her face or jacket.

8 A. Yes.

9 Q. Do you remember him sending that message?

10 A. I do.

11 Q. Is it possible that there would have been a
12 face-to-face conversation sometime earlier that day
13 regarding that he told you about this?

14 A. I can't say it was face-to-face, but I can
15 guarantee there was a conversation.

16 Q. Okay. If you flip back to the first page again.

17 A. You meant face-to-face between myself and Katie.

18 Q. No. You and Palmore.

19 A. Oh. I don't know. I don't know if it was before
20 or after, but we did talk face-to-face.

21 Q. You and Mr. Palmore.

22 A. To my knowledge.

23 Q. Just whatever you remember.

24 The first message comes from you: What is your
25 number, bro?

1 A. Yes.

2 Q. Can you flip to the next page and one more page.

3 A. Okay.

4 Q. "I was going to ask you to explain the hoodie shit
5 again of that night."

6 A. Yes.

7 Q. Would it be fair for me to assume when you say,
8 "explain that shit again," that means that you had talked
9 about it some time previously?

10 A. Yeah. Now, that is not saying I talked to him
11 prior to or her prior to, but I talked to somebody because
12 my hoodie was in her possession. It was in her
13 possession, and I wanted my stuff back. And I heard there
14 were stains on it.

15 Listen, just give me my hoodie back.

16 Q. Why would you want your stuff back?

17 A. It is mine.

18 Q. At this point, you believe that you had broken up
19 and wanted your stuff back.

20 A. I don't know if it was official to say, Hey, never
21 talk to me again.

22 I don't know when the whole break up happened or
23 the process of that because it was years.

24 Q. And I understand. Would you agree with me that
25 generally when you break up with someone or you are

1 fighting or something that would be a time when you would
2 ask for your stuff back?

3 A. Generally speaking.

4 Q. You have my hoodie. Give me my hoodie back.

5 A. Yes.

6 Q. If everything was going perfectly in the
7 relationship, did you have a problem with her having your
8 hoodie?

9 A. No. If things were going well, no.

10 Q. At the point where you are asking for the hoodie
11 back, it is either things are already not going -- either
12 things are not going well or you have already broken up.

13 A. Or rumors are circulating. Which is -- what
14 started first? I can't say what day that the rumors
15 started circulating, but that was the beginning of it. I
16 think it was rumors circulating first, and then yes, it
17 happened I guess.

18 Q. Okay. Now. As far as how these rumors were
19 circulating, I think you mentioned earlier that general
20 rumors were generally going around?

21 A. Yes.

22 Q. If you could flip a couple of pages. Okay. Then
23 there is on the top there is November 6.

24 A. Okay.

25 Q. There is a conversation there. If you could flip

1 further to November 9.

2 A. I see it.

3 Q. So for Mr. Palmore, he says, "Hey, man. HMB when
4 you are free."

5 A. Yes.

6 Q. And you say, "What is up man?"

7 And if you flip the page, he says, "Let me know
8 what Katie is saying. I need to protect myself."

9 A. Understood.

10 Q. Your response, "I don't think it is my place. I
11 don't know the full story." You say, "I don't talk to
12 either of you at the moment, so I'd rather not be
13 involved."

14 Is that fair to be what you said at that time?

15 A. Yes.

16 Q. So on November 9, you say that you weren't talking
17 to either of them. At that point, you weren't talking to
18 Katie.

19 A. I'd assume so which makes me assume that I got my
20 hoodie back.

21 Q. The last thing you wanted was your hoodie back. Is
22 that fair?

23 A. Yes.

24 Q. If she had your hoodie still, you wanted that back.

25 A. Yes.

1 Q. Now there has been discussion that you had
2 screenshot -- let me take a step back.

3 Is that all of the conversation that you remember
4 having with Mr. Palmore?

5 A. Yes.

6 Q. There has been testimony about a screenshot of
7 messages that you sent to Katie. You screenshot the
8 conversation you had with Mr. Palmore and sent it to
9 Katie.

10 A. Okay.

11 Q. Do you remember when that would have happened?

12 A. No.

13 Q. If I had not told you that you screenshot messages
14 and sent them to Katie, would you have known that
15 independently?

16 A. No.

17 Q. And I guess the next question: Do you remember
18 specifically what, if any, of those messages you would
19 have screenshot to her?

20 A. No.

21 Q. Okay. Now I assume that when the two of you were
22 dating that you spoke frequently.

23 A. Yes.

24 Q. At the point where you were not dating, did you
25 speak in the same frequency?

1 A. No.

2 Q. Do you recall you would have had some conversation
3 with Katie about these rumors?

4 A. Yes.

5 Q. Do you remember what would have happened?

6 A. No. I'd assume some time around these dates, but I
7 don't know whether before or after sometime.

8 Q. Do you know if that -- again, you are making
9 assumptions here. If you don't remember --

10 A. Yeah.

11 Q. Do you recall if that would have been because of
12 the general rumors or specifically what Mr. Palmore told
13 you?

14 A. I -- to my knowledge, the rumors, the talk that was
15 going around was kind of -- there were some -- there were
16 some -- I am trying to think. Could you repeat your
17 question?

18 Q. I'll ask you a different question. Is it fair to
19 say that you wanted your hoodie back?

20 A. Yes.

21 Q. Is it fair to say that your hoodie had cum stains
22 on it?

23 A. Yes.

24 Q. Is it fair to say that Katie was wearing that
25 hoodie when it got said cum stains on it?

1 A. I was not there to witness that.

2 Q. You were not. But that is the rumor.

3 A. Yeah.

4 Q. At that point, that was the general rumor that was
5 going around.

6 A. Yes.

7 Q. And at some point, you talked to Mr. Palmore, and
8 Mr. Palmore tells you that those sum stains would have
9 come from his roommate Kyle Evans?

10 A. Yes.

11 Q. From his roommate?

12 A. Yes.

13 Q. But the rumor -- you wanted your hoodie back, and
14 the rumor was there is cum stains on that hoodie.

15 A. Yes.

16 Q. Am I to understand that you would have confronted
17 her, I want my hoodie back, and I am hearing there is cum
18 stains on it.

19 A. I want my hoodie back.

20 Q. You said that you wanted your hoodie back. You did
21 not say, Because there were cum stains on it or because
22 you gave a blowjob.

23 A. I can't say why. I was just like, Give me my
24 hoodie back.

25 Q. I understand. I think that you said I left it

1 there. When I said that you would have said, I want my
2 hoodie back. I hear there is cum stains on it.

3 You said, I want my hoodie. I would have left it
4 there.

5 A. Yeah.

6 Q. So you don't believe you would have specifically
7 confronted her to these are the rumors specifically?

8 A. I am saying that I don't know if I did. For me,
9 goal number one was get your hoodie. How I went about it?
10 I honestly don't remember.

11 Q. You may have confronted about the rumors.

12 A. I may have.

13 Q. You may not have.

14 A. Correct.

15 Q. Your recollection is uncertain at that point.

16 A. Correct. Sorry.

17 Q. No. No. You just testified to what you remember.

18 **CROSS EXAMINATION**

19 BY ATTORNEY SPESSARD:

20 Q. Jarrett, just a few questions about your testimony.
21 Your testimony was that as best as you can recall you and
22 Ms. Hosler dated fall semester and the break up would have
23 been near the end of fall semester.

24 A. Correct.

25 Q. So additionally, you testified -- first of all, you

1 couldn't say that as of November 5, you and Katelyn were
2 broken up.

3 A. I can't. Correct.

4 Q. That is fair.

5 Now your testimony seems to suggest that -- well,
6 I'll just ask. As best as you can recall, was it a messy
7 break up? Like, did you guys drag it out? You knew it
8 was going to be ending but neither of you could pull the
9 trigger.

10 A. I remember it being clean. I don't remember it
11 dragging on, like, February, March, or April or anything
12 like that.

13 Q. If you were still official, so to speak, and had
14 received this information regarding the rumors and you
15 were still dating her --

16 A. Yes.

17 Q. -- is it my understanding -- you said that you
18 can't recall specifically.

19 A. Correct.

20 Q. Would it be fair to say that you likely would have
21 confronted her regarding said rumors?

22 A. Yes.

23 Q. And if Mr. Palmore had sent you information
24 included in the messages, specifically the first five or
25 so pages, would you have confronted her with that

1 information, too?

2 A. It is possible.

3 Q. So you are not saying no.

4 A. I am not saying no.

5 Q. And you can't say that you recall that.

6 A. Correct.

7 Q. If you were to read prior testimony of Ms. Hosler,
8 is there a chance that it would jog your memory at all?

9 A. Possibly.

10 Q. I am going to ask you to read to yourself Page 57.
11 Specifically, you will go from Lines 10 to Page 58, Line 3
12 on this.

13 This would be Ms. Hosler's testimony from the prior
14 trial. The questions are the attorney, and the answers
15 are her answers.

16 A. (Witness complies.)

17 Q. Did that jog your memory at all or do you still not
18 recall if you were still dating?

19 A. I still don't.

20 Q. Well, I am just asking you. I know what it says.
21 But I have to ask what you know.

22 A. Sorry. I still don't recall.

23 THE COURT: I am sorry. Doesn't remember
24 what?

25 BY ATTORNEY SPESSARD:

1 Q. You don't recall whether or not you were still
2 dating when you potentially sent messages to anybody.

3 A. Correct.

4 Q. And you don't know if you were still dating in the
5 beginning of November.

6 A. Correct.

7 ATTORNEY SPESSARD: Okay. I don't have any
8 other questions.

9 **EXAMINATION**

10 BY THE COURT:

11 Q. Okay. So Mr. Boxley?

12 A. Yes, sir.

13 Q. Is it your testimony that you don't remember if you
14 did or did not screenshot Katelyn Hosler with the message
15 from Mr. Palmore about oral sex with a roommate or anybody
16 else?

17 A. Correct. Yeah. I don't recall if there were
18 screenshots involved. Yes, sir.

19 Q. Okay. So you don't remember whether you did or did
20 not?

21 A. Correct. I am not saying I one-hundred percent
22 didn't or did. I don't remember. I don't remember what
23 was in the screenshots if they were sent.

24 Q. Okay. Do you remember whether you informed her or
25 confronted her with those allegations by Mr. Palmore in

1 any other way? Verbally or text?

2 A. I am sure that I reached out. Yes, sir. I am sure
3 that I reached out. I don't know if it was face-to-face
4 or via text or via Facebook or via screenshot, but I am
5 sure that I did because -- yeah. I am just sure I did.

6 Q. And you reached out with what information?

7 A. Oh, I don't know.

8 Q. What did you ask her or tell her? Do you remember?

9 A. No, I don't. Assuming here, it was probably just
10 like what I heard, but I don't know if I did that before
11 these dates during these screenshot conversations because
12 it looks like they go over four days. I'd assume so that
13 I did just knowing 20-year-old me.

14 THE COURT: Okay. Are there any other
15 questions?

16 ATTORNEY WELSH: No.

17 ATTORNEY SPESSARD: No.

18 THE COURT: All right. Well, we will
19 excuse you then.

20 ATTORNEY WELSH: Okay. So Attorney Welsh,
21 would you like Mr. Palmore to remain?

22 THE COURT: No. We are going to hear
23 argument.

24 You can step out.

25 First is the issue is the evidence. What is

1 the evidence to be admitted?

2 ATTORNEY SPESSARD: The evidence to be
3 admitted is that we are attempting to draw
4 inference to the jury that Ms. Hosler had a
5 motive to fabricate her --

6 THE COURT: What testimony or what
7 evidence?

8 ATTORNEY SPESSARD: Specifically,
9 testimony from -- well, cross examining
10 Ms. Hosler, the screenshot of the messages
11 themselves.

12 THE COURT: Of all of these messages?

13 ATTORNEY SPESSARD: Yes.

14 THE COURT: Exhibit 1?

15 ATTORNEY SPESSARD: Yes. Exhibit 1.

16 THE COURT: So there is a separate
17 screenshot.

18 ATTORNEY SPESSARD: No. Well, that is
19 just all I have. I don't have the specific
20 screenshot that she received. All I have is
21 these messages.

22 THE COURT: So the testimony was there was
23 a screenshot of these messages.

24 ATTORNEY SPESSARD: Yes. Given what she
25 testified to that she claims that she recalls

1 some portion of these messages. I believe
2 that would be enough to establish that she
3 viewed -- I think her testimony is going to be
4 that she viewed some of it, but I believe
5 there is impeachment evidence to suggest that
6 she viewed all of them. So we have the
7 messages themselves.

8 We have Mr. Boxley's testimony saying that
9 for sure that he surely reached out to her.
10 Although, he can't say for sure what the
11 concept of it was. He surely reached out to
12 her. He indicated that if they had still been
13 dating, he likely would have confronted her
14 via in-person or in text -- I think the
15 reference that he used was rumors -- but also
16 possibly the information provided by
17 Mr. Palmore.

18 Additionally, Mr. Palmore's testimony
19 regarding the information that he had relayed
20 to Mr. Boxley and the timing, I guess, related
21 to all of this. Specifically, that the
22 messages were sent November 5 and that her
23 report to the police occurred on November 5.
24 That wouldn't be permissible for the jury to
25 draw the reference that, not only were they

1 either likely or were dating at the time, but
2 that he had confronted her regarding this
3 information and she had a motive to fabricate
4 due to this information coming out.

5 THE COURT: Okay. And your argument is
6 that is relevant to the defense.

7 ATTORNEY SPESSARD: Yes, Your Honor.

8 THE COURT: As it goes to motive of the
9 victim.

10 ATTORNEY SPESSARD: And the direct
11 reasoning would be for confrontation purposes.

12 THE COURT: The Superior Court
13 specifically said credibility.

14 ATTORNEY SPESSARD: Right. That would all
15 be a credibility factor, I guess.

16 THE COURT: All right. And the second
17 question then is whether it is precedent than
18 prejudicial.

19 ATTORNEY SPESSARD: Correct. As I
20 mentioned before, my intention with the
21 messages as laid there is merely to establish
22 there was some sort of sexual conduct and the
23 time that was reported on the messages,
24 specifically November 5. My intention is not
25 to offer it to tarnish the chastity,

1 reputation, so on, and so forth of the victim,
2 but merely to demonstrate that she had a
3 motive to fabricate here.

4 The specific sex act is not important.
5 That is why I stated previously that I don't
6 we don't need to have the jury read through
7 the messages to see specifically what she
8 said. All we need to know is there was this
9 claim made in the messages and the timing of
10 that claim. That dilutes unfair prejudice
11 while highlighting the important probative
12 value regarding her credibility and her
13 motive.

14 THE COURT: Mr. Welsh?

15 ATTORNEY WELSH: Well, my argument -- and
16 this expands upon that issue as I made off the
17 record.

18 The determination of the Superior Court
19 was made in part on Page 11 of their opinion
20 where it indicates: "The trial court also
21 found that there was no proof that the victim
22 saw appellant Facebook message communications
23 with her boyfriend prior to filing the police
24 report," and they indicate that the record
25 reflects that she saw "the messages."

1 And it also indicates further on down that
2 the trial court's rationale for finding
3 probative value of the evidence low and is
4 unsupported by the record. For those reasons
5 set forth, we conclude that the probative
6 value outweighs the risk of undue prejudice.

7 Here we have had even more testimony that
8 the Superior Court's reasoning shows that if
9 she had received these messages, screenshots
10 of these specific messages on November 5 prior
11 to reporting, her boyfriend likely would have
12 been mad and that would have been a motive to
13 fabricate.

14 I think we have even less evidence and
15 contrary evidence that there was, number one,
16 a relationship between Jarrett Boxley and
17 Katelyn Hosler on November 5. She had
18 testified that they broke up Halloween. She
19 remembers the specifics of that break up.
20 Mr. Boxley says end of fall semester, but when
21 asked about Halloween, he said, That sounds
22 about right. It was a clean break up, not a
23 protracted thing. It could have been by text
24 message, which is what Ms. Hosler said.

25 So the fact that they would not have been

1 dating at that time undercuts that motive at
2 that point. Secondly, in order to have the
3 motive to fabricate or effect her credibility,
4 you have to have something to say that she
5 would have had prior knowledge of, one, these
6 message or Mr. Palmore's involvement in any of
7 these messages. I guess, one is knowledge of
8 the messages and, two, Mr. Palmore's
9 involvement in those messages.

10 Mr. Boxley cannot say that he sent here
11 screenshots of any of those messages. Until
12 someone told him that he had sent screenshots, he
13 had no independent recollection of that. He has no
14 knowledge of the time when he would have done it.

15 And Ms. Hosler's testimony: I asked what
16 screenshots does she remember seeing and she
17 described, in general, screenshots that would have
18 been on November 9. Four days after, she would
19 have reported.

20 When shown the messages, she said that she had
21 seen a portion of the messages on November 9, so
22 there is nothing here to say prior to that she saw
23 these messages prior to that. There is not even
24 really an inference that can be made. There is a
25 correlation between the dates that the defense is

1 trying to prove causation with, but there is just
2 not the evidence to support it.

3 So if you are looking at the danger of unfair
4 prejudice, the Superior Court reasoned similar to
5 what Attorney Spessard is arguing. This is not to
6 attack her chastity. The defendant is not saying
7 this was consensual. While I agree that was not
8 the defense presented at trial, I don't know what
9 the defense will be at this trial. I would have to
10 assume that it would be the same as the original
11 trial. However, there is the potential for unfair
12 prejudice with a jury if they would view Ms. Hosler
13 of being of lesser chastity or moral character. To
14 wit in their own determination, decide: We don't
15 believe Mr. Palmore. However, we also don't
16 believe Ms. Hosler because the evidence would show
17 that Mr. Palmore would have allegedly sent her a
18 message asking her to come to the room. A jury
19 could infer based on hearing this evidence that,
20 well, why else would she let this man into her room
21 unless she was expecting some sort of sexual
22 activity. That would be an improper inference that
23 would be bolstered by the rape shield law evidence
24 here today. So, that is my argument.

25 ATTORNEY SPESSARD: Can I just rebuttal

1 momentarily?

2 THE COURT: Okay.

3 ATTORNEY SPESSARD: I think that the
4 Commonwealth has a credible argument here, but
5 the problem is the argument goes to the weight
6 that should be assigned to this evidence and
7 not the admissibility. The jury can decide
8 based off of all the, not only her testimony
9 but the impeachment evidence, and looking at
10 everything in the totality of the
11 circumstances to decide whether or not she has
12 a motive or not. But to deny them the
13 opportunity to even make that call is an
14 inadmissibility question.

15 Here, we have established the low bar
16 admissibility, one; and two, that the
17 importance of permitting confrontation
18 regarding this point is why the probative
19 value is so high compared to the prejudicial
20 value. And if the Commonwealth is that
21 concerned with prejudicial value, the Court
22 can certainly issue a cautionary instruction
23 regarding it.

24 THE COURT: So the Commonwealth's
25 objection is focussed on the lack of evidence

1 that Katelyn Hosler knew that the defendant
2 had communicated to Mr. Boxley about the
3 incident with his roommate. I think that the
4 argument is that there is insufficient
5 evidence that she knew of the defendant's
6 communication with Boxley prior to the time
7 that she reported it to the police.

8 We have the defendant's testimony that he had
9 told her there is testimony about receiving a
10 screenshot and what it said or didn't say.
11 Ms. Hosler acknowledges she did receive a
12 screenshot as part of the communication.
13 Mr. Boxley says that he would have confronted her
14 or informed her about the allegations. He doesn't
15 remember when. So I am going to permit the
16 evidence and find that there is some relevancy, and
17 with regard to the factors, I am considering that
18 and find that it is relevant to the defendant's
19 defense. Based on the nature of the evidence and
20 the response of the Commonwealth, I find that it is
21 more probative than prejudicial, and I will give
22 the jury a cautionary instruction.

23 What kind of instruction are you proposing,
24 Mr. Spessard?

25 ATTORNEY SPESSARD: I think it would have

1 to be something like: The testimony that you
2 heard regarding prior sexual acts of the
3 victim are not in front of you today to
4 consider her a person of bad moral character
5 or to reflect upon her chastity or reputation.
6 Instead this evidence has been offered to you
7 for a special purpose. That purpose being
8 whether or not Ms. Hosler had a motive to
9 fabricate.

10 Something to that effect.

11 THE COURT: Do you agree Mr. Welsh?

12 ATTORNEY WELSH: That is fine.

13 THE COURT: I'd give that to the jury
14 prior to you examining your client. You are
15 going to cross examine Ms. Hosler.

16 ATTORNEY SPESSARD: I will cross examine
17 her as well. It might be most appropriate to
18 do it right after the cross examination.

19 I think to cover all of our bases here,
20 probably once after her cross examination and
21 either once before Mr. Palmore's direct
22 assuming he testifies or --

23 THE COURT: Will there be a problem doing
24 it before?

25 ATTORNEY SPESSARD: Yeah. If you just

1 want me to give a heads up of right about now.

2 THE COURT: Let us do it that way.

3 ATTORNEY SPESSARD: Okay.

4 And maybe once again in the closing
5 instructions: You heard testimony regarding
6 this. You are not to consider so on and so
7 forth.

8 THE COURT: All right. So just finally
9 then -- and we are late getting started with
10 the trial -- but we agreed before that the
11 only charge at issue in this trial is indecent
12 assault, lack of consent under Section 3126
13 (a). You have reviewed the standard charge on
14 that.

15 ATTORNEY WELSH: I am familiar.

16 ATTORNEY SPESSARD: Yes.

17 THE COURT: I will provide you with a copy
18 of my proposed instruction, but you don't need
19 this right now.

20 ATTORNEY WELSH: Can I say one thing I
21 wanted to put on the record, but I didn't to
22 influence the decision on the rape shield
23 hearing: Regardless of the outcome of this
24 matter, I intend to file a perjury charge
25 against Mr. Palmore. I have spoken to -- at

1 the original in camera hearing, he testified
2 that he observed the alleged victim performing
3 oral sex. A detective in my office has spoken
4 to his roommate, Mr. Evans, who indicated that
5 never happened. Mr. Palmore indicated that
6 his then-girlfriend was with him. She told me
7 that never happened, and Ms. Hosler has
8 indicated that never happened.

9 I just don't want there to be any
10 inference that this relates to any verdict. I
11 didn't want it to influence the Court's
12 decision in the Rape Shield Hearing, but I put
13 it on the record now.

14 THE COURT: Okay. Very good. So we will
15 get started.

16 Thank you.

17 (In-camera discussion concludes at 9:47 a.m.)

18 * * *

19 (The proceedings commence at 9:54 a.m.)

20 THE COURT: All right.

21 We are commencing the jury trial now in
22 the case of Commonwealth of Pennsylvania vs.
23 Darold Palmore.

24 At the beginning of our trials, we always
25 have our jurors take an oath. Would the

1 jurors and alternates raise their right hand
2 and take the following oath.

3 (Jurors duly sworn.)

4 THE COURT: Be seated.

5 We had asked you to be here -- it is almost
6 ten. I want to tell you that we are late getting
7 started because the attorneys and I had to deal
8 with several matters concerning the admissibility
9 of evidence in this trial. We had planned in
10 advance to deal with these issues. We started at
11 eight o'clock this morning and ended up talking
12 longer than we had anticipated or planned.

13 I want to assure you that the attorneys and I
14 have been working on this case on important matters
15 regarding the trial. So we appreciate your
16 patience and understanding and the late start, but
17 we are ready to go at this time.

18 And members of the jury, I have some opening
19 comments and instructions for you. And then, we
20 will hear from the attorneys on their opening
21 statements, and then we will start to hear the
22 evidence in the case.

23 Ladies and gentlemen, you are about to perform
24 one of the most important duties of your
25 citizenship. You are going to decide whether a

1 fellow person, the Defendant, Darold Palmore, is
2 guilty of a crime charged by the Commonwealth of
3 Pennsylvania.

4 The way you jurors do your job is as important
5 to the administration of justice as the way that I
6 do my job as the judge and the way that the
7 attorneys do their jobs. So please, do pay close
8 attention to everything that is said and done
9 during the trial, so you may perform your duties
10 well.

11 In this case, the Commonwealth, represented by
12 the Office of the Clarion County District Attorney,
13 has charged the defendant, Mr. Palmore, with one
14 criminal defense, and that is indecent assault.
15 This charge has been made in a formal document that
16 has been filed with the Court, and the title of the
17 document is the criminal information. The
18 information is only an accusation. It is not any
19 proof that the defendant is guilty. Under our
20 Constitution, the defendant is presumed innocent
21 unless and until he is proven guilty.

22 The district attorney, as counsel for the
23 Commonwealth, has the burden of proving him beyond
24 a reasonable doubt. The defendant has the right to
25 remain silent and present no evidence, and you must

1 not hold it against the defendant if he elects to
2 not testify at this trial.

3 I am going to describe in a general way what is
4 going to take place. First, Assistant District
5 Attorney Drew Welsh, who is representing the
6 Commonwealth, will make an opening statement to you
7 in which he outlines the Commonwealth's case
8 against the defendant.

9 Next, the defendant's attorney, Erich Spessard,
10 may make an opening statement to you where he
11 outlines the defendant's case. Mr. Spessard has
12 the option to wait until after the Commonwealth has
13 presented its evidence to give an opening
14 statement.

15 After the opening statements, Assistant
16 District Attorney Welsh will present evidence. He
17 will be calling witnesses to testify, and he may
18 offer exhibits, such as documents or photographs,
19 for example.

20 The defense attorney, Mr. Spessard, has the
21 right to cross examine the witnesses called by
22 Mr. Welsh in order to test the truthfulness and
23 accuracy of their testimony.

24 After the assistant district attorney has
25 presented the Commonwealth's case, the defense

1 attorney may present evidence for the defendant,
2 but the defendant has no obligation to offer
3 evidence or to testify himself. The assistant
4 district attorney may, of course, cross examine any
5 witnesses called by the defense.

6 Next, after all of the evidence has been
7 presented, the attorney for both sides will have an
8 opportunity to make a closing argument to you. And
9 then, I will give you my jury charge, which will
10 include instructions on the rules of law that apply
11 to the case and additional guidance you will need
12 during your deliberations. Then, you will retire
13 to the jury room to deliberate and decide what your
14 verdict will be.

15 It is my responsibility to decide all questions
16 of law, and you must follow my rulings and
17 instructions on matters of law whether or not you
18 agree with them. I am likely to be giving other
19 instructions during the trial in addition to these
20 preliminary instructions and my final charge. You
21 should consider all of my instructions as a
22 connected series taken together will constitute the
23 law in which you must follow.

24 But I am not the judge of the facts. It is not
25 for me to decide what are the true facts about the

1 charge against the defendant. You, the jurors, are
2 the sole judges of the facts, and it will be your
3 responsibility at the end of the trial when you
4 deliberate to evaluate the evidence and, from the
5 evidence, find what the facts are.

6 You will then apply the rules of the law which
7 I give to you to the facts as you find them to
8 decide whether the defendant has been proven
9 guilty.

10 I will give you detailed instructions about the
11 law in my final charge at the end of the trial.
12 However, it may help if I give you a preview of the
13 elements that the assistant district attorney needs
14 to prove to make his case.

15 The Commonwealth must prove the following three
16 elements that all of the elements have been proven
17 beyond a reasonable doubt with regard to the charge
18 of indecent assault:

19 First, that the defendant had indecent contact
20 with the alleged victim or caused her to have
21 indecent contact with him.

22 Second, that the defendant had or caused this
23 contact without the consent of the alleged victim.

24 And third, that the defendant acted knowingly
25 or, at least, recklessly regarding the defendant's

1 consent.

2 And when I give you my final instructions, I
3 will go into more detail about the meaning of some
4 of these terms, but those are the three elements of
5 indecent assault that the Commonwealth must prove
6 beyond a reasonable doubt.

7 Do not take notes on the testimony or on
8 anything else during the trial. You are going to
9 have to rely on your memories rather than on notes,
10 so do listen carefully to everything.

11 If you have any trouble hearing or seeing, if
12 you have not heard or seen what is being offered to
13 you, and you want to know about that right away, we
14 will have the question or answer repeated for you
15 if necessary.

16 Ladies and gentlemen, while you are deciding
17 the facts of this case, you will have to judge the
18 credibility and the weight of the testimony and of
19 the evidence. By credibility, I mean truthfulness
20 and accuracy. When you judge the credibility and
21 the weight of a witness's testimony, you are
22 deciding whether you believe all or part of that
23 witness's testimony and also how important the
24 testimony is. Use your understanding of human
25 nature and your common sense and be aware of

1 anything in the witness's own testimony or behavior
2 or anything in the other evidence that might help
3 you judge the truthfulness, accuracy, and weight of
4 each of the witness's testimony.

5 As I have told you, you are the sole judges of
6 the facts and of the credibility and the weight of
7 the evidence, and you must rely on your own
8 recollections and evaluations of the evidence
9 during your deliberations and not on mine or the
10 attorneys. You are not bound by any opinion that
11 either the attorneys or I might express about guilt
12 or innocence, credibility or weight of the
13 evidence, facts which have been proven by the
14 evidence or inferences which may be drawn from the
15 facts. You should consider the statements and the
16 arguments of each attorney carefully, even though
17 they are not binding upon you and are not evidence.
18 You may be guided by them if the statements and the
19 arguments are supported by the evidence and if they
20 appeal to your own reason and judgement.

21 The questions that the attorneys put to the
22 witness are not evidence and the same would be true
23 of any questions that I might ask. It is the
24 witness's answers that provide the evidence. You
25 should not guess that a fact is true just because

1 one of the attorneys or I ask a question about it.
2 Again, it is the witness's answers that provide the
3 evidence.

4 Part of my job is to rule on any objection to
5 evidence made by an attorney. If I decide the
6 evidence is admissible, under the rules of
7 evidence, I will overrule the objection. This
8 means that you are entitled to hear and consider
9 the evidence. On the other hand, if I decide the
10 evidence is inadmissible, I will sustain the
11 objection, and you are not entitled to hear that
12 evidence. Sometimes I may order evidence stricken
13 from the record after you hear it. Whenever I
14 sustain an objection or order evidence stricken
15 from the record, you must completely disregard that
16 evidence when deciding the case.

17 The attorneys and I may have to deal with
18 matters that you are not supposed to know about
19 because they don't pertain to you as jurors. When
20 one of these matters comes up, we may discuss the
21 question or issue at the end of the bench here or
22 in my office, and I'd ask you to please not try to
23 guess what we are talking about.

24 Members of the jury and alternates, you must
25 keep an open mind throughout this trial, and in the

1 oath you just took, you swore to do so. You should
2 avoid forming any opinions about the guilt or
3 innocence of the defendant or about any other
4 disputed question until the trial has ended and you
5 begin your deliberations.

6 Do not talk with each other about the evidence
7 or any other matter relating to whether the
8 defendant has been proven guilty until I send you
9 to the jury room to deliberate on your verdict.
10 Only then will you know enough about the evidence
11 and the law to discuss the case intelligently and
12 fairly. When you deliberate on your verdict, the
13 law allows you to consider only the evidence and
14 instructions that were presented to you properly.

15 You must avoid anything that might result or
16 appear to result in your being exposed to outside
17 information or influence. And so more
18 specifically, do not talk with anyone else about
19 the case or listen to others talking about the case
20 until the trial is completely over and I discharge
21 this jury. Do not even discuss the case with
22 members of your family or close friends or court
23 personnel. And there are some people with whom you
24 should not have any conversation at all, even
25 casual conversations. These people are the

1 defendants, the attorneys for both sides, and the
2 witnesses.

3 Do not pay attention to anything in the news
4 media about the case. Do not try to gain
5 information relative to the case on your own. In
6 other words, do not make any of your own
7 investigations or perform any of your own research
8 or conduct any kind of experiments. Your only
9 information about this case should come to you
10 while you are all together acting as a jury in the
11 presence of myself and the defendant and the
12 attorneys.

13 Please report to me promptly if you ever
14 suspect that you have been exposed to improper
15 outside information or influence or that someone
16 has deliberately tried to expose you to that sort
17 of thing.

18 More specifically, again, do not discuss the
19 case with others, including other jurors, except as
20 instructed by me. Do not read or listen to any
21 news reports about the case. You may not use a
22 computer, cellular phone, or other electronic
23 device with communication capabilities while in
24 attendance at trial or during deliberations. These
25 devices may be used during breaks or recesses but

1 never may be used to obtain or disclose information
2 about this case.

3 You shall not use a computer, cellular phone,
4 or other electronic device with communication
5 capabilities, or any other method to obtain or
6 disclose any information about this case.
7 Information about the case includes, but is not
8 limited to, the following: Information about a
9 party, witness, attorney, judge, or court officer,
10 news reports of the case, information collected
11 through juror research using such devices about the
12 facts of the case on any topics raised or testimony
13 offered by any witness, and information collected
14 through juror research using such devices on any
15 other topic that the juror might think would be
16 helpful in deciding the case. And you are required
17 to inform the Court immediately of any violation of
18 this rule.

19 In conclusion of my opening instructions, do
20 not concern yourselves with what the penalty might
21 be if you should find the defendant guilty. The
22 question of guilt and punishment are separate
23 questions. If you do find the defendant guilty, it
24 will become my responsibility as the judge to fix
25 the penalty.

1 Whatever your verdict, it will have to be
2 unanimous to be valid. All of you will have to
3 agree upon it or there will be no verdict. In the
4 jury room, you will discuss the case among
5 yourselves, but ultimately, each of you will have
6 to make up your own mind. Therefore, each of you
7 has a responsibility which you cannot avoid, and
8 you must do your best throughout this trial to
9 fulfill this great responsibility.

10 So we thank you very much for your attention as
11 jurors and alternates in this trial. With that, I
12 will close my opening instructions.

13 The next step is for the attorneys to give you
14 their opening statements. They will tell you what
15 is expected to be proven. The opening statements
16 are not evidence but a general outline.

17 And at this time, Assistant District Attorney
18 Welsh, who representing the Commonwealth, may
19 address the jury.

20 ATTORNEY WELSH: Good morning, ladies and
21 gentlemen.

22 My name is Drew Welsh. I am the Assistant
23 District Attorney of Clarion County.

24 Sitting next to me there, that is Corporal
25 Shane White. He is a police officer with the

1 Clarion University Police Department. He is the
2 investigating officer in this case.

3 Now, I like to keep my opening statements
4 really short, brief, and to the point because I
5 know that attorneys tend to like to hear themselves
6 talk. And you probably don't want to hear me going
7 on and on about what about Abraham Lincoln would
8 have said or anything like that. You want to hear
9 the facts from the witness stand.

10 So what I am going to present to you today is
11 the testimony of two women. The first is Katelyn
12 Hosler. Katelyn Hosler is the alleged victim in
13 this case. She is going to testify that in 2015,
14 while she was a student at Clarion University, the
15 defendant, Darold Palmore, indecently assaulted
16 her. He would have come to her room. He would
17 have forcibly kissed her, reached up her shirt,
18 grabbed her breast, and stuck his hand down her
19 pants touching her vagina.

20 She will also tell you that she told him that
21 she didn't want to do this. She had a boyfriend.
22 He had a girlfriend. She told him to leave. He
23 exposed himself to her, and eventually, she got him
24 to leave her dormitory.

25 She would have reported this in 2015 to the

1 police. The investigation was done by Corporal
2 White at that point.

3 You are also going to hear the testimony of
4 Kimberly Gealy. Kimberly Gealy is going to tell
5 you that in 2008, while she was a student at Gannon
6 University, that she was indecently assaulted by
7 Mr. Palmore. She will give you the circumstances
8 of that. For that offense, Mr. Palmore had entered
9 a no contest plea and was convicted of indecent
10 assault. She is going to tell you and it will be
11 for you to judge the similarities between these two
12 case. Does it show you that Mr. Palmore has a
13 common plan or scheme involving indecent assault?
14 That is a question for you to decide. That is the
15 evidence that you are going to hear today.

16 The judge is going to instruct you that there
17 doesn't need to be physical evidence. I am not
18 going to show you DNA. I am not going to show you
19 any other physical evidence from a medical vantage
20 or anything like that.

21 But the judge will read the instruction that
22 will indicate to you if you believe the testimony
23 of a victim, if you believe that beyond a
24 reasonable doubt, that is sufficient to form the
25 basis for a conviction.

1 I am going to ask you at the end of the case
2 during my closing argument to find the defendant
3 guilty of the one charge of indecent assault.

4 Now, there is going to be more information that
5 you are going to hear. The defense is going to
6 have a case. I could present all of that and go on
7 for another 20 minutes. I am not going to do that.
8 What you want to hear is the evidence from the
9 witness stand, and at the end of the trial, I will
10 address every defense brought before you, and I
11 will address all of the testimony. And I believe
12 that you will be convinced beyond a reasonable
13 doubt that the defendant is guilty.

14 Thank you.

15 THE COURT: Mr. Spessard, do you want to
16 address the jury at this time?

17 ATTORNEY SPESSARD: I do, Your Honor.

18 THE COURT: You may present an opening
19 statement.

20 ATTORNEY SPESSARD: Thank you, Your Honor.
21 District Attorney Welsh, good morning.

22 Ladies and gentlemen, good morning.

23 My name is Erich Spessard. I am
24 representing the defendant, Mr. Palmore,
25 today. Both he and I appreciate you being

1 here to listen to this case. Obviously, it is
2 very, very important, not just for the
3 Commonwealth, but also for Mr. Palmore and for
4 the sake of justice, too.

5 In many ways, I agree with Mr. Welsh that
6 obviously you don't want to hear me. So
7 rather than put words in people's mouths
8 before you hear their own words, I think what
9 I would rather like to do is to just provide
10 some insight or some guidance in terms of the
11 things that you should be listening for as you
12 hear the testimony today. Because this case
13 frankly is not complicated, but that does not
14 make your job easy.

15 Obviously, the Commonwealth has laid out
16 their version of events for these specific
17 allegations regarding the fall of 2015, and
18 let me just -- first and foremost, I
19 fundamentally disagreed with their assessment,
20 but I am not supposed to argue. This is an
21 opening statement.

22 The points that you should consider as the
23 evidence that is presented today: The first point
24 would be to consider the nature of the victim's
25 testimony in terms of how credible it truly is and

1 the questions that I would suggest are important to
2 consider while you hear this testimony would be,
3 how long did she wait before she reported it to
4 police? Perhaps, if anything else was happening
5 near the time that she did report it to the police.
6 Was there any potential motive on her part to
7 report things when she did or the way she did? And
8 lastly, consider the accuracy of her testimony
9 today compared to perhaps prior statements she
10 would have given to the police or at prior court
11 hearings related to this case. Additionally, also
12 consider the critical lack of particularly powerful
13 evidence that either could have been collected or
14 should have been collected and simply was
15 neglected. The reason that analysis is important
16 is, like the judge said in his opening remarks, the
17 burden of proof of convincing all of you is not on
18 the defense. We don't have to say anything. The
19 burden is on the Commonwealth. They must convince
20 you beyond a reasonable doubt. We will talk
21 more about beyond a reasonable doubt at closing.
22 Now is not the time for that.

23 I'd offer as you hear the evidence testified to
24 today also consider the lack of evidence that is
25 brought up and consider what the evidence does not

1 say or does not show.

2 It is because of all of these problems and
3 because of the questionable credibility I believe
4 that will be demonstrated through the testimony
5 today that I believe you will recognize the
6 considerable problems in the Commonwealth's case,
7 and that is why, at the time of closing, I will be
8 back in front of you. We will review everything,
9 and I am going to ask that you find Mr. Palmore not
10 guilty of this charge.

11 Thank you.

12 THE COURT: Members of the jury, we are
13 ready to turn to the Commonwealth.

14 And Mr. Welsh, you may call your first
15 witness.

16 ATTORNEY WELSH: My first witness is
17 Katelyn Hosler.

18 May Attorney Spessard and I approach?
19 (Sidebar discussion commences at 10:18 a.m.)

20 ATTORNEY WELSH: One thing that I didn't
21 think about until I was just sitting there
22 right now: At the previous trial, Attorney
23 Stiffler filed a motion in limine regarding
24 testimony about Mr. Palmore and the victim
25 meeting a week prior to this occurring and he

1 would have asked her for oral sex. And I know
2 that Attorney Stiffler asked for that motion.
3 I consented to that, and it was granted. I
4 know that law stands for the case, but since
5 Attorney Spessard is a different counsel -- I
6 think it was defense motion -- I don't know if
7 he intended to bring that up.

8 ATTORNEY SPESSARD: No. Nothing.

9 ATTORNEY WELSH: Okay.

10 ATTORNEY SPESSARD: He made reference to
11 that there was a conversation but nothing
12 specific.

13 ATTORNEY WELSH: Very good. I just didn't
14 want to not ask her. And then Erich ask her
15 about another meeting, and it comes out later.
16 Very good. We are good.

17 **KATELYN HOSLER,**
18 called as a witness, was sworn and testifies as
19 follows:

20 **DIRECT EXAMINATION**

21 BY ATTORNEY WELSH:

22 Q. Good morning.

23 I am standing back over here, so if I speak loud
24 enough that you can hear me and you speak loud enough that
25 I can hear you, hopefully everyone else can hear us, too.

- 1 A. Okay.
- 2 Q. Please state your name?
- 3 A. Katelyn Hosler.
- 4 Q. How old are you?
- 5 A. Twenty-one.
- 6 Q. What is your date of birth?
- 7 A. 07/01 of '97.
- 8 Q. All right. So back in fall -- let us talk about
- 9 November of 2015. How old would you have been at that
- 10 point?
- 11 A. Eighteen.
- 12 Q. Now back in that fall period, were you going to
- 13 school anyway?
- 14 A. Yes. I was going to Clarion University.
- 15 Q. What year were you in Fall of 2015?
- 16 A. Freshman.
- 17 Q. And where did you -- are you originally from
- 18 Clarion?
- 19 A. No. I am from Leheighton. It is three and a half
- 20 hours east.
- 21 Q. Are you still a student at Clarion University?
- 22 A. I am. Yes.
- 23 Q. During the summer, do you stay in Clarion or do you
- 24 go back?
- 25 A. No. I go home for the summer.

1 Q. So as of right now, your residence should be at
2 home.

3 A. Yes.

4 Q. So when you were a student in the fall of 2015, you
5 said were a freshman at that time.

6 A. Correct.

7 Q. Do you recall where you lived?

8 A. In Wilkinson, the old dorms.

9 Q. Being that this was several years ago, is it fair
10 to say that there used to be two dormitories that would be
11 on the Clarion University Campus: Wilkinson and Nair
12 Hall?

13 A. Yes.

14 Q. Those have since been demolished. Is that right?

15 A. Yeah.

16 Q. At the time when you lived in Wilkinson, did you
17 have a roommate or did you have a single occupation?

18 A. I was alone. No roommate.

19 Q. Do you know anyone named Darold Palmore?

20 A. I do.

21 Q. Do you recall how you met him?

22 A. I had met him at a gathering in his dorm room with
23 some of his friends.

24 Q. Do you recall approximately when that would have
25 happened?

1 A. I think it was the very end of September or
2 beginning of October.

3 Q. Okay. Speaking of 2015?

4 A. 2015, yeah.

5 Q. You said that there was a little gathering?

6 A. Um-hmm.

7 Q. And you said that was where?

8 A. It was in his room in Nair Hall.

9 Q. You lived in Wilkinson Hall.

10 A. Right.

11 Q. We talked about two dorms with the other one being
12 Nair Hall.

13 A. Um-hmm.

14 Q. Is it fair to say they were basically two high
15 rises that stood next to each other?

16 A. Yes.

17 Q. So you mentioned some sort of gathering. Do you
18 recall how many people would have been at this gathering?

19 A. Ten or a few less. It was a couple of my friends,
20 him, myself, his roommate, his girlfriend at that time.

21 Q. What were you doing to your knowledge at this
22 gathering?

23 A. We were there to watch this show called Empire. It
24 was the season premier or something like that.

25 Q. While you were there, did you have any sort of

1 conversation or interaction with Mr. Palmore?

2 A. I know we said hello but that was about it. We
3 really didn't talk.

4 Q. At some point later, did Mr. Palmore come to your
5 room?

6 A. Yes.

7 Q. Can you describe the circumstances that led him to
8 come to your room?

9 A. Well, first I saw him outside of Eagle Commons.
10 Do you want me to talk about that?

11 Q. Well, when you saw him outside of Eagle Commons, do
12 you remember when that would have been?

13 A. It was a few days after the little gathering in his
14 room.

15 Q. We don't need to get into specifically what was
16 said. But is it fair to say that the two of you had a
17 conversation -- outside of the Eagle Commons, the two of
18 you talked briefly?

19 A. Yes.

20 Q. After that time, did Mr. Palmore ever come to your
21 room?

22 A. Yes.

23 Q. How did that come to be that he came to your room?

24 A. He has texted me that he wanted to talk.

25 Q. When you say that he texted you, what do you mean

1 by that?

2 A. I had given him my phone number the day of the
3 little gathering, and then he had messaged me whatever day
4 it was and said that he wanted to talk. And I said that
5 we can talk.

6 Q. Now you use the words texting and messaging.

7 A. Oh.

8 Q. Some people are not familiar with how that all
9 works. Do you recall what kind of phone you had at the
10 time?

11 A. It was an iPhone.

12 Q. Is there a -- when you want to send a message on an
13 iPhone, is there something specifically that you will
14 click on to do that?

15 A. There is a little messaging app. It is, like,
16 green, and you click, iMessages.

17 Q. When you say "iMessages," what does that mean?

18 A. It is when someone else has an iPhone, you can send
19 messages through Wifi, and they will show up in a blue
20 bubble. If a regular text comes in, it shows up green.

21 Q. Okay. So when you say iMessage is when someone has
22 Wifi. Is Wifi wireless internet?

23 A. Right.

24 Q. In order to send an iMessage to your knowledge, do
25 you need to have a cell phone signal or a plan to do that?

1 A. I think that you can just do it with Wifi or your
2 data too.

3 Q. Was there Wifi in the dorms?

4 A. You had to bring your own router with you. I don't
5 think it was mandatory or anything. It was just if you
6 wanted to bring your own wireless.

7 Q. Do you know if anywhere else on campus had Wifi?

8 A. Yeah. The buildings and the cafeteria. I am
9 pretty sure all of these places have Wifi.

10 Q. So you received a message from Mr. Palmore.

11 A. Um-hmm.

12 Q. And you say that it says that you need to talk.

13 A. Right.

14 Q. You messaged him back something. Do you recall
15 what you would have said?

16 A. Something along the lines of, That is fine.

17 And he came over to my room, and I am pretty sure
18 -- he -- I didn't let him in. Maybe someone else let him
19 in because when I got downstairs he was already inside the
20 building.

21 Q. Okay. So you say he came into your room -- people
22 here may not know Nair and Wilkinson Hall.

23 A. Right.

24 Q. Do you remember where your room would have been?

25 A. It was on the fifth floor.

1 Q. Now to get into Wilkinson Hall, where do you go to
2 get in?

3 A. There was a main entrance, and there was, like, two
4 sets of doors. You have to slide your student ID. It
5 only works if you are in that building. So he couldn't
6 use his card because he lives in the other Hall. So you
7 had to be living in Wilkinson Hall to get in.

8 Q. So you went downstairs to let him in.

9 A. Right.

10 Q. And I want to understand your testimony. When you
11 got down there, where was he?

12 A. He was already inside, so I assumed that someone
13 either coming in or out of the building let him in.

14 Q. Would that be fairly common that every time someone
15 would come in or out of the dorms -- would they always
16 have to swipe their card or would there be traffic that
17 they could go in while someone was coming out?

18 A. Sometimes.

19 Q. Do you find that unusual to happen?

20 A. No.

21 Q. So you are downstairs in the lobby. Where do you
22 go from there?

23 A. On the elevator and went up to the fifth floor. We
24 walked to my room. I don't remember the exact room, like,
25 Room 540 or something like that.

1 Q. While you're going up in the elevator and walking
2 down the hall, is there any sort of conversation between
3 the two of you?

4 A. I don't think so, maybe hello, but that was it.

5 Q. When he sent you a message or at any point prior to
6 getting to your room, does he tell you what he wanted to
7 talk about?

8 A. No.

9 Q. So you get to your room. What happens?

10 A. So I have to unlock it to get in, and I walk sort
11 of towards my bed. He was behind me. And he told me that
12 he was going to shut and lock the door.

13 I said, Okay.

14 I sat on my bed. He followed and sat on it as
15 well.

16 Q. At this point, is there any other conversation?
17 You mentioned about shutting the door. He saying anything
18 else at that point?

19 A. I don't think so.

20 How are you? How have you been?

21 Things like that.

22 Q. What happens next?

23 A. So I am sitting on the bed. He sits on the bed.
24 Then, he just starts to kiss me.

25 I keep telling him no because I don't want that and

1 then --

2 Q. Let us stop there where you say he was kissing you.

3 Where on your body was he kissing you?

4 A. My mouth.

5 Q. In what manner was he doing that? How was he doing

6 that? I know it is an odd question.

7 A. Well, what happened is he laid back down and pulled

8 me on top. He is bigger, so I couldn't, like, get away.

9 As far as a manner, it was just making out.

10 Q. Okay. And you said that you said something to him.

11 What did you say to him?

12 A. Just that I didn't want to do that.

13 Q. Did you give him any reason as to why you didn't

14 want to do that?

15 A. Well, I told him that I had a boyfriend and just

16 the simple fact that I didn't want to.

17 Q. Did he stop after the kissing?

18 A. He stopped kissing, but then, he put his hand in my

19 pants. And then, he touched my boob; and then after that,

20 I hopped off the bed. And then, he got up.

21 And then, I don't remember what part was first. I

22 know at one point he kind of held my wrist and said that

23 he was attracted to me. Something about pleasure, and if

24 you want to pleasure someone, you should do it.

25 And this whole time I am saying, No, I have a

1 boyfriend.

2 Then, after that, he exposed himself, like, wanted
3 me to do stuff.

4 At that point, I just went to the door and told him
5 that he needed to leave.

6 And he left.

7 Q. Okay. I am going to go back. I know we are going
8 to have to get into some uncomfortable details.

9 But you indicated that he touched your breast.

10 A. Um-hmm.

11 Q. Do you remember if he touched your breast over or
12 under your clothing?

13 A. Under.

14 Q. Do you know if you were wearing a bra or anything?

15 A. I probably would have been.

16 Q. Do you remember if he touched you over or under the
17 bra?

18 A. It was under. It was, like, through my shirt.

19 Q. Okay. And you motioned with your hand. You have
20 your hand going toward your neck down.

21 A. It was under.

22 Q. So he touched your breast under your bra and under
23 your shirt.

24 A. Right.

25 Q. It would have been skin-to-skin contact at that

1 point.

2 A. Um-hmm.

3 Q. You also mention that he put his hand down your
4 pants.

5 A. Um-hmm.

6 Q. What happened when put his hand down your pants?

7 A. He went under my underwear, and I just moved his
8 hand out and said, No.

9 Q. Did he touch your vagina at all?

10 A. Um-hmm.

11 Q. Do you know if he would have penetrated your vagina
12 or was just touching the outside of your vagina?

13 A. It was just the outside.

14 Q. And you said that you would have removed his hand.
15 Am I correct?

16 A. Um-hmm.

17 Q. And at that point, you said that you had gotten up
18 from the bed.

19 A. Right.

20 Q. And you describe at some point in which he exposed
21 himself.

22 A. Um-hmm.

23 Q. Can you describe exactly what you mean by that?

24 A. He pulled his pants down and took it out and wanted
25 me to, I guess, touch it or whatever.

1 Q. Do you remember if he said anything at that point
2 or just exposed himself?

3 A. He was talking. He said something about being
4 attracted to me. I don't know how it was worded, but
5 something about pleasuring people because I brought up the
6 fact that he had a girlfriend. I had a boyfriend.

7 He said, It doesn't matter. If you want to be
8 pleased by someone, just do it.

9 Q. Okay. So after he exposes himself, what happens?

10 A. I walked to the door. And I was obviously mad at
11 that point, so I said he needed to leave. I went to the
12 door, and he left.

13 Q. Now when this happened, you mentioned -- just to
14 try and get a timeframe here -- you mentioned end of
15 September, beginning of October would have been when you
16 watched Empire in his dorm.

17 A. Right.

18 Q. Then sometime I think you said shortly after that,
19 you would have talked with him at Eagle Commons.

20 A. Um-hmm.

21 Q. Which is an area on campus not too far from where
22 your dorm was.

23 A. Correct.

24 Q. Then, he would have texted you, and he would have
25 come to your room. Do you remember approximately when

1 that would have happened?

2 A. When he text me to come over?

3 Q. When he came to your room and everything happened.

4 A. I don't know the specific date, but I know it was
5 the second week of October.

6 Q. Again, in 2015?

7 A. 2015. Yes.

8 Q. Now after this happens, do you immediately tell
9 people what happened?

10 A. I told my CA about a day later because we were
11 pretty close. I would also hang out with him.

12 Q. Is that William Best?

13 A. It is.

14 Q. Now when you say, he was your CA. What is a CA?

15 A. It is a Community Assistant, so he is the person in
16 charge of the floor. He has little activities that you
17 could do and makes sure that everyone is okay, I guess.

18 Q. When you talked to him, did you indicate to him
19 whether or not you wanted this reported to the police?

20 A. No. I told him that I wasn't going to, and he
21 brought up a form if I decided that I wanted to.

22 Q. A form if you wanted to report it to the police you
23 could have reported it.

24 A. Right.

25 Q. You tell the CA what happened. You tell him that

1 you don't want to report it. At that point from your
2 perspective, why did you not want to report it to the
3 police?

4 A. I just wasn't comfortable talking about it. I
5 really didn't want to go to them and say what happened.

6 Q. So at some point -- and I guess you had a boyfriend
7 at this time. You had told Mr. Palmore that you had a
8 boyfriend.

9 A. Right.

10 Q. Who was your boyfriend?

11 A. Jarrett Boxley.

12 Q. Did you ever tell him about -- prior to reporting
13 this to the police, did you ever tell him about this
14 incident happening?

15 A. No.

16 Q. Now eventually, is it fair that you do report it.

17 A. Yes.

18 Q. If I said that you reported this to the police on
19 November 5 of 2015, would that sound about right?

20 A. Yes.

21 Q. So is that approximately three weeks to a month
22 from the time that you are saying that this happened?

23 A. Yes.

24 Q. Do you remember, when you reported to the police,
25 what led you to? At that point, why did you decide to go

1 to the police?

2 A. Well, I eventually did tell my good friend. She
3 was in the room across from me. She said that it is
4 really not okay, and I shouldn't just let it go and not
5 say anything about it.

6 So I guess, like, coerced me to go because it is
7 not right.

8 Q. So let me make sure that I understand the people
9 that you would have told what happened. Is the first
10 person you told your Community Assistant Best?

11 A. Right.

12 Q. And then some time later, you would have told your
13 friend who lived across the hall. Can you remember what
14 her name is?

15 A. Jasmine.

16 Q. You told Jasmine what happened.

17 A. Yes.

18 Q. Through that conversation, she encouraged you to go
19 to the police.

20 A. Um-hmm.

21 Q. After that, you would have gone to the police.

22 A. Yes, she walked me to the campus police.

23 Q. So it would have been immediately after you talked
24 to her.

25 A. Yes.

1 Q. She went with you to the university police.

2 A. Yes.

3 Q. Now when you arrived at the university police, you
4 tell them what happened. Did you fill out a written
5 statement or anything like that?

6 A. I did.

7 Q. Now it obviously has been a number of years and you
8 indicated that you initially didn't want to talk about
9 this. Do you still have people in your life that don't
10 know about this?

11 A. Yes. My family doesn't know.

12 Q. So your family has no clue about this. As you are
13 here testifying today, is it fair to say that they don't
14 know the specifics about it?

15 A. No. I just told them that I was a witness. They
16 know what happened. They saw the article and stuff. I
17 didn't tell them it was me.

18 Q. Okay. So you indicated that you were a witness.

19 A. Um-hmm.

20 Q. So this would have been about four and a half years
21 ago. Is that right?

22 A. Right.

23 Q. Did you -- were you given a subpoena or any court
24 documentation that required you to be here today?

25 A. No.

1 Q. Is it fair to say that you were called and asked to
2 come testify today?

3 A. Yes.

4 Q. And you came here voluntarily.

5 A. Yeah.

6 Q. Okay. Is the individual known as Darold Palmore in
7 the courtroom?

8 A. Yes.

9 Q. Can you just describe what he is wearing?

10 A. Purple shirt.

11 ATTORNEY WELSH: Ask the record to reflect
12 that she identified Darold Palmore.

13 And that is all I have.

14 THE COURT: Mr. Spessard, you may cross
15 examine the witness.

16 ATTORNEY SPESSARD: Thank you, Your Honor.

17 **CROSS EXAMINATION**

18 BY ATTORNEY SPESSARD:

19 Q. Good morning, Ms. Hosler. I just have a few
20 questions about your testimony. Okay?

21 A. Okay.

22 Q. If something doesn't make sense, please let me
23 know. I have a tendency to, maybe, ramble a little bit.
24 Call on me if something strikes you as confusing. Okay?

25 A. Um-hmm.

1 Q. In my questions here, I am going to bounce around a
2 bit. So again, if it gets confusing, ask me to just
3 clarify, so we get on the same page.

4 A. Okay.

5 Q. As part of the investigation that led into this
6 case being reported to the police, you testified that you
7 officially reported to the police on November 5 of 2015?

8 A. Yes.

9 Q. At that time, you discussed the allegation in this
10 case with Corporal White. Is that right?

11 A. Yes.

12 Q. You met with him at public safety I presume?

13 A. Yes.

14 Q. Is what you told us today fairly close to what you
15 told Corporal White?

16 A. Yes.

17 Q. Okay. I want you to take just a moment. Try to
18 think back. I know this is a long time ago. Take a
19 moment to think if there are any specific issues that you
20 can recall that you testified about today that maybe you
21 didn't tell him about. Take a moment to yourself.

22 A. Okay.

23 Q. Now, while thinking about that, are there any
24 specifics that -- strike that.

25 Now your testimony today was that you went

1 downstairs to Wilkinson Hall sometime the second week of
2 October of 2015.

3 A. Yes.

4 Q. You claimed to receive a messages from Mr. Palmore
5 that said that we need to talk.

6 A. Yes.

7 Q. So you -- I guess you send some sort of response.
8 You go downstairs. Your testimony was that Mr. Palmore is
9 already in the lobby.

10 A. Yes. He was already inside.

11 Q. So you two walked over to the elevator and rode the
12 elevator to the fifth floor where your room was. Right?

13 A. Yes.

14 Q. Did you inform Mr. White of that part of your
15 story?

16 A. I believe so. I don't remember.

17 Q. Okay. That is fair. You seem to be suggesting
18 that you think you told him: I met him down in the lobby.
19 We rode the elevator. We went to my room.

20 A. Right.

21 Q. Okay. Now did any of your friends see you and
22 Darold ride the elevator together that you recall?

23 A. No. It was -- most of them were at classes.

24 Q. Okay. Did any of your friends happen to see you
25 guys get off the elevator on the fifth floor and go to

1 your room?

2 A. No.

3 Q. You said this is during classes?

4 A. It was. Yeah.

5 Q. Do you recall approximately what time this would
6 have been?

7 A. Sometime in the early afternoon, maybe 12 to one.

8 Q. 12 to one.

9 A. I'd say about that.

10 Q. Now you have testified previously -- correct -- in
11 some other court hearings regarding this case.

12 A. Yes.

13 Q. Do you recall testifying that the allegation may
14 have been around 11 o'clock or so?

15 A. I honestly don't remember.

16 Q. If I show you your testimony, would it jog your
17 recollection?

18 A. I believe so.

19 ATTORNEY SPESSARD: May I approach, Your Honor?

20 THE COURT: You may.

21 BY ATTORNEY SPESSARD:

22 Q. Does this appear to be a transcript of a prior time
23 that you had testified regarding this incident?

24 A. Yes.

25 Q. Okay. I will bring to your attention to near the

1 end of Page 54, and you can read it to yourself real
2 quick.

3 A. (Witness complies.)

4 Q. So does that refresh your recollection that you
5 previously testified that this incident occurred around 11
6 o'clock or so?

7 A. Yeah. I said 11 or noon.

8 Q. Okay. You said 11 or noon.

9 Now I know you have given a rough week estimate
10 here: The second week of October. As best as you can
11 recall, what day of the week could you say this allegedly
12 happened on?

13 A. I know it was the beginning half of the week, maybe
14 a Monday or a Tuesday, maybe a Wednesday.

15 Q. Is there any particular reason why you feel it was
16 the beginning half of the week?

17 A. I just remember that one of my classes had gotten
18 cancelled, and I knew that I had to go later in the week.
19 It was because of that reason.

20 Q. You recall one of your classes was cancelled the
21 day of the alleged incident.

22 A. Right because I got out earlier.

23 Q. Okay. Now are you familiar with your schedule as
24 it was in the fall of 2015?

25 A. I know some of them.

1 Q. If I were to show you something that contained your
2 name and student ID number and particular classes, do you
3 think that would refresh your recollection?

4 A. Probably.

5 Q. I'll just ask you to take a quick look at these
6 documents that I am holding.

7 Go ahead and take a look there. I know the print
8 is very small.

9 A. Yeah. I would definitely say it was a Tuesday. It
10 is 10:30 to 1:30. And I don't have anything until two.

11 Q. So your testimony today after reviewing your
12 schedule -- well, first of all, we agree this is your
13 schedule that you are looking at?

14 A. Yes.

15 Q. Does it seem consistent with what you had
16 previously known to be your schedule?

17 A. Yes.

18 Q. Based off of reviewing this and based off your
19 recollection regarding the timespan that you had between
20 classes, your gut said today it was likely a Tuesday.

21 A. That is what I would think, yeah.

22 Q. That is fair.

23 So on Tuesday, your testimony today was you maybe
24 got this message or Mr. Palmore came up to your room
25 around noon or so. You previously testified it was 11 or

1 noon.

2 A. Right.

3 Q. That is all fair.

4 Now I want to jump back real quick to that second
5 week of October that the alleged incident took place.

6 A. Okay.

7 Q. Your testimony was that you guys go into the room
8 together. You get on the bed. You testified that there
9 was some very brief cordial conversation, small talk.

10 A. Just small talk, yeah.

11 Q. At that point, you said that Mr. Palmore then
12 basically started kissing you in a making out sort of way.

13 A. Yes.

14 Q. Your testimony was then that he, kind of, grabbed
15 you and leaned back so to speak.

16 A. Yeah. Because I had my two beds pushed together,
17 so it was a big bed. We were sitting there, and he, like,
18 went back and was on top of me.

19 Q. He pulled you on top of him.

20 A. Yes.

21 Q. Just so we are clear here: He is sitting there,
22 wraps his arms around you, starts to kiss you, and leans
23 back; and I think your testimony is you were, kind of,
24 resisting him, pushing off of him.

25 A. Yes.

1 Q. Would it be fair to say that you are trying to grab
2 his arms to, like, stop grabbing me and, like, stay away?

3 A. Right. Yeah.

4 Q. Okay. So your testimony was then that he stops
5 kissing you, and while you're sort of pushing him and
6 pushing him away, your testimony was that he put one hand,
7 sort of, down your shirt. Right?

8 A. Yes.

9 Q. If you can recall, do you remember what hand this
10 was? Left or right hand?

11 A. I don't recall the hand.

12 Q. I think it is safe to assume that if one hand is
13 down your shirt, the other hand is free to hold you at
14 this point.

15 A. Yes.

16 Q. So there is only one arm at this point so to speak
17 that would be holding you. Right?

18 A. Right.

19 Q. You then testified -- and this is where it gets
20 confusing for me.

21 You testified that you said, No. Stop. Something
22 to the effect that I have a boyfriend. I don't want to do
23 this.

24 And then, you kind of rolled off of him and then
25 stood up.

1 A. It all happened so fast. I know that I rolled off,
2 and then I am pretty sure that he grabbed my breast and
3 went in my pants. I think that happened while we were
4 still sitting, because after I pushed away, I stood up.

5 Q. This movement -- in terms of moving from breast to
6 under the pants, this was one motion. This wasn't a
7 separate reach in, reach out, reach in.

8 A. It was in. Then I told him to get out, and a
9 couple seconds later, he went into my pants.

10 Q. What you are describing you are saying the entire
11 time was actually on your bed?

12 A. Yes.

13 Q. Right. So then you stated that you rolled away
14 from him and got up off the bed. Right?

15 A. Right.

16 Q. He is still on the bed. You are up.

17 A. Yes.

18 Q. And at that point, you testified that he kind of
19 held your wrists or something like that.

20 A. He sort of held them up. It wasn't hard or
21 anything. We were just talking about -- I don't know
22 exactly what it was. It was something about pleasuring
23 people.

24 Q. So just so I understand here. You have this moment
25 of, you know, he uses his hands to touch you in a couple

1 of different areas here. You pull yourself away.

2 A. Right.

3 Q. And then, he gets up. At this moment, you haven't
4 ran to the door or anything yet. Right?

5 A. No. I was just standing there.

6 Q. I assume the door is closed.

7 A. It was closed. Yeah.

8 Q. Okay. So you said that you were just standing
9 there. Can I assume you were not particularly happy with
10 the way things had developed?

11 A. I was mad.

12 Q. You were mad. Right?

13 A. Um-hmm.

14 Q. You had been resisting his advances.

15 A. Right.

16 Q. You testified that you were telling him multiple
17 times: "Don't do this. I have a boyfriend. You have a
18 girlfriend." So on and so forth. Right?

19 A. Um-hmm.

20 Q. You are angry, so I am assuming that you are
21 sternly telling him.

22 A. Yeah.

23 Q. Would it be fair to say that you are yelling at
24 him?

25 A. Yes.

1 Q. How many other people lived on your same floor in
2 2015?

3 A. Maybe, like, 20 on the girl side.

4 Q. Twenty of the girls' side.

5 A. It is a girls' side and a guys' side.

6 Q. Right.

7 And your room isn't surrounded by classrooms.

8 Right? Your room was surrounded by other dorm rooms.

9 A. Right.

10 Q. I believe that you testified that one of your
11 friends literally lived in the dorm room across from you.
12 Right?

13 A. Yes.

14 Q. Okay. So your testimony is that you got this --
15 you claim this touching is happening. You get up. He
16 starts holding your hands gently. He makes these
17 statements about pleasure. You say at that point he
18 exposes himself. If I understood your testimony, at that
19 point in time, you say, Okay. You got to go.

20 A. Right. I walked over to the door and opened it and
21 told him to leave.

22 Q. And he leaves. Right?

23 A. Yeah.

24 Q. Do you remember where he went?

25 A. I have no idea.

- 1 Q. You have no idea.
- 2 A. I don't know.
- 3 Q. He didn't go to your friend's across the hall.
- 4 A. I know their door was open. He might have stopped
- 5 and said hi real quick. I don't remember. I just closed
- 6 the door.
- 7 Q. Okay. Now do you remember talking to the police
- 8 about -- when you claimed all of this happened, you told
- 9 the police that he had gone to your friend's room across
- 10 the hall?
- 11 A. It sounds familiar.
- 12 Q. Would your friend's name have been Betania?
- 13 A. Yes.
- 14 Q. Is that spelled B-e-t-a-n-i-a?
- 15 A. Yes.
- 16 Q. Okay. If I were to have you look at the written
- 17 statement that you gave to the police, do you think that
- 18 would help you recall what you told them or what you wrote
- 19 down?
- 20 A. Oh, sure.
- 21 Q. Okay. So does this appear to be the written
- 22 statement that you filed or you wrote up?
- 23 A. Yes.
- 24 Q. That is your name there at the top.
- 25 A. Yes.

1 Q. And we have a date here of November 5.

2 A. Yes.

3 Q. All right. And is this your signature at the
4 bottom of this page?

5 A. Yes.

6 Q. On the second page, is that your signature as well?

7 A. Yes.

8 Q. Do you want to take a second to read here the last
9 half of the second page?

10 A. Okay.

11 Q. To yourself.

12 A. (Witness complies.)

13 Q. Okay. So having read this, do you recall whether
14 you told the police that Mr. Palmore went to your friend's
15 room across the hall from you?

16 A. Right.

17 Q. Does that refresh your recollection that that
18 happened?

19 A. Yeah. I know her door was already open.

20 Q. Okay.

21 A. I closed the door right away, but I know that I saw
22 him in that general direction. It was probably just a hi
23 and bye type of deal.

24 Q. So that is your testimony today, but you and I
25 would agree that all your written statement says is that

1 he then went to Betania's room.

2 A. Yes.

3 Q. And you stated that her door was open at the time.

4 A. Yes.

5 Q. You definitely recall that.

6 A. Yes.

7 Q. From what you can recall, did Betania have a
8 roommate?

9 A. I think she did.

10 Q. Would it be fair to say that -- was Betania's
11 roommate a friend of yours, too?

12 A. She had a roommate, but then her roommate moved.
13 So at that point, I don't know if she still had her
14 roommate or not.

15 Q. Okay. Was it regular thing for Betania to just
16 leave her door open when she wasn't there?

17 A. When she wasn't there?

18 Q. Was not there.

19 A. If her roommate was there, yeah. If she wasn't
20 there, no.

21 Q. And you can't recall whether or not if the roommate
22 was gone at this point.

23 A. Yeah. I have no idea.

24 Q. Would it be fair to say that if her door is open it
25 is likely that Betania was there if her roommate had

1 already moved out?

2 A. Right.

3 Q. If her roommate hadn't moved out yet, she was
4 likely there and/or the roommate was there.

5 A. Yes.

6 Q. That is fair. Okay.

7 Now it is not noted in any of the reports -- and I
8 don't want to put words in your mouth here. Would it be
9 fair to say that you did not -- based on your testimony
10 upon Mr. Palmore leaving your room, you saw Betania's door
11 open. You didn't try to go over to Betania's room and say
12 some type of warning or anything regarding Mr. Palmore's
13 conduct or anything like that?

14 A. No.

15 Q. And as you previously testified, you didn't report
16 anything to the police that day.

17 A. No.

18 Q. Then the next day your testimony was that you
19 confided in the CA.

20 A. Yes.

21 Q. Now you were already friends with a number of
22 people on campus at that point.

23 A. Yes.

24 Q. These are friends that -- how long had you known
25 them?

1 A. A couple of months.

2 Q. But your testimony was that you confided in the CA,
3 Mr. Best.

4 A. Yes.

5 Q. And your words were that he specifically asked if
6 you wanted to report this to the police.

7 You said, No.

8 A. Right.

9 Q. And in fact, you don't report this to the police
10 until, specifically, November 5.

11 A. Right.

12 Q. Would it be fair to say that your report was made
13 sometime in the evening of November 5?

14 A. Yes.

15 Q. Okay. Can you testify -- going back to the actual
16 night of the incident, was there anything remarkable about
17 Mr. Palmore's appearance?

18 A. He had some type of bandage on his wrist.

19 Q. He had a bandage on his wrist.

20 A. Like an Ace bandage.

21 Q. Like an Ace bandage.

22 A. I think so.

23 Q. So as you previously testified up to this point,
24 you made no mention of this ace bandage, but you are
25 saying, yes, you do recall an Ace bandage being on him.

1 Is that fair?

2 A. I thought I mentioned it the last time.

3 Q. Well, I am asking for today.

4 A. Oh, okay.

5 Q. Today, have you said anything up to this point
6 about the ace bandage?

7 A. No.

8 Q. Okay. Now at a prior hearing in October of 2016,
9 you testified that there was some sort of Ace bandage on
10 him. Is that fair?

11 A. I think so, yeah.

12 Q. Do you recall what you would have said in February
13 of 2016? This is approximately four months later from the
14 date of the alleged incident.

15 A. Um-hmm.

16 Q. Do you recall what you testified to in February
17 2016 regarding anything unusual with his appearance?

18 A. I am pretty sure that I didn't mention it. I
19 totally forgot about it.

20 Q. You totally forgot about it.

21 Can you recall specifically -- you said that you
22 had forgotten about it.

23 A. Yeah.

24 Q. Were you informed at that hearing in February of
25 2016 that Mr. Palmore had some sort of wrist injury?

1 A. I think they mentioned it because I know they had
2 other people appear, like a doctor.

3 Q. I am talking in February of 2016.

4 A. Right.

5 Q. In February of 2016 when you were at the small
6 courthouse towards Shippenville.

7 A. Oh, okay.

8 Q. When you were there, were you informed at that
9 point that Mr. Palmore had a hand injury? Because your
10 testimony at that point was that you didn't remember it.
11 But did anybody at that point inform you that he had a
12 hand injury?

13 A. No. I confused the dates. In February, that was
14 the first one, the preliminary one.

15 Q. Right.

16 A. I am pretty sure that I mentioned it, but in the
17 actual trial in October, I don't think I mentioned it.

18 Q. If I handed you your testimony, would that refresh
19 your recollection on some things?

20 A. Sure.

21 Q. So just taking a quick look here, does this appear
22 to be the preliminary hearing?

23 A. Yes.

24 Q. The date listed here is February 9 of 2016.

25 A. Yes.

1 Q. We can agree that this was approximately four
2 months after the date of the second week in October of
3 2015.

4 A. Yes.

5 Q. And you testified on this day.

6 A. Yes.

7 Q. Okay. Now I want to bring to your attention your
8 testimony on Page 23 here. Read to yourself here on Line
9 9.

10 A. (Witness complies.)

11 Q. Did you have a chance to read that?

12 A. Um-hmm.

13 Q. In February of 2016 in that preliminary testimony,
14 you were asked: Do you recall whether or not Mr. Palmore
15 had some sort of brace or bandage?

16 I believe your answer was: I don't know.

17 Is that accurate?

18 A. Yes.

19 Q. That was your testimony in February of 2016: I
20 don't know.

21 A. Yes.

22 Q. There is a follow-up question there. Right?

23 A. Um-hmm.

24 Q. The follow-up question is: Were you aware that he
25 had a hand injury in the fall of 2015?

1 A. Right.

2 Q. And what was your answer?

3 A. I said no.

4 Q. Specifically, you said that you weren't aware. Is
5 that fair?

6 A. Yes.

7 Q. I mean it is the same thing but --

8 So you and I can agree then that in February of
9 2016, you get asked, Is he wearing a brace?

10 Your answer is, I don't know.

11 A. Right.

12 Q. His attorney at the time then asked: Were you
13 aware that he had an injury?

14 And you said, No, I wasn't.

15 Right?

16 A. Right.

17 Q. Then we come along and have that hearing in October
18 of 2016 and now your testimony is: Yes, he was wearing a
19 brace. Right?

20 A. Um-hmm.

21 Q. And your testimony today is, Yes, he was wearing a
22 brace -- or a wrap or bandage.

23 A. I just know it was white. I think.

24 Q. Okay.

25 And just to be clear, the white bandage that he had

1 on here, this was on the entire time of entering your
2 room, being on the bed with you, holding your hands, and
3 leaving the room.

4 A. Yes.

5 Q. It is not like he left it there or anything like
6 that.

7 A. No.

8 Q. Okay. So you testified that approximately three
9 weeks to four weeks later you go to the police and inform
10 them of everything that happened. Your testimony was on
11 behalf of your friend Jasmine you went to the police.

12 A. Um-hmm.

13 Q. The date was November 5 of 2016. Right?

14 A. Yep.

15 Q. You also testified that you had been dating
16 somebody at that time. Correct?

17 A. Well, at that point, we had broken up.

18 Q. So your testimony today is that on November 5 you
19 were not dating somebody. Is that your testimony?

20 A. Correct. I was single.

21 Q. Okay. On the date of the alleged incident, you
22 were dating somebody.

23 A. Yes.

24 Q. Who was the person that you were dating in that
25 fall semester time period?

1 A. His name was Jarrett Boxley.

2 Q. That is right. I am sorry. You already testified
3 to that.

4 Now at some point in time, did Mr. Boxley confront
5 you regarding any concerns in your relationship with him?

6 A. No -- oh, do you mean with Darold?

7 Q. Yes. I am sorry.

8 A. Oh, yeah. He sent me a screenshot of messages
9 between them two on Facebook messenger.

10 Q. So you specifically recall there was some
11 screenshot from Facebook messenger.

12 For the sake of the jury here, a screenshot would
13 be a picture of the messages sent to you through some
14 other technological means. Right?

15 A. Right.

16 Q. I think your testimony is through text message you
17 recall. You recall Mr. Boxley sending you some sort of
18 message with a picture of messages that he had received
19 from Mr. Palmore.

20 A. Right.

21 Q. Okay. And just to clarify: The message that
22 Mr. Boxley had sent to you, this was from Mr. Palmore.

23 A. Yes.

24 Q. You knew this message was from Mr. Palmore. Right?

25 A. Yes.

1 Q. When you received this message, were you and
2 Mr. Boxley dating at the time?

3 A. No.

4 Q. So your testimony today is you were not dating at
5 the time.

6 A. We were broken up.

7 Q. You had a chance to review some of your prior
8 testimony. Is that fair?

9 A. Yes.

10 Q. Is it fair to say that in the February 2016
11 hearing -- so four months after the alleged incident --
12 you testified that your boyfriend at the time had received
13 messages from Darold Palmore and that your boyfriend had
14 screenshot and sent those to you.

15 A. Yes.

16 Q. That was your testimony: My boyfriend at the time
17 got these messages from Darold.

18 A. Right.

19 Q. Okay. Then, at the subsequent hearing in October
20 of 2016, you testified in this court. Right?

21 A. Yes.

22 Q. At that hearing, you testified: While we were
23 still dating, Mr. Boxley sent me -- Jarrett sent me a
24 screenshot of messages that he received from Darold
25 Palmore.

1 Is that right?

2 A. Right.

3 Q. Okay. Just to clarify. In February of 2016 and
4 October of 2016, your testimony was: We were still
5 dating, and he got some messages from Darold Palmore.

6 Correct?

7 A. Right.

8 Q. Your testimony today is we weren't actually dating
9 at the time. Is that fair?

10 A. Yes.

11 Q. Do you remember when the messages would have been
12 sent?

13 A. Well, it would have been after he was contacted by
14 the police, so I think it was, like, November 9 or
15 somewhere around there.

16 Q. Well, okay.

17 A. That is when he sent me a screenshot of it.

18 Q. Is that when --

19 A. Jarrett showed it to me.

20 Q. Okay. Again, do you recall testifying that this
21 would have been near the end of October?

22 A. Yes, I think I said that.

23 Q. Okay. So at a prior hearing in October of 2016,
24 you did testify that the messages were sent near the end
25 of October, maybe the beginning of November.

1 A. Yes.

2 Q. And as I recall -- and correct me if I am wrong --
3 your testimony was: I remember that because it was right
4 around the time that we broke up.

5 A. Right.

6 Q. Is that fair?

7 A. Um-hmm.

8 Q. Okay. So you stated that the screenshot was from
9 Facebook messenger.

10 A. Um-hmm.

11 Q. Correct?

12 A. Um-hmm.

13 Q. And can you describe what the messages contained in
14 that screenshot?

15 A. The only messages that I saw, the first message was
16 from Darold. It said something along the lines of: I
17 need to know what these allegations are.

18 I believe that Jarrett said that he didn't want to
19 be involved.

20 Q. And that is your recollection of the messages?

21 A. Yes.

22 Q. That is the only message that you saw regarding
23 anything between Darold and Jarrett. Right?

24 A. Yes.

25 Q. Now -- again, I don't want to put words in your

1 mouth here. I want to make sure we understand this right.

2 The messages that you saw, based on the screenshot,
3 was the screenshot a complete list of messages? Was it
4 multiple screenshots or was it just a snippet of messages?

5 A. It was a whole screenshot of what was on his phone.
6 The messages that I saw it was just one from Darold and
7 one from Jarrett.

8 I know there was other conversations, but I didn't
9 see that.

10 Q. Okay. All right. So I guess just to clarify your
11 testimony today then: If you saw copies of these
12 particular messages, would you be able to say whether or
13 not it looks familiar to you?

14 A. Yes.

15 Q. Okay. So go ahead and take a look at these.

16 Is it fair to say that these appear to be messages
17 in a conversation with Jarrett Boxley? Correct?

18 A. Yes.

19 Q. Go ahead and take a look at those messages.

20 A. I am pretty sure it was off of this page.

21 Q. So we have gone to Page 8 of this form. Is that
22 fair?

23 A. Yes.

24 Q. There a message here that makes reference to
25 something about allegations. Is that right?

1 A. Yes.

2 Q. Does that strike you as similar or at least
3 relatively close to what the message you saw on your
4 screenshot?

5 A. Yes.

6 Q. But your testimony is that you saw no other message
7 other than maybe Mr. Boxley sort of responds. Is that
8 fair?

9 A. Right.

10 Q. Obviously, we are looking at these messages here.
11 This is kind of blown up. Is that fair?

12 A. Yes.

13 Q. So on your screenshot, the font would have likely
14 been smaller, and potentially, more could have fit on an
15 actual screenshot from a phone. Is that fair?

16 A. Right.

17 Q. Okay. So you distinctly recall getting a message
18 that is similar to this in nature or is at least similar
19 to Page 8 in nature that was screenshotted from Jarrett to
20 you.

21 A. Yes.

22 Q. Okay. But your testimony today was there was no
23 other message involved in any sort that you received.

24 A. Right. I only saw the one conversation.

25 Q. So you were never confronted about any infidelity

1 between you and Mr. Boxley by Mr. Boxley.

2 A. No.

3 Q. You never received any sort of heads up or
4 indication that Mr. Palmore had reported seeing you
5 involved in some sort of infidelity or intimate relations
6 with another individual that wasn't Mr. Boxley.

7 A. No.

8 Q. Nothing like that?

9 A. I never did anything like that.

10 Q. Is it your testimony that Jarrett Boxley never
11 confronted you with anything like that?

12 A. No.

13 Q. Never?

14 A. I mean when we broke up, I think he had mentioned
15 it, but he didn't send me screenshots or anything like
16 that about it.

17 Q. Okay. But when he confronted you, did he make
18 reference to anything that Mr. Palmore had said to him?

19 A. No.

20 Q. No.

21 So there was some sort of confrontation here, but
22 your testimony is it had nothing to do with Mr. Palmore
23 and the screenshots had nothing to do with it. Right?

24 A. Right.

25 Q. Okay. We will come back to this later.

1 Can you just take a look for a moment at the
2 timestamp of when the first message was sent?

3 A. November 5, 2:42 p.m.

4 Q. Okay. So you and I agree that this was November 5
5 -- that this says November 5, 2:42 p.m. would it be fair
6 to call that early to midafternoon?

7 A. Right.

8 Q. Of November 5?

9 A. Yes.

10 ATTORNEY SPESSARD: Ms. Hosler, I have no further
11 questions. Thank you so much.

12 ATTORNEY WELSH: All right.

13 THE COURT: Mr. Welsh?

14 ATTORNEY WELSH: Thank you.

15 **REDIRECT EXAMINATION**

16 BY ATTORNEY WELSH:

17 Q. There has been some references to previous
18 testimony that you have given. Is it fair to say that you
19 testified several times about this incident?

20 A. Yes.

21 Q. There was a discussion of February 9 of 2016 and
22 October 10 and 11 of 2016.

23 A. Right.

24 Q. And you are testifying again today. Right?

25 A. Yes.

1 Q. And I want to just go through a couple of issues.
2 I'll start at the end of where Attorney Spessard left off
3 with the testimony about your boyfriend and any sort of
4 messages that you received.

5 A. All right.

6 Q. You were shown messages which you had said you may
7 or may not have seen that were screenshots that were sent
8 from Mr. Boxley to you. Is that right?

9 A. Right.

10 Q. I'll show you. I have two pages here. Would you
11 describe these two pages as you would have seen some of
12 the messaging on this page. Right?

13 A. Yes.

14 Q. Does it have a timestamp that would have been sent
15 to Mr. Boxley, not necessarily to you, but when Mr. Boxley
16 was having the conversation?

17 A. Yes. November 9 at 3:53.

18 Q. Okay. And that was four days after you reported it
19 to the police. Correct?

20 A. Yes.

21 Q. You said that at that time when you would have
22 reported it on November 5 you and Mr. Boxley would have no
23 longer been dating. Right?

24 A. Right.

25 Q. Do you remember when you would have broken up?

1 A. Yes. We broke up on Halloween.

2 Q. How do you remember that?

3 A. Because I remember my friends and I -- we had a
4 little, like, gathering watching movies and stuff, and it
5 was Halloween because we were watching movies.

6 Q. What does that have to do with your break up with
7 Mr. Boxley?

8 A. That is just the day that I remember. He texted me
9 while I was hanging out with them on October 31st.

10 Q. And he had texted you that you are broken up.

11 A. Right.

12 Q. You had mentioned that he would have confronted you
13 in some way before you had broken up or at the time that
14 you had broken up regarding some rumors of infidelity that
15 you would have had. Is that fair?

16 A. Right.

17 Q. Do you remember if that was text messages or
18 face-to-face contact or how would that have worked?

19 A. It would have been text messaging because we were
20 barely in person.

21 Q. Would that have been on that day on Halloween that
22 he would have texted you about the infidelity and we are
23 broken up?

24 A. Yes.

25 Q. At that time on October 31, 2015, when the two of

1 you broke up, did you have any knowledge involving of any
2 conversation Jarrett or Mr. Palmore would have had about
3 this infidelity?

4 A. No.

5 Q. Do you know anything about Darold Palmore's
6 involvement in any of this?

7 A. No.

8 Q. Before you reported this to the police, did you
9 report it in any way to get back to Mr. Palmore?

10 A. No.

11 Q. Other than obviously what happened at the dorm
12 room?

13 A. Right.

14 Q. As far as anything you would have told anyone or
15 anything like that?

16 A. No.

17 Q. Did you report this because of any concern about
18 Mr. Boxley or what he would have thought?

19 A. No.

20 Q. Now again, this is four and a half years ago. Are
21 you concerned today with what Mr. Boxley would think?

22 A. No.

23 Q. You wrote in your written statement -- so let us
24 back up further.

25 And Attorney Spessard pointed out where you said,

1 He then want to Betania's room.

2 A. Yes.

3 Q. When you wrote that -- and it is difficult getting
4 into what other people might have said. Did you see him
5 go into Betania's room at that time?

6 A. No. I just saw him walking straight across.

7 Q. Is it possible that somebody told you after the
8 fact that he went into Betania's room?

9 A. I don't remember.

10 Q. Okay. You were also asked a question about when
11 you told Mr. Palmore to stop or you said no. I think
12 Attorney Spessard kind of asked you two questions at the
13 same time. I want to clarify that.

14 I believe his question was something to the effect
15 of: Did you say sternly, like, yelling at Mr. Palmore?

16 A. It wasn't yelling, but I was mad and telling at him
17 to stop.

18 Q. When you say that you spoke to him sternly, can you
19 give us an example. I know it is difficult.

20 A. I am not a very loud person. So I feel like how I
21 am talking now is even more than how I talk normally. In
22 my voice, you can tell I am annoyed, but it was probably
23 just a little bit louder.

24 Q. You didn't say: No! Stop!

25 A. No. It wasn't like that.

1 Q. Okay. Now you also talked about your preliminary
2 hearing testimony from February.

3 A. Yes.

4 Q. Is that right?

5 A. Yes.

6 Q. You were asked a question. You said, My boyfriend
7 at the time sent me a message.

8 A. Right.

9 Q. Again, we are going back four years.

10 When you said, "My boyfriend at the time," were you
11 referring to my boyfriend at the time that this happened
12 or my boyfriend at the time who would have sent me
13 messages?

14 A. At the time that it happened.

15 Q. And now Attorney Spessard, he showed you the first
16 page of these messages. You made reference to you know
17 there are more messages.

18 A. Right.

19 Q. I know there are more messages.

20 A. Right.

21 Q. At that time, were you aware that there were more
22 messages?

23 A. No.

24 Q. Did you ever see those messages before today?

25 A. No.

1 Q. Is it fair to say that you were first shown these
2 messages today?

3 A. Yes, I just saw them.

4 Q. And I will show you -- Mr. Spessard showed you this
5 front page here, and you looked through to see what
6 messages you recognized.

7 A. Right.

8 Q. What is the timestamp of the first message that was
9 sent?

10 A. November 5, 2:42 p.m.

11 Q. So if you had testified at the previous hearing
12 that this would have been -- that you could have gotten
13 these messages at the end of October.

14 A. Yes.

15 Q. Even if you got these first messages, would it be
16 possible to get a message in October that was sent in
17 November?

18 A. No.

19 Q. I just want to clarify: Going back to Mr. Boxley
20 because there is an inference that you may have reported
21 this because of what Mr. Boxley had said or how Mr. Boxley
22 reacted. You indicated that is not true.

23 A. Right. It is not true.

24 Q. It has been four and a half years now.

25 A. Right.

1 Q. You are under oath today. Do you understand that?

2 A. I do.

3 Q. If this didn't happen, you need to say it didn't
4 happen.

5 A. Right.

6 Q. Did this happen?

7 A. It did.

8 ATTORNEY WELSH: That is all of the questions
9 that I have.

10 THE COURT: Any other questions,
11 Mr. Spessard?

12 ATTORNEY SPESSARD: Yes, Your Honor.

13 **RECROSS EXAMINATION**

14 BY ATTORNEY SPESSARD:

15 Q. You and I can agree that even if you and Mr. Boxley
16 had broken up, it doesn't mean that one of you exists in a
17 different plain of reality. Right?

18 A. Right.

19 Q. So he could have communicated with you still even
20 if you had broken up. Right?

21 A. Right.

22 Q. We will just say hypothetically here.

23 Hypothetically, he could have confronted you regarding
24 issues of other activities after you had been broken up.

25 A. Right.

1 Q. All right. Now you had referenced regarding the
2 text messaging that went between you and Jarrett Boxley.

3 A. (Affirmatively nods head.)

4 Q. Did you ever offer those to the police?

5 A. I don't remember. I think I might have shown them
6 the picture. I don't remember.

7 Q. You don't remember.

8 So I'll ask it this way: Did police ever take your
9 phone to download the information off of it?

10 A. I don't think so.

11 Q. Did they ever ask who your wireless provider was?

12 A. No.

13 Q. Did you consent to have your data released to them
14 to download it?

15 A. I don't think so.

16 Q. And I know Mr. Welsh brought up this preliminary
17 hearing testimony again. We want to just read through it
18 as you said it, so there is no confusion here. I am going
19 to ask you to look at this and read your specific
20 testimony.

21 So we will start at the question and you will read
22 your answer in response to the question.

23 So the question at the time was referring to
24 Mr. Palmore: No contact or a party contact or anything?

25 Your answer was?

1 A. "He messaged my boyfriend at the time, and my
2 "boyfriend sent me, like, a screenshot, but I
3 "didn't talk to him at all."

4 Q. Okay. So when the end part where you say, "But I
5 didn't talk to him at all," you are referring to Darold.
6 Right?

7 A. Right.

8 Q. And then at the beginning of this statement, you
9 say, "He messaged my boyfriend."
10 Darold messaged Jarrett.

11 A. Right.

12 Q. "He messaged my boyfriend at the time, and my
13 "boyfriend sent me, like, a screenshot."

14 A. Right.

15 Q. That was your statement. Right?

16 A. It is. Yeah.

17 Q. You don't say ex-boyfriend.

18 A. No.

19 Q. You don't say he sent it to my ex-boyfriend. Your
20 statement here is that the message was sent to my
21 boyfriend.

22 A. Right.

23 Q. Okay.

24 ATTORNEY SPESSARD: That is all I have.

25 Thank you.

1 ATTORNEY WELSH: No redirect.

2 THE COURT: Ms. Hosler, you may step down.

3 Do you ask that she remain sequestered?

4 ATTORNEY WELSH: I do, Your Honor.

5 THE COURT: Ms. Hosler, please go back to
6 where you were seated and do not discuss your
7 testimony or anything about the case until the
8 trial has ended.

9 Will the attorneys come to the bench,
10 please?

11 (Off-the-record discussion.)

12 Members of the jury, the testimony by Katelyn
13 Hosler on questions by the attorneys concerning
14 possible infidelity or issues involving contact
15 with someone else that had a bearing on possibly
16 her relationship with her boyfriend or ex-boyfriend
17 that evidence is not being offered and you should
18 not consider it for purposes of questioning the
19 virtue or chastity of Katelyn Hosler or for the
20 purpose of saying she is a person of bad character
21 or promiscuous. It is not to be considered by you
22 for that purpose at all. Instead it is offered to
23 you and should be considered by you only for the
24 purpose of determining the credibility or the
25 believability of the testimony of Katelyn Hosler.

1 So Mr. Welsh, you may call your next witness.

2 ATTORNEY WELSH: Next witness is Kimberly
3 Gealy.

4 **KIMBERLY GEALY,**

5 Called as a witness, was sworn and testifies as
6 follows:

7 **DIRECT EXAMINATION**

8 BY MR. WELSH:

9 Q. Kimberly, I am Drew Welsh. I am standing over
10 here.

11 Could you please tell us what your name is?

12 A. Kimberly Gealy.

13 Q. Spell your last name.

14 A. G-e-a-l-y.

15 Q. We had spoken on the phone before. Right?

16 A. Yes.

17 Q. This is our first time to see each other
18 face-to-face. You came after we would have started the
19 proceedings. Is that right?

20 A. Correct.

21 Q. In 2008, were you a student at Gannon University?

22 A. Yes.

23 Q. Where is Gannon located?

24 A. Erie, Pennsylvania.

25 Q. Okay. And are you from Erie, Pennsylvania?

1 A. Yes.

2 Q. Now you come here today to testify. Were you
3 subpoenaed to be here?

4 A. No.

5 Q. Did you come at your own free will to be here?

6 A. Yes.

7 Q. Back in 2008 when you were at Gannon, can you
8 describe what your living arrangement was?

9 A. I transferred to the university. I lived at a
10 residence hall that had apartments and two bedrooms both,
11 like a little apartment.

12 Q. And did you have roommates or anyone else that
13 lived with you at that time?

14 A. Three roommates. I didn't know them. I
15 transferred, so I was just thrown into an apartment. So
16 you had two girls in one room and two in other room.

17 Q. When you say that you transferred, where did you
18 transfer from?

19 A. Slippery Rock University.

20 Q. What year were you in fall of 2008?

21 A. A freshman because I had done A semester at
22 Slippery Rock, and then I changed my major to nursing.
23 And you have to start in the fall as a freshman for
24 nursing, so I was seen as a freshman.

25 Q. So you describe that you have multiple roommates.

1 Can you describe the building and how that was situated?

2 A. If you walk up and there were two entrances and I
3 live at the -- if you look at the building -- it is the
4 right half. If you have a key card, you can either go up
5 the steps or I think it was three levels. When you walk
6 in, you can go upstairs or downstairs. I know I was on
7 the main level. And you go into your own apartment. You
8 have a key.

9 And in the apartment, there is a little closet
10 area, coat area, a living room, a dining room, kitchenette
11 thing, and you walk back -- if you walk into the living
12 room and over to the sink area. There are sinks over
13 here, and there is a closet over here. And you each have
14 your bedroom which has the two beds. And there is a
15 bathroom space straight ahead that has the toilet and the
16 shower.

17 Q. Okay. Take a breath. I know this is difficult.

18 A. I am sorry.

19 Q. Don't apologize. If you need to stop for a second
20 and catch your breath, go ahead.

21 A. Okay.

22 Q. So at that time, I want to point you to the end of
23 August. You said that you had transferred. How long had
24 you been living in that apartment?

25 A. I moved in on a Saturday and the night of what the

1 we are talking about happened on a Monday. It happened
2 three days after we moved in.

3 Q. You are here because something happened with Darold
4 Palmore. Right?

5 A. Correct.

6 Q. Can you describe any knowledge that you would have
7 had? Prior to when that happened, was that on a Monday?

8 A. Yes.

9 Q. Did you know Mr. Palmore at that point?

10 A. He lived in the building in the apartment directly
11 below us. Gannon is a really small school. It was like
12 the size of my high school. Everyone knew everyone. I
13 was the new girl. I met him once or twice when we were
14 moving. I didn't know who he was. I don't even remember
15 if I knew his name. There were so many new people.

16 Q. There was an incident that happened that you are
17 here to testify about with Mr. Palmore.

18 A. Yes.

19 Q. What led up to that?

20 A. I had work that day. The typical shift that I
21 would work is four to close, so that is 10:30 or 11
22 o'clock.

23 Q. Do you remember where you were working?

24 A. Yeah. Ponderosa. It is a restaurant. I had been
25 working there since I was 17 so two and a half years,

1 something like that.

2 Q. So you were working at Ponderosa until close time.

3 A. Yeah.

4 Q. What time was close time?

5 A. We closed at nine, but by the time we cleaned up
6 everything, it was normally 10:30, 11 o'clock. And that
7 was probably about 15 to 20 minutes away from where I
8 lived.

9 Q. Just so I understand: Was the a Sunday night or
10 was this a Monday night?

11 A. Monday night.

12 Q. What happens after you closed?

13 A. I came home, and the girls in my building had been
14 trying to convince me that I needed to try to meet people
15 before starting school.

16 So they were like, When you're done with work, come
17 meet us and meet a few people.

18 So I knew a few people. So I went home from work
19 and showered and changed. It was, like, a block or two
20 away. There were a bunch of people, maybe ten or 15
21 people. I recognized some of the girls from the building
22 that I was meeting, and then -- I had worked late. I was
23 nervous, so I didn't want to stay long. So I said that to
24 one of the girls. She had her boyfriend walk me home
25 because he lived down the road. So he walked me to the

1 front of my building, and I used my key card and got in.

2 Q. At that point, you went to a gathering. You were
3 trying to meet new people. Was Mr. Palmore at that
4 gathering?

5 A. No.

6 Q. So you walk up to your building. Do you remember
7 about what time in any way this would have been?

8 A. I only remember from reading my statement. At that
9 time, it was, like, 1:30 in the morning.

10 Q. As far as your independent recollection, you can't
11 say for sure what time it was, other than reading what you
12 would have said.

13 A. I just know. I went there and felt awkward, and I
14 was tired. I just know that I wasn't there long and met a
15 few people and just wanted to go home. I just know if I
16 got out at 11, it couldn't have been more than a few hours
17 after that.

18 Q. This apartment is part of Gannon housing.

19 A. Correct.

20 Q. Student housing.

21 A. Yeah. Yeah. It is sophomores mostly.

22 Q. You go into the apartment or the dorm area.

23 A. Yeah.

24 Q. What happens next? What do you see or what
25 happens?

1 A. So I walk into my apartment just like normal, and I
2 see my one roommate laying on the couch with the guy that
3 I met. She was friends with him from the year before.
4 And I noticed there was someone sleeping on the ground.
5 So I just walked straight back to the vanity and starting
6 washing my hands and brushing my teeth to get ready for
7 bed.

8 Q. And this vanity, is that at a common area that
9 everyone that access to or is it in a separate bathroom?

10 A. If you walk into the apartment and -- there is not
11 -- the living room and dining room are all open. Then
12 there is a doorway. There is not a door, but it is a
13 whole wall. So it is separate.

14 Then, you just walk through the doorway. It is not
15 an enclosed room. It is a separate outside area. I
16 couldn't see the living room from that area. The doorway
17 is over here, and the vanities are six or seven feet over
18 to your right.

19 Q. Okay. So you are at the vanity. What happens
20 next?

21 A. I just remember I felt someone behind me. And so I
22 turned around and I saw Mr. Palmore. And I was kind of
23 surprised. I thought you were sleeping. He was just on
24 the floor. We talked for a minute or two, and then he
25 grabbed my face and kissed me.

1 And I was like, Whoa. I don't understand why you
2 did that or why you would you think that I would want you
3 to do that. Okay. I am going to bed. Good night.

4 And I walked in there and shut the door. It didn't
5 have a lock, so I couldn't lock the door handle. So I
6 just changed and was like that was awkward and
7 uncomfortable and went to bed.

8 And then I remember my left leg was hanging off the
9 bed, and I remember hearing someone come in and not know
10 -- okay. And I thought maybe it was my roommate, and I
11 realized it was not. And he lifted my leg up. I thought,
12 Oh, that is actually nice of him. He is making sure that
13 I am good. He is probably going to leave, and he got into
14 the bed next to me.

15 Q. Okay. You talk about your roommate. You say your
16 roommates. Are there more than one person that lives in
17 that room?

18 A. Well, there is me and her. She was sleeping in the
19 room. The room was all dark. I just went in and laid
20 down. She had no idea.

21 Q. At that point when you said somebody would have
22 come in, did you ever determine who that was?

23 A. Yeah. It was Mr. Palmore because he grabbed my leg
24 and put it in the bed and got in the bed with me next to
25 me under the covers.

1 Q. Did he say anything to you at that point?

2 A. No. I just remember -- I was so scared. I didn't
3 know what to do. I didn't know why it was happening, and
4 I remember I couldn't move. I couldn't talk. I couldn't
5 yell. My legs were crossed. And even right now, I just
6 clenched and prayed that maybe he wouldn't be able to do
7 whatever, and he would just go away.

8 Q. So what did happen?

9 A. He put his hand up my shirt, and then he tried to
10 push his hand down the front of my pants. And I kept my
11 legs clenched, so he couldn't do anything. But then he
12 put his hand down the back of my pants and put his finger
13 in my vagina. And I only really remember for a minute. I
14 remember to not wanting to be in my own body, and then, I
15 just remember thinking, I don't know what where is this
16 going or what is going to happen. I have to get out of
17 here. Where do I go? And I thought I have to make it to
18 the bathroom. I think there is a lock on that door, and
19 I'll be safe.

20 Q. Did you eventually -- were you able to get there
21 and stay there?

22 A. Yeah. Like I gave myself a little pep talk and
23 managed to get myself out of there, and I shut and locked
24 the door. But I didn't know you had to push it first. I
25 just pushed it, and I just collapsed on the floor in

1 relief. I was just laying there curled up in a ball, and
2 then the door opened. I was terrified because I thought
3 that I locked the door, so I couldn't understand how it
4 was opening.

5 And I heard Mr. Palmore be like, Kim, Kim, what is
6 wrong? Get up.

7 I was just so scared. I couldn't move. I didn't
8 know what to do.

9 Then, my roommate, the one that lives in the
10 bedroom with me, got up and was at the door and asked what
11 is going on.

12 And he was like, I don't know. She just collapsed,
13 so he picked me up and carried me back to my bed.

14 And he was hovering.

15 And she was like, Okay. You can go now.

16 So then he walked out, and she shut the door.

17 Q. So when he was told to leave the room by your
18 roommate --

19 A. Yeah.

20 Q. -- he did leave at that point.

21 A. Yeah.

22 Q. Okay.

23 A. But he didn't leave the apartment.

24 When I woke up the next day, he was still in the
25 apartment. He lived in that building. He could have

1 gone. I woke up, and he was still in our living room. He
2 didn't leave. He just left the room.

3 Q. So now, obviously, you end up reporting this to the
4 police. Is that right?

5 A. Yeah.

6 Q. And you reported it a couple days after this
7 happened. What was your reasoning for now immediately
8 reporting?

9 A. Well, I went to work that day, and I was -- I
10 worked there for two and a half years. They all knew me.
11 I was just a mess.

12 My manager pulled me over and said, You always talk
13 to someone. You haven't talked to anyone. You have to
14 talk to someone. Something has clearly happened.

15 We had a regular customer who worked in the
16 sheriff's office, and he said, Did something happen?

17 And I said, Yeah.

18 So we set up a meeting for the next day which was
19 Wednesday, but it was the first day of classes. So I met
20 with him on Wednesday. And then, Thursday night after
21 classes, I went to the police station and did the police
22 report.

23 Q. All right. So there was someone that you talked to
24 encouraged you to go and report this to the police. Is
25 that fair?

1 A. Yeah. He was a sergeant or something like that at
2 the sheriff's office.

3 Q. Now this happened almost 11 years ago.

4 A. Correct.

5 Q. Are you aware of whether or not Mr. Palmore was
6 convicted of indecent assault by a no contest plea in Erie
7 for this incident that happened?

8 A. It was my case.

9 Q. Yes. For your case.

10 A. Yeah. He was charged with felony indecent assault
11 and misdemeanor indecent assault. And the detectives said
12 that we could give him a plea, so I wouldn't have to
13 testify. No one would told me what to do or any
14 recommendations, and I finally you know --

15 Q. Okay. That is all right.

16 A. So we gave the plea deal. So we took the felony
17 off the table, so I didn't have to testify.

18 Q. So to your knowledge, he was convicted of a
19 indecent assault.

20 A. Correct.

21 Q. Now I know you are here today 11 years later, and
22 the alleged victim in this case is Katelyn Hosler. Prior
23 to 2015 when this was alleged to have happened, did you
24 have any knowledge of Katelyn Hosler? Did you know her?
25 Had you ever talked to her before?

1 A. No.

2 Q. Anything like that?

3 A. No.

4 Q. All right.

5 Kim, that is all the questions that I have.

6 Attorney Spessard might have a couple questions.

7 If you need a break, just let us know.

8 A. Thank you.

9 THE COURT: Mr. Spessard?

10 **CROSS EXAMINATION**

11 BY ATTORNEY SPESSARD:

12 Q. Hi, Kim.

13 A. Hello.

14 Q. I just have a couple of questions. Let me know if
15 you need a second. You can take a second. Okay?

16 A. (Affirmatively nods head.)

17 Q. I just want to clarify a few details that you
18 testified about. Okay?

19 A. Okay.

20 Q. So first of all, you mentioned that some of your
21 friends had said, Hey, you need to loosen up a little bit
22 and meet some people because you don't want to be
23 stigmatized as the new girl.

24 A. Yeah.

25 Q. There was a gathering about a block away.

1 A. Yeah.

2 Q. Was there alcohol being served at that gathering?

3 A. There was, and they gave me a Mike's Hard Lemonade.

4 So I had one of those. I don't even remember if I
5 finished it. I mostly like -- again, I really didn't want
6 to be there. I just wanted to go home and go to bed. I
7 sipped on it and kept it in my hand to not stick out.

8 Q. All right. So you ingested some alcohol. The
9 amount you are not sure of.

10 A. One or less, yeah.

11 Q. Okay. I mean I don't need your full background or
12 history. Would it be fair to say that you were alcohol
13 naive? You were not a regular drinker at that point.

14 A. Yes.

15 Q. So you say that you go to this gathering. It is
16 pretty awkward. You go back to your apartment. You
17 describe in detail the nature of your apartment's set up.

18 And if I get something wrong, please tell me.

19 So you come in to the general living area. Right?
20 That is what you walk into. There is some sort of closet
21 right next to it.

22 A. Yeah.

23 Q. And there is a roommate that lives with you in this
24 apartment.

25 A. Yeah. There is three of them.

1 Q. So you had described that there were two separate
2 sections.

3 A. Yeah. Two bedrooms, one apartment.

4 Q. Right. So the apartment -- you say that your
5 apartment was on the right side.

6 A. Correct.

7 Q. On the right side when you walked in, that
8 apartment, included three other people living there, plus
9 you.

10 A. Correct.

11 Q. And you say that you have the living room area, the
12 dining area, and kitchenette.

13 A. Um-hmm.

14 Q. I assume the dining room and kitchenette were
15 combined.

16 A. It was the living room and dining area were
17 combined in a little three-by-five area.

18 Q. Like a stove and a microwave.

19 A. Yeah.

20 Q. And you said -- is there a turn? I guess a left
21 turn.

22 A. Yeah. When you walk in and you are looking, right
23 when you walk in there is an area to hang up coats, and
24 then there is a wall. In that wall, there is a doorway.
25 So there is a living room wall that is separating the back

1 half of the apartment from the living room and the
2 doorway.

3 Q. Okay. And there is a separate section which is the
4 vanity. It is not enclosed, but it is kind of secluded.

5 A. Correct.

6 Q. And there is an actual bathroom with its own door.
7 Right?

8 A. Correct.

9 Q. And the bedrooms are bedrooms are separate from
10 that.

11 A. Correct. One on each side.

12 Q. And one bedroom holds two people.

13 A. Correct.

14 Q. The other bedroom holds two people.

15 A. Correct.

16 Q. The one that held the two people, that was you and
17 was it the roommate that was sleeping on the couch?

18 A. No. It was a different roommate.

19 Q. Was the other roommate home at that time?

20 A. Yeah. She was in the bedroom sleeping.

21 Q. So she was in the bedroom already asleep.

22 A. Yeah. I came home. The whole place was dark. I
23 don't know if the third roommate was in her room or not.

24 Q. Right. But when you went to bed, your other
25 roommate is there.

1 A. Correct.

2 Q. You had seen the other roommate asleep on the couch
3 who lives on the cross side.

4 A. Um-hmm.

5 Q. So just to clarify here: While all of this stuff
6 happens, you have a roommate in the room at the same time.
7 Right?

8 A. Correct.

9 Q. And you have another roommate that eventually
10 confronts Mr. Palmore.

11 A. No. That was the one who was in my room.

12 Q. Okay. So --

13 A. The one who stayed in my room was the one who got
14 awoken by the commotion of me opening up the door and
15 running out of my bedroom and into the bathroom and
16 slamming the door shut. That woke her up. She came to
17 see what was going on.

18 Q. So the third roommate, who was asleep on the couch
19 with a guy, never actually gets up.

20 A. No.

21 Q. Okay. That makes sense.

22 A. Sorry. I know it is confusing when you are not
23 using names.

24 Q. That is fair.

25 So your testimony was all of this goes down. There

1 is another roommate present. You said that you didn't
2 really know Mr. Palmore or anybody at this point.

3 A. I didn't even know my roommates. I moved in on
4 Saturday. This is three days later, so as much as you can
5 know someone in three days.

6 Q. I guess the point I am getting to is it is not like
7 Mr. Palmore had contacted you previously and said, Hey,
8 let us hang out.

9 A. No. I had come to find out that he was asking
10 about me.

11 Q. Well, I am asking what your conversation was with
12 him.

13 A. No.

14 Q. So he did not talk with you prior to that.

15 A. Like I said, other than randomly saying so-and-so
16 lives in your building or something like that.

17 Q. My question -- I should be more specific.

18 A. Sorry.

19 Q. My question is: Specifically, he didn't seek you
20 out to say, Hey, let us go hang out.

21 A. No.

22 Q. You didn't exchange phone numbers.

23 A. No.

24 Q. He never exposed himself to you or anything like
25 that.

1 A. No.

2 Q. Did he make any statements to you about -- strike
3 that.

4 Going back to the layout just real quick, can you
5 see the vanity from the couch in the living room?

6 A. No.

7 Q. So there is an actual wall.

8 A. Yeah. You can't really see the vanity area even if
9 you are standing looking directly -- if I am directly in
10 front of it all I can see is a wall with the outline of
11 the door to the bathroom, my bedroom door, and another
12 closet door. You can't see it because it is six feet over
13 that way. You literally have to go through the doorway
14 into the area to the --

15 Q. To the vanity?

16 A. Yeah.

17 Q. And one last question: Do you recall the date that
18 all of this happened?

19 A. I think it was like the 26th or somewhere around
20 there.

21 Q. The 26th of August?

22 A. Of August 2008.

23 ATTORNEY SPESSARD: No further questions.

24 ATTORNEY WELSH: No redirect.

25 THE COURT: Are you either of you asking

1 this witness to be remain sequestered?

2 ATTORNEY WELSH: No, I am not.

3 ATTORNEY SPESSARD: No, Your Honor.

4 THE COURT: You are free to go. You can
5 stay if you'd like. Do not discuss your
6 testimony or the case with anyone until the
7 trial has ended. You are excused.

8 THE WITNESS: Okay. Thank you.

9 THE COURT: All right. Members of the
10 jury, we are getting close to the noon hour,
11 so we will take a recess for lunch and ask you
12 to return and begin the trial at one o'clock
13 this afternoon.

14 During the lunch recess, do not discuss
15 the case with any other juror or with anyone
16 else including family members or friends or
17 anyone.

18 Do not pay attention to any news accounts
19 or any of the news media. Do not try to gain
20 information about the case on your own and
21 follow my instructions that I have previously
22 given on the use of cellphones and computers
23 and electronic devices.

24 So we hope you have a good lunch and look
25 forward to seeing you back this afternoon at

1 one.

2 And court is in recess.

3 (Brief recess.)

4 * * *

5 (In camera discussion commences at 1:00 p.m.)

6 ATTORNEY WELSH: Over lunch I had thought
7 about it and I had brought up to Erich
8 proceeding under Section 5920 of Title 42,
9 expert testimony in certain criminal
10 proceedings. It talks about in a criminal
11 proceeding subject to this section a witness
12 may be qualified as an expert if the witness
13 has specialized knowledge beyond possession of
14 an average layperson based on the witness's
15 experience with or specialized training or
16 education in criminal justice, behavioral
17 sciences, or victim service issues related to
18 sexual violence that will assist the trier of
19 fact to understand the dynamics of sexual
20 violence, victim responses to sexual violence,
21 and the impact of sexual violence of a victim
22 during and after being assaulted.

23 I would intend to call Robin from Passages
24 to testify specifically related to her
25 knowledge or experience in the different

1 demeanor that individuals have. There is no
2 one type of response to any sort of sexual
3 violence, and that would be it.

4 THE COURT: Do you have a response?

5 ATTORNEY SPESSARD: I do, Your Honor.

6 I'd object on the basis that this is not
7 disclosed at the time of jury selection. It
8 was not on any of the Commonwealth's witness
9 lists prior to that. No expert report has
10 been prepared. I have not had any kind of
11 opportunity to vet any of the information that
12 she would be presenting to adequately be able
13 to cross examine her or even consult my own
14 witness, potentially an expert witness, to
15 potentially rebut any of her testimony.

16 ATTORNEY WELSH: That is all true.

17 THE COURT: Okay. Well, potentially, the
18 defendant could have an expert testify that
19 all victim's responses are similar or the same
20 to counter that. I don't know what an expert
21 opinion would be. You don't have the time to
22 look into that.

23 ATTORNEY SPESSARD: No. This is literally
24 the first I have heard of it -- well, maybe
25 four minutes ago.

1 THE COURT: Well, I'll sustain the
2 objection and not permit the testimony.

3 ATTORNEY WELSH: Very good.

4 I indicated before the recess that I am
5 going to call Ms. Hosler again briefly and ask
6 her a couple of quick questions following up
7 on mainly Ms. Gealy's testimony, then I will
8 rest.

9 THE COURT: Okay. So we are on schedule
10 pretty much.

11 ATTORNEY SPESSARD: I think so.

12 THE COURT: We will see you out there.

13 (In-camera discussion concludes at 1:03 p.m.)

14 * * *

15 THE COURT: Well, I hope everybody had a
16 good lunch break, and we are ready to resume
17 the trial.

18 You may call your next witness, Attorney
19 Welsh.

20 ATTORNEY WELSH: Recall Katelyn Hosler.

21 **KATELYN HOSLER,**
22 recalled as a witness, was previously sworn and
23 testifies as follows:

24 **DIRECT EXAMINATION**

25 BY ATTORNEY WELSH:

1 Q. Okay. We just had on the stand Kimberly Gealy.
2 Prior to you ever reporting or talking to the police, were
3 you familiar with who she was?

4 A. No.

5 Q. Had you ever met her, talked to her on the phone,
6 or through the internet?

7 A. No.

8 Q. Were you ever aware prior to going to the police
9 that Mr. Palmore had been convicted of indecent assault
10 against Ms. Gealy?

11 A. No.

12 Q. There was some discussion from Ms. Gealy about the
13 layout of the room. How was your room laid out?

14 A. There was a doorway. It was meant for two people,
15 so there were two twin beds. I had them pushed together,
16 so it was one big bed. There was a desk in the back with
17 a chair, and there was a dresser on that side as well. It
18 was just a big square.

19 Q. Were there any couches or lounge chairs?

20 A. No, just the chair for the desk.

21 ATTORNEY WELSH: That is all of the
22 questions that I have.

23

24 **CROSS EXAMINATION**

25 BY ATTORNEY SPESSARD:

1 Q. Ms. Hosler, in 2015, you had access to the
2 internet.

3 A. Yes.

4 Q. Were you familiar with the use of the internet?

5 A. I think so.

6 Q. Were you familiar with the use of search engines
7 like Google, Yahoo, etc.?

8 A. Yeah.

9 Q. And you knew how to use them. Right?

10 A. Yes.

11 Q. I have one more question to clarify something that
12 you testified about earlier.

13 A. Okay.

14 Q. You testified that at some point upon meeting
15 Mr. Palmore, you testified that you had exchanged phone
16 numbers. Correct?

17 A. Right.

18 Q. Had you exchanged any other form of communication
19 delivery method?

20 A. No. There was no social media or anything like
21 that.

22 Q. Right. No social media. No e-mail addresses.
23 Nothing like that.

24 A. No.

25 ATTORNEY WELSH: No redirect.

1 THE COURT: She will remain sequestered?

2 ATTORNEY WELSH: Yes.

3 THE COURT: You may return where you were
4 seated. Do not discuss your testimony or the
5 case until the trial has ended.

6 ATTORNEY WELSH: Commonwealth rests.

7 THE COURT: Members of the jury, you now
8 have heard all of the evidence which the
9 Commonwealth will present as its case in
10 chief.

11 We now turn to the defendant.

12 And Mr. Spessard, do you have a witness
13 you'd like to call?

14 ATTORNEY SPESSARD: Yes, Your Honor.

15 The first witness would be Jarrett Boxley.

16 **JARRETT BOXLEY,**

17 Called as a witness, was sworn and testifies as
18 follows:

19 **DIRECT EXAMINATION**

20 BY ATTORNEY SPESSARD:

21 Q. Good afternoon, Mr. Boxley.

22 Could you state your name and spell it for the
23 record.

24 A. Jarrett Boxley, J-a-r-r-e-t, B-o-x-l-e-y.

25 Q. Now, Mr. Boxley, are you currently a worker at

1 Clarion University?

2 A. Yes.

3 Q. Prior to that, were you a student at Clarion
4 University?

5 A. Yes.

6 Q. Were you a student in the fall of 2015?

7 A. Yes.

8 Q. During that time, were you dating anybody?

9 A. Yes.

10 Q. Who were you dating?

11 A. Katie Hosler.

12 Q. Okay. And during the time that you were dating
13 her, did you ever have some sort of communication with
14 Darold Palmore?

15 A. Yes.

16 Q. Now do you remember how that conversation went?
17 How this communication went?

18 A. Between Darold and myself?

19 Q. Yes.

20 A. Via Facebook.

21 Q. Was there anything prior to the Facebook
22 conversation?

23 A. Yes.

24 Q. Do you recall what that was?

25 A. Sorry. Can you rephrase the question?

1 Q. Sure.

2 Did Darold come talk to you in person before he
3 talked to you on Facebook?

4 A. He may have.

5 Q. So you don't know for sure.

6 A. I don't remember.

7 Q. Okay. But you recall having a Facebook
8 conversation with Darold.

9 A. Yes.

10 Q. If you saw that conversation, would you be able to
11 identify it?

12 A. Yes.

13 Q. All right. Go ahead and take a look at this. Look
14 at all of the pages.

15 A. (Witness complies.)

16 Q. Now after having reviewed this document, does it
17 appear to be an accurate copy of the messages that you
18 would have exchanged with Mr. Palmore?

19 A. I would say so, yes.

20 Q. Does anything stand out to you that you
21 specifically don't remember or been modified or deleted?

22 A. Nothing to my knowledge. Nothing has been deleted.

23 Q. Okay. Now did you happen to notice what the date
24 and time was of the first message that was sent?

25 A. November something of 2015.

- 1 Q. Just take a quick look there.
- 2 A. Okay.
- 3 Q. Was it November 5 around 2:42 p.m.?
- 4 A. That is what it says.
- 5 Q. Does that sound right to your recollection?
- 6 A. I can't argue with it.
- 7 Q. You have no reason to doubt it.
- 8 A. Correct.
- 9 Q. Are you a regular user of Facebook messenger?
- 10 A. I wouldn't say so.
- 11 Q. All right. It is something that you have used.
- 12 A. Yes.
- 13 Q. Just a little bit or from time to time?
- 14 A. Time to time.
- 15 Q. Okay. And you notice that the -- is that the
- 16 actual timestamp there on the page?
- 17 A. Yes.
- 18 Q. Based on your usage of Facebook messenger, is it
- 19 your experience that Facebook timestamps every single
- 20 message that goes through?
- 21 A. I would assume so.
- 22 Q. But does it display it?
- 23 A. No.
- 24 Q. What is your experience of what it displays?
- 25 A. When you send is message, it tells you it is

1 delivered.

2 Q. Okay. What if there is a delay -- we have an
3 initial message with a timestamp. Right?

4 A. Um-hmm.

5 Q. What if we have a delay between the first message
6 and the second message?

7 A. Then it will have a white arrow, and it will let
8 you know if the person read it or not.

9 Q. If there is a distinct period of time between the
10 messages, will it often include a new timestamp?

11 A. Yeah, if it is new day. I don't know if it is per
12 hour.

13 Q. It will often indicate new days?

14 A. I believe so, yes.

15 Q. Now as of November 5, 2015, can you say
16 definitively whether or not you were still dating Ms.
17 Hosler?

18 A. I don't know.

19 Q. You don't know.

20 A. I don't recall.

21 Q. If someone were to say that you guys broke up on
22 Halloween or around Halloween, you can't deny that.

23 A. Correct.

24 Q. But you can't say yes either.

25 A. Correct.

1 Q. Okay. Now in reviewing these messages, you are
2 familiar with them at this point. You seen them a few
3 times.

4 A. Yes.

5 Q. Would it be fair to say based on your review of
6 these messages that there is a message at one point
7 indicating from Mr. Palmore essentially alleging some
8 intimate contact between Ms. Hosler and another
9 individual? Is that fair?

10 A. Yes.

11 Q. Specifically, I think it references Mr. Palmore's
12 roommate. Right?

13 A. Yes.

14 Q. And that was brought to your attention. Right?

15 A. Yes. I believe it was his roommate, Kyle.

16 Q. Okay. Now to your best recollection, was that
17 message sent consistently near whether this whole thing
18 started?

19 A. Yes, it is in there.

20 Q. Right. So it would have been sent sometime near
21 November 5.

22 A. Correct.

23 Q. Is there anything to indicate it was sent, say,
24 November 6, specifically that message?

25 A. No.

1 Q. As best as you can recall, there is nothing here
2 that makes you doubt that. Right? That message would
3 have been sent to you on November 5.

4 A. Based on that, yes.

5 Q. And again, your recollection doesn't cause you to
6 doubt that.

7 A. I can't recall the exact date of something that
8 happened in 2011.

9 Q. 2015?

10 A. 2015. Sorry. Excuse me.

11 Q. It is okay.

12 Now, would it be fair to say had you both been
13 dating at that time and receiving a message like that
14 would you have been upset?

15 A. That is a fair word to use.

16 Q. I'll ask this first: Do you recall confronting her
17 regarding that specific information?

18 A. I do not recall it. But I -- but I wouldn't say
19 that I didn't or that I did, but I would assume that I
20 did.

21 Q. You would assume that you did, but you can't come
22 here and say that for sure this happened.

23 A. Right.

24 Q. Knowing you know yourself better than the rest of
25 us --

1 A. Very.

2 Q. -- would you say that confronting anybody in that
3 situation, whoever you would have been dating with an
4 allegation like that, would that have been in character
5 for you to immediately confront them?

6 A. 20-year-old Jarrett, yes.

7 Q. Okay. Is it possible that you confronted her by
8 sending like screenshots of the messages?

9 A. I don't have proof of that, but that is a
10 possibility.

11 Q. Okay. So again just to clarify, you are not
12 saying: I remember doing that.

13 A. Correct. It could have been a face-to-face
14 conversation. It could have been a screenshot. It could
15 have been a text message. It could have been a phone
16 call. It could have been a wide variety of ways.

17 Q. Do you remember ever specifically sending a
18 screenshot of any sort?

19 A. No. I do not recall back in 2015.

20 Q. Okay. Now just to be clear here on this copy here,
21 we have what looks like a photo of you with your name and
22 information at the top.

23 A. That is me.

24 Q. And based on looking at this, we know this from
25 you. Right?

1 A. Yes.

2 Q. So if you were looking at this conversation on your
3 device, it would have Darold Palmore's information here.
4 Right?

5 A. Yes.

6 Q. Along with whatever profile picture he might have
7 had at the time.

8 A. Correct.

9 Q. So if you were to send a screenshot of the message,
10 the only way the person would know that he sent it was
11 either because of this information here or because of what
12 the actual photo, whatever the profile picture might have
13 been. Right?

14 A. Yes.

15 Q. If you sent Page No. 2, there is no description
16 with it.

17 A. There is no description, but there is a photo.

18 Q. The only thing it would have would be the photo.

19 A. Yes. Correct.

20 Q. Now is it fair to say that you were -- at some
21 point, you broke up with Ms. Hosler.

22 A. Yes.

23 Q. You testified that you can't recall a specific
24 date.

25 A. Correct.

1 Q. Is it fair to say that you previously testified
2 that it was end of fall semester, but specifically, you
3 can't say?

4 A. Correct.

5 Q. Okay. Now if you can recall, would a break up like
6 this -- or I'll say -- generally speaking, when you go
7 through a break up, are you generally a pretty happy
8 individual over the break up?

9 A. I wouldn't say so.

10 Q. Okay. Would it be fair to see that you would be
11 confiding in friends here and there about the situation
12 and what happened?

13 A. No. I mean yes but no. Not me.

14 Q. That is not something you would do.

15 A. Correct.

16 Q. Did you spend your entire college career at Clarion
17 University?

18 A. Yes.

19 Q. You graduated?

20 A. Yes.

21 Q. Were you well connected in the student community?

22 A. Yes.

23 Q. How so?

24 A. Student Senate. Student Senate President, so I'd
25 say I knew a lot of people.

1 Q. Were you involved in other extracurricular
2 activities?

3 A. Yes.

4 Q. Intramurals?

5 A. Yes.

6 Q. While as a student at Clarion University
7 specifically around 2015 in your experience with being
8 connected with the student body like that, if someone was
9 known to have been in some sort of committed relationship
10 and if that person was known to have possibly acted in a
11 way that I would say typically people would view as
12 un-saintly with that action, if that information got out,
13 would that tend to tarnish their reputation amongst their
14 peers?

15 A. It could.

16 Q. So it depends on the situation.

17 A. Yes.

18 Q. To put it another way, in your experience with the
19 student body in 2015, if something were to come out to
20 suggest that an individual were the victim of some sort of
21 assault, specifically a sexually related assault, what
22 would have been the reaction of the student body in your
23 experience in terms of this person claiming being a
24 survivor or something like that?

25 ATTORNEY WELSH: I'll object on

1 speculation.

2 THE COURT: Objection sustained.

3 BY ATTORNEY SPESSARD:

4 Q. Did you ever witness an individual at Clarion
5 University who came out as a survivor of some sort of
6 sexually violent act that said something happened to me?

7 ATTORNEY WELSH: Again, object to
8 relevance.

9 ATTORNEY SPESSARD: Your Honor, it goes to
10 motive on the part of the victim.

11 THE COURT: The objection is overruled.
12 If you can relate it to this victim -- the
13 alleged victim.

14 THE WITNESS: Can you repeat the question?

15 BY ATTORNEY SPESSARD:

16 Q. While you were a student at Clarion University, did
17 you see an outpouring of support from other individuals
18 from the student body in the areas that you were connected
19 from survivors of sexual assault in one way or another?

20 A. I can't say that I have known of any survivors or
21 any issues.

22 Q. Okay. I don't want to put words in your mouth.

23 A. Yeah.

24 Q. You were never conscious of something like that
25 going on.

1 A. Correct.

2 ATTORNEY SPESSARD: I'd ask that the Facebook
3 messages be marked as Defendant's Exhibit 1, and
4 I'd move for their admission.

5 ATTORNEY WELSH: I have no objection as
6 long as -- we had a conversation regarding
7 their inadmissibility previously that we stick
8 with that.

9 ATTORNEY SPESSARD: Yes.

10 THE COURT: Defendant's Exhibit 1 is
11 admitted.
12 (Defendant's Exhibit No. 1 is admitted into
13 evidence.)

14 ATTORNEY SPESSARD: No further questions.

15 **CROSS EXAMINATION**

16 BY ATTORNEY WELSH:

17 Q. You have been sitting around a long time.

18 A. I sure have.

19 Q. I just want to take you a step back and maybe get
20 into some new ground.

21 A. Okay.

22 Q. What would you describe -- how would you describe
23 your relationship in the fall of 2015 with Darold Palmore?

24 A. Aside from the situation?

25 Q. Aside from the time that he would have talked to

1 you and sent you Facebook messages.

2 A. We didn't communicate.

3 Q. Did you know him prior to that time, anymore than
4 just there is a guy named Darold Palmore?

5 A. I wouldn't even say. Honestly, until this
6 situation came around, I didn't know much of him.

7 Q. Let us put the baseline here at November 5, 2015.

8 A. Okay.

9 Q. You get these Facebook messages and it is possible
10 that he would have talked to you prior to that and prior
11 to sending you messages?

12 A. Yes.

13 Q. But you are not sure?

14 A. I can't put a date on anything, but I believe we
15 had a face-to-face conversation at some point. I can't
16 remember specifically what it was about. I know we talked
17 at some point.

18 Q. And other than -- prior to these messages, that
19 would have been the extent of your knowledge of Darold
20 Palmore?

21 A. That is fair to say.

22 Q. You didn't hang out.

23 A. Correct.

24 Q. You mentioned you were involved in a lot of student
25 organizations. He wasn't necessarily involved in those

1 same student organizations.

2 A. Correct.

3 Q. So if you need to take a look at the exhibit, it
4 was marked as Defendant's Exhibit 1. I'll have a couple
5 of questions about that.

6 A. (Witness complies.)

7 Q. Is it fair to say that there are three separate
8 days of conversations on these messages? The first would
9 be November 5, 2015. That is pages one, two, three, and
10 half of four.

11 A. Correct.

12 Q. And then, the next there is the second half of Page
13 4, Page 5, and the top of Page 6 would have been on
14 November 6 at 2:59 p.m.

15 A. Correct.

16 Q. And there is a final message on the bottom half or
17 two-thirds of Page 7, 8, and 9 all show that they would
18 have been on November 3.

19 A. November 9.

20 Q. Excuse me. November 9.

21 A. Correct.

22 Q. Thank you for correcting me.

23 A. Of course.

24 Q. Now going back to where Attorney Spessard asked you
25 about timestamps and individual messages, on those several

1 pages for the messages on November 5, it doesn't
2 individually say what time each of those messages would
3 have occurred?

4 A. This does not. Correct.

5 Q. And just based on this, you'd be confident that
6 these occurred on November 5, but you couldn't say
7 specifically what time each message or how long each
8 conversation was generally. Would you agree with that?

9 A. Fair. Yes, sir.

10 Q. Hypothetically, if you had a class, you could have
11 received a message, gone to a class, gone back out and
12 continued the conversation.

13 A. Correct.

14 Q. Now there has been some discussion about
15 screenshots of any of these messages that you would have
16 sent to Katie, who was your girlfriend at the time?

17 A. Yes.

18 Q. Katelyn, but you called her Katie. Right?

19 A. Yes.

20 Q. It is true that you can't even say for sure that
21 you sent her a screenshot.

22 A. Correct. I don't recall doing so. I keep hearing
23 that I did.

24 Q. If someone told you that you did, you would
25 believe, I guess I did, but you don't have a independent

1 recollection of that.

2 A. Correct.

3 Q. And just going further: What, if any, of these
4 messages you would have sent, you can't say for sure what
5 you would have sent? If you sent anything, you don't know
6 what it was.

7 A. Correct.

8 Q. And by the timing of any of that, you are unsure of
9 what day or timing of that would be.

10 A. Correct.

11 Q. Now if I told you that Katie had testified and said
12 if you look on the last two pages, there is a message
13 there from you saying, What's is up, man?"

14 Do you see that?

15 A. Yes.

16 Q. Following saying, I just want to be real honest. I
17 never did anything to Katie or tried to. Can you tell me
18 specifically what she is saying? I need to protect myself
19 from these allegations.

20 On the next page, you say, I personally don't think
21 it is my place. I don't know the full story, nor do I
22 care to know it. I don't talk to either of you at the
23 moment, so I'd rather not be involved. Best of luck,
24 though.

25 Do you see those messages there?

1 A. I do.

2 Q. So if Katie said that those were the two messages
3 that she was sent screenshot from your phone. Is it fair
4 to say that you don't remember doing that but she is
5 saying that?

6 A. It is a possibility that I did that.

7 Q. Okay. All right. Now getting into when the two of
8 you would have broken up at this point. If I told you
9 that Katie said that it was on Halloween of 2015. Would
10 that be a fair statement from your memory?

11 A. I wouldn't deny it.

12 Q. Well, I'll tell you more. She said that she was at
13 a gathering of friends watching Halloween movies or scary
14 movies, and the two of you were texting back and forth.
15 And at that point, you had broken up with text messages.
16 You'd believe that if I told you.

17 A. I can't deny it.

18 Q. At that point, she had also raised that you would
19 have brought to her attention at that time on Halloween
20 rumors about some sort of infidelity that she would have
21 had and that was part of the two of you breaking up.

22 A. I can't deny it.

23 Q. Let us talk separate from anything that Mr. Palmore
24 would have said.

25 A. Um-hmm.

1 Q. You hearing rumors or chattering that Katie might
2 have cheated on you.

3 A. Are you asking did I hear chattering?

4 Q. Yes.

5 A. Is that your question?

6 Q. Yes.

7 A. Yes.

8 Q. Were you aware of rumors that were going on?

9 A. Yes.

10 Q. I know you and Mr. Palmore had a conversation, but
11 do I understand correctly that those rumors would have
12 separate from just Mr. Palmore?

13 A. I can't say, but I am leaning towards no.

14 If I can elaborate?

15 Q. Sure. Go ahead.

16 A. His name was the first name that got brought to my
17 attention, but then through these messages, a roommate was
18 later brought into the situation. So the original rumors
19 have nothing to do with him. They were just the one
20 person. And the other person got brought up after these
21 messages.

22 Q. So is it your understanding that you first thought
23 it was Mr. Palmore that she was unfaithful with?

24 A. Correct.

25 Q. Where did you hear that rumor from?

1 A. I think it came from one of her friends or a former
2 friend or somebody who was in her class, but I don't
3 recall exactly.

4 Q. So there is a cloud of -- I know it was in 2015 --
5 of uncertainty.

6 A. Yes.

7 Q. You indicated that 20-year-old Jarrett would have
8 confronted her about this.

9 A. Yes.

10 Q. You don't actually remember confronting her about
11 this.

12 A. I don't remember how I did it.

13 Q. When you say that you confronted her, what did you
14 say?

15 A. Well, based on these messages, she had some
16 clothing of mine, and I just wanted that back. It was
17 kind of like give me my stuff, and I'll go from there, I
18 guess.

19 Q. So when you say that you confronted her, you were
20 asking for an article of clothing back.

21 A. I would assume so, yes.

22 Q. When you confronted her, did you say: I know you
23 have been cheating on me. We are through.

24 A. I don't think I would have been that blunt, but it
25 is a possibility. Again, there is no evidence saying,

1 hey, you said this, either to confirm or deny. I don't
2 know how I did it: Text message, phone call,
3 face-to-face, screenshot. I can't confirm or deny it.

4 Q. Okay. So going back to these messages at the very
5 last page where you say: "I don't think it is my place.
6 I don't know the full story, nor do I care to know. I
7 don't talk to either of you at the moment."

8 Is it fair to say that at this point you and Katy
9 were no longer in a relationship?

10 A. I would say that is fair to say.

11 Q. Okay. Now were you aware that Katy had reported to
12 the police what she said happened with Darold?

13 A. Not in 2015.

14 Q. Do you believe that had you been dating at the time
15 that she went to the police and reported it that you would
16 have known about it?

17 A. Oh, if we were dating at the time?

18 Q. Yes.

19 A. Oh, yes. Yes. I would assume so.

20 Q. It is kind of a big deal that your girlfriend
21 reports that she was sexually assaulted.

22 A. Yes, that would come up at dinner or something.

23 Q. And if you were still dating at that time, you
24 would have been there to support her?

25 A. That is true.

1 Q. How long were you and Katy dating total to your
2 knowledge? I know you don't know specifically when you
3 broke up.

4 A. Somewhat early fall semester of that year to late
5 fall semester, so somewhere between the months of
6 September to December. Somewhere in that window. I am
7 not saying it was the whole three months.

8 Q. Okay. So the maximum time you were dating was
9 three months.

10 A. Yes.

11 Q. And you don't know for sure when you broke up. Let
12 us take that Halloween date because it is a clean date.
13 If you started dating in September, you would have been
14 dating about two months total at that point.

15 A. Correct.

16 ATTORNEY WELSH: All right. That is all of the
17 questions that I have.

18 THE COURT: Anything else?

19 ATTORNEY SPESSARD: Just briefly, Your
20 Honor.

21 **REDIRECT EXAMINATION**

22 BY ATTORNEY SPESSARD:

23 Q. Mr. Boxley, is it fair to say if you had broken up
24 with her, is it fair to say that you would have disjointed
25 your lifestyles at this point?

1 A. Yes.

2 Q. For instance, if she had things to take care of,
3 people to talk to, or places to go, she wouldn't
4 necessarily confide in you in anything.

5 A. I wouldn't. No.

6 Q. Do you imagine that if somebody was uncomfortable
7 with providing details of, say, a particularly
8 uncomfortable situation to their family, do you think that
9 they would be equally uncomfortable providing those
10 details to their boyfriend?

11 A. Yes.

12 Q. You testified that you were essentially told about
13 Katelyn's testimony that the break up was somewhere around
14 Halloween. Right?

15 A. Yes.

16 Q. In your testimony today, you have nothing to
17 support or deny that with.

18 A. Correct.

19 Q. Now the jury heard testimony today that Ms. Hosler
20 testified that you had sent some sort of screenshots. Now
21 obviously you testified that you don't remember that.

22 A. Correct.

23 Q. Now if she had previously testified that you and
24 her were still dating when you sent screenshots to her,
25 can you say one way or another that that was consistent or

1 inconsistent?

2 A. I still wouldn't know if I sent them.

3 Q. Fair enough.

4 But if you were still dating, would you have cared
5 about sending something from somebody else saying, "I have
6 to protect myself in allegations," or would you more
7 likely have cared about confronting -- would you have
8 cared more about sending allegations of infidelity to
9 confront her about it if you were still dating?

10 A. I need you to repeat the question. Sorry.

11 Q. I am sorry. It was a muddy question.

12 A. It was.

13 Q. If you had still been dating when a screenshot had
14 been sent to you, would you have screenshot either saying
15 this guy wants to know about the allegations from you or I
16 want to know why this guy is saying that you cheated on
17 me?

18 A. It is possible.

19 Q. Could you have said both?

20 A. One over the other.

21 Q. When you indicate one over the other, which one is
22 over?

23 A. The cheating.

24 Q. The cheating would have been the priority.

25 A. Right.

1 ATTORNEY SPESSARD: No further questions.

2 **RECROSS EXAMINATION**

3 BY ATTORNEY WELSH:

4 Q. On the other, if Mr. Palmore sent you a text
5 saying, I need to know the allegation, is it possible that
6 you maybe sent Katy that screenshot and said, I don't want
7 anything to do with this.

8 A. It is possible. Yes.

9 ATTORNEY WELSH: Okay. Just one second, Your
10 Honor.

11 All right. Mr. Boxley. That will do it.

12 THE COURT: Any reason for him to remain
13 sequestered?

14 ATTORNEY SPESSARD: No, Your Honor. He is
15 free to leave.

16 ATTORNEY WELSH: I do have one more
17 question.

18

19 ATTORNEY WELSH:

20 Q. Your memory in 2015, did Katie try to get back
21 together with you after this?

22 A. I don't believe so.

23 THE COURT: What was your answer?

24 THE WITNESS: I don't believe so.

25 BY ATTORNEY WELSH:

1 Q. She never came to you and said, I was a victim of
2 this. Please take me back.

3 A. Not to my knowledge.

4 ATTORNEY WELSH: Good enough. Thank you.

5 THE COURT: All right. Well, thank you,
6 Mr. Boxley. You are excused to go. You can
7 stay if you like. Do not discuss your
8 testimony or trial or anything having to do
9 with this case until the trial has ended.

10 But you are excused.

11 THE WITNESS: Okay. Thank you.

12 THE COURT: Next witness.

13 ATTORNEY SPESSARD: Yes, Your Honor.

14 Defense calls Corporal Shane White.

15 **CORPORAL SHANE WHITE,**

16 called as a witness, was sworn and testifies as
17 follows:

18 **DIRECT EXAMINATION**

19 BY ATTORNEY SPESSARD:

20 Q. Can you state your name for the record, please?

21 A. Corporal Shane White.

22 Q. How are you employed?

23 A. Employed at Clarion University Police Department.

24 Q. How long have you been with the university police
25 department?

1 A. Sixteen and a half years.

2 Q. Prior to that, did you have some other form of law
3 enforcement position?

4 A. Yes. I worked at New Bethlehem Sheriff's Office.

5 Q. And were you the lead investigator on this case?

6 A. Yes.

7 Q. Are you are also the affiant.

8 A. Yes.

9 Q. What is an affiant?

10 A. An individual that does the investigation and files
11 the charges.

12 Q. Collects evidence?

13 A. Yes and files the charges.

14 Q. Collects evidence and provides it to the district
15 attorney's office.

16 A. Yes.

17 Q. And you are the affiant in the case of Mr. Palmore?

18 A. Yes.

19 ATTORNEY SPESSARD: Your Honor, given those
20 factors, I request permission to treat the
21 witness as hostile.

22 ATTORNEY WELSH: I'd object. I don't
23 think there is any evidence that he is
24 hostile.

25 THE COURT: Objection is sustained. He is

1 not a hostile witness at this time.

2 BY ATTORNEY SPESSARD:

3 Q. Mr. Corporal White, is it fair -- in 2015, how long
4 would you have worked with the university?

5 A. In 2015, 13 or so years.

6 Q. Just so we get a sense of how your position
7 worked --

8 A. Um-hmm.

9 Q. -- what triggers you to start your investigation
10 process? Do you get tips? How does that work?

11 A. In these kinds of cases, individuals come and
12 report the crime, and the investigation pursues from
13 there.

14 Q. As that information comes in or you get individuals
15 reporting, you go out and attempt to collect evidence.

16 A. Yes.

17 Q. And I assume that you did that in this case.

18 A. Yes.

19 Q. How did you do that?

20 A. Well, this case was tied it into another case. I
21 interviewed as many people as I could. There wasn't much
22 physical evidence that I could recall, if any physical
23 evidence. As I said, most likely, these kinds of cases,
24 this case in particular, was the individuals being
25 interviewed and going from there with the information.

1 Q. Now, is it fair to say that you are going through
2 interviews. You are looking at collecting evidence. You
3 said there wasn't any physical evidence. But in
4 collecting evidence or seeking evidence, you would use
5 your training of 12 or 13 years of experience --

6 A. Um-hmm.

7 Q. -- in collecting that evidence. Right?

8 A. Yes.

9 Q. And as part of your investigations, do you consult
10 with the district attorney's office?

11 A. Yes.

12 Q. How do you do that?

13 A. Usually our policy is if we have any sort of sexual
14 assault or sexual crime, we make contact with the district
15 attorney's office to inform them what is going to take
16 place, and then the investigation ensues. I can't recall
17 when that policy came out. I can't recall if that was
18 after 2015 or before. I have always confirmed with the
19 district attorney's office before our department policy
20 came out with that.

21 Q. You are saying that right now there is a red on the
22 books saying that we do this.

23 A. Yes.

24 Q. But your habit has always been check with them or
25 consult with them.

1 A. Yes.

2 Q. When you say check with them or consult with them,
3 do you communicate face-to-face, letter, or phone?

4 A. Usually, face-to-face or phone call.

5 Q. E-mail?

6 A. Sometimes, yes.

7 Q. Okay. And you said upon consultation, the
8 investigation ensued. Right?

9 A. Um-hmm.

10 Q. Your consultation could still be fairly early in
11 the investigation. Right?

12 A. Yes.

13 Q. But in many ways, you are acting at their
14 direction.

15 A. Yes.

16 Q. So if the -- I will ask: In this case, do you
17 recall if the district attorney's office requesting you to
18 do some further investigations on any specific evidence or
19 anything like that?

20 A. I don't recall.

21 Q. Okay. But if they did, you can follow through with
22 any request that they might have. Right?

23 A. Yes.

24 Q. So as part of your investigation in this case,
25 specifically, you interviewed Ms. Hosler. Right?

1 A. Yes.

2 Q. Where did you interview her?

3 A. That would have been at our old station on campus.

4 Q. Now did she -- in your interview with her, without
5 reciting everything here, was it fairly consistent to what
6 she testified to here today?

7 A. Yes.

8 Q. Did you take notes of the interview?

9 A. Yes.

10 Q. Did you collect an incident report?

11 A. Yes. I take my notes, and I type my incident
12 report from my notes.

13 Q. Did you also have her fill out any forms?

14 A. She filled out a written statement form.

15 Q. Was this at your office?

16 A. Yes.

17 Q. Okay. Now, do you recall in your incident report,
18 in the notes that you took, or in the written statement,
19 did Ms. Hosler make any reference to Mr. Palmore having
20 some sort of arm, hand, or wrist injury?

21 A. No. I do not recall.

22 Q. Have you had a chance to recently review her
23 written statement?

24 A. Yes, I did, and there was nothing.

25 Q. So you know it is not in there.

1 A. Yes.

2 Q. Do you recall her making any statement to you
3 regarding whether or not Mr. Palmore contacted her?

4 A. I don't believe she did.

5 Q. Okay. Can I be more specific?

6 A. Sure.

7 Q. Did she make any reference to meeting Mr. Palmore
8 at some point a week or two prior to the incident?

9 A. Yes. She did state that they met behind Eagle
10 Commons.

11 Q. And they had a quick conversation.

12 A. Yes.

13 Q. Did she make any reference to anything like:
14 Mr. Palmore texted me, and I went downstairs to meet him.

15 A. Yes.

16 Q. So she did say, He contacted me.

17 A. Yes.

18 Q. So you were informed of this through your
19 interview.

20 A. Yes.

21 Q. As part of your investigation, did you ever acquire
22 those text messages from her?

23 A. No.

24 Q. As part of your investigation, did you ever request
25 her wireless device information?

1 A. No.

2 Q. Did you ever request consent to search her phone?

3 A. No.

4 Q. Did you ever provide her phone to some sort of
5 forensic download unit that could pull the information off
6 the phone?

7 A. No.

8 Q. Those are things that exist in your line of work.
9 Correct?

10 A. Um-hmm.

11 Q. There are companies or contractors that you could
12 access that will download that information.

13 A. Yes.

14 Q. Would it be fair to say that even at the time of
15 the interview, so November 5 in the evening, could she
16 give you any specifics regarding that timeframe?

17 A. I don't recall that she did. I do remember her
18 stating about first meeting him watching that show Empire,
19 but I can't recall offhand any specifics -- specific
20 dates.

21 Q. So just to clarify here then: It wasn't like she
22 came to you and said this happened on July 7, 2007 or
23 August 28, 2008, or August 13, 2015?

24 A. No.

25 Q. Okay. I want to switch gears just a little bit and

1 talk about the nature of security at Clarion University.

2 You are a police officer with Clarion University.

3 A. Yes.

4 Q. What type of control do you have as a police
5 officer for Clarion University?

6 A. I have full arrest powers. Full police powers.

7 Q. I hate to say this: You are not a mall cop or
8 anything like that.

9 A. No.

10 Q. You have full authority.

11 A. Full authority.

12 Q. But as part of that position, public safety is in
13 charge of keeping order on campus.

14 A. I don't understand what you mean by that.

15 Q. Making sure there is not hustle and bustle going on
16 that shouldn't be. Maybe not something specifically
17 criminal.

18 A. We are strictly a police department.

19 Q. Strictly?

20 A. Yeah.

21 Q. As part of security features of Clarion University,
22 Clarion University has a number of security cameras
23 throughout a number of buildings. Is that fair?

24 A. Yes.

25 Q. What about 2015, did it have cameras then?

- 1 A. Yes.
- 2 Q. Did Wilkinson Hall have security cameras?
- 3 A. Yes.
- 4 Q. Did it have it on every floor?
- 5 A. No.
- 6 Q. Where did it have security cameras?
- 7 A. If I recall correctly because it has since been
8 torn down, the main entrance, the downstairs doors, mostly
9 the exterior doors.
- 10 Q. Do you recall if there was one on the elevator?
- 11 A. Not on the elevator, but one in the lobby.
- 12 Q. But in the lobby, where you could see someone enter
13 the elevator?
- 14 A. Yes. Depending if it worked that day.
- 15 Q. How many elevators were there?
- 16 A. Two.
- 17 Q. Could you see them both if you can recall?
- 18 A. Yes. I believe you could, yes.
- 19 Q. Okay. Now Wilkinson had this footage. And as part
20 of your position, did you have access to the video footage
21 at Clarion University?
- 22 A. Yes.
- 23 Q. Was that also true in 2015?
- 24 A. Yes.
- 25 Q. Did you at any point in time acquire the video

1 footage from that second week of October?

2 A. No.

3 Q. Did you attempt to find it?

4 A. No.

5 Q. Now, in 2015, where was the system that contains
6 this information located?

7 A. In our department station.

8 Q. Now was this -- it has been a while since I have
9 been on Clarion University campus to know for sure.

10 In 2015, was this located at the building on Wood
11 Street?

12 A. No. That is our new station. The old station was
13 by the tennis courts.

14 Q. Okay. So in that building, the entire system was
15 housed in that spot.

16 A. Yes.

17 Q. Was this system permitted to be accessible by say
18 ordinary employees at the university?

19 A. No.

20 Q. Purely the police department?

21 A. Yes.

22 Q. Now you worked for Clarion University at this point
23 12 or 13 years, would you routinely acquire footage for
24 cases?

25 A. If it was needed.

1 Q. So I take it to mean, yes.

2 A. Yes. I have used it. Yes.

3 Q. Would you regularly as part of your investigation
4 collect video footage if requested by the district
5 attorney's office?

6 A. Yes.

7 Q. So if they asked for it, you would do it.

8 A. If we can pull the information, yes.

9 Q. Okay. Just to clarify: Your testimony was that
10 there was, at Wilkinson, you had a camera in the lobby,
11 and you said -- I think the words you used were --
12 external doors.

13 A. Yeah. The main doors. I remember one facing the,
14 main door, but it actually faced the sidewalk. They were
15 old cameras, so they were all over the place.

16 The ones inside the main lobby was when people
17 walked into the door to the lobby area. So there was an
18 entire one facing the outside.

19 Q. So just to be clear here, was there a camera on
20 basically every entrance or exit to the building?

21 A. No.

22 Q. How many different entrances and exits were there?

23 A. In Wilkinson Hall?

24 Q. Yeah.

25 A. Give me a few minutes here.

- 1 Q. More than five?
- 2 A. Five or maybe six.
- 3 Q. Okay. And were those doors typically locked?
- 4 A. Yes. All of them were.
- 5 Q. All of the doors were locked.
- 6 A. Yes.
- 7 Q. With the exception of the key card swiping
8 situation.
- 9 A. Yes.
- 10 Q. Now do you recall a case in the fall of 2015 where
11 you required video footage of an individual coming off of
12 the elevator in order to assist you in an investigation
13 for some sort of sexual assault?
- 14 A. I probably did.
- 15 Q. If I said the last name Burnett (spelled
16 phonetically), would that ring a bell for you?
- 17 A. Yes.
- 18 Q. You acquired video footage of that. Right?
- 19 A. Yes.
- 20 Q. And you required video footage of him leaving the
21 elevator or entering the elevator?
- 22 A. Entering the elevator, yes.
- 23 Q. And were you the lead investigator on that case?
- 24 A. Yes.
- 25 Q. The affiant and so on and so forth?

1 A. Yes.

2 Q. When you acquired the video footage in that case,
3 was that on you or the district attorney's office request?

4 A. I am guessing it was me because we didn't know who
5 he was. I was trying to pull a video to identify him.

6 Q. Now you indicated that one of the methods that you
7 used to consult the district attorney's office would be
8 phone. I think you said usually letter but sometimes
9 e-mail.

10 A. Face-to-face, phone, or e-mail.

11 Q. Is your e-mail swhite@clarion.edu?

12 A. Yes.

13 Q. Has it always been that?

14 A. Yes.

15 Q. And do you recall when you formally filed the
16 charges in this case?

17 A. I believe it was December 11 of 2015.

18 Q. December 11 of 2015?

19 A. Um-hmm.

20 Q. Prior to December 11 of 2015, did you ever receive
21 correspondence in some form or another from someone
22 claiming to be Darold Palmore requesting video footage?

23 A. Yes.

24 Q. Do you recall specifically what the request was?

25 A. Yes. If I recall correctly, it was sent to Matt

1 Shaffer who was in charge of judicial conduct and myself.
2 He was requesting a variety of dates for video coverage
3 for the defense at his judicial conduct hearing. Again,
4 this was days before his criminal charges were filed, so I
5 know what e-mail you are talking about. Yes.

6 Q. You had seen a carbon copy of this request that he
7 had sent.

8 A. Yes.

9 Q. So you knew that, at least for purposes of his
10 judicial conduct hearing, he had been requesting video
11 footage specifically to assist in his defense.

12 A. Um-hmm.

13 Q. Now as you testified, charges had not been formerly
14 filed at that point.

15 A. Yes.

16 Q. If I said this e-mail was sent around December 3,
17 would that sound right?

18 A. Yeah. It was a week or two before.

19 Q. Fair enough. A week or two before.

20 Prior to December 3, you had interviewed
21 Mr. Palmore. Is that fair?

22 A. The night of the one initial incident, yes.

23 Q. Would that have been somewhere around November 6 or
24 so?

25 A. I am not sure what date it was.

1 Q. Prior to December 3.

2 A. Yes.

3 Q. Now the e-mail that we are referring to, if I were
4 to show you a copy of it, would you identify it?

5 A. Sure.

6 Q. For now look at the bottom half.

7 A. (Witness complies.)

8 ATTORNEY WELSH: May we approach while
9 Corporal White is doing that?

10 (Sidebar discussion commences at 2:11 p.m.)

11 ATTORNEY WELSH: The e-mail, of course, I
12 am familiar with it. I don't know if Erich is
13 going to go into the: "This is the crap that
14 I deal with with this guy."

15 If he goes there, I am concerned that is
16 going to open the flood gates with Shane.
17 Shane has to have an opportunity to explain
18 what he meant by that. There is a lot of
19 information that would come out regarding to
20 what Mr. Palmore was doing in other cases, a
21 lot of other harassment. I am just giving a
22 fair warning if we are going there.

23 ATTORNEY SPESSARD: I am only offering it
24 for his statement where he makes reference of:
25 "He is getting nothing from me."

1 He makes a statement that he is patently
2 denying access to that evidence.

3 THE COURT: And you'd like an opportunity
4 to explain why.

5 ATTORNEY WELSH: I'd like an opportunity
6 to explain what the while content of the
7 message is. Only sharing that one line is
8 unfair given the totality of the
9 circumstances.

10 THE COURT: So you are saying that so to
11 speak open the flood gates.

12 ATTORNEY WELSH: It would.

13 ATTORNEY SPESSARD: I disagree. The only
14 context that was provided to him in the e-mail
15 suggests that mr. Palmore seems to be either
16 very considerable outreach. That is
17 contacting suggesting that he is trying to be
18 proactive in defending himself to the extent
19 that we are talking about. That is not the
20 point of my cross examination or my
21 examination of the evidence that I am offering
22 it for. He specifically makes a statement
23 regarding the evidence requested: He is
24 getting nothing from me.

25 To say that we have to bring up all of

1 this other stuff is irrelevant and prejudicial
2 when the point of his e-mail was to say that
3 he is not getting this evidence.

4 THE COURT: So you are saying that he
5 shouldn't be allowed an opportunity to explain
6 why he said that.

7 ATTORNEY SPESSARD: I have no issue with
8 him explaining why he is not providing him
9 evidence. I have an issue of him trying to
10 explain the crap that he had to deal that he
11 felt that he had to label his message as crap.

12 THE COURT: Okay. I don't know where you
13 draw the line.

14 I don't know what his answer would be in terms
15 of explaining why he would not provide it, whether
16 he would refer back to other issues that you are
17 saying open up the gates or if he is going to limit
18 his explanation somehow to otherwise not include
19 that information. But it was made in the context
20 of the judicial discipline and the university
21 disciplinary proceeding. So why he wouldn't
22 provide it in the context of the disciplinary
23 proceeding -- I mean, I don't have the e-mail in
24 front of me, but I think that was the context.

25 ATTORNEY SPESSARD: The e-mail was

1 directed towards the district attorney's
2 office.

3 My concern is acting as an agent of the
4 Commonwealth. He is denying access to
5 evidence. Saying he is getting nothing to me.

6 ATTORNEY WELSH: Now we are going to make
7 me a witness, too. I am the one that was
8 talking about the investigation.

9 ATTORNEY SPESSARD: Unless -- can we
10 stipulate to that?

11 THE COURT: He should be given an
12 opportunity to explain why he refused to
13 provide it.

14 ATTORNEY SPESSARD: I think that is
15 totally fair. But if his explanation goes
16 into prejudicial information to suggest, well,
17 he is being such a pain in my backside that I
18 just didn't like him. That is what he wants
19 to say, but I don't think he can go into
20 specifics. There were these allegations and
21 these allegations. That is what I would be
22 objecting to. I don't think he can do that.

23 THE COURT: I am not sure how he can
24 explain why he didn't provide it without
25 getting into that. Is that what he would say?

1 ATTORNEY WELSH: I think we are to the
2 point of asking why he didn't provide it, I
3 think that is clear. I just worry that if we
4 are going down this road too much, we are
5 opening the gate. If it is left at: You
6 requested it and didn't provide it. We can
7 leave it there. There is a lot of information
8 about when the -- this is the kind of crap
9 that I get. We have victim's family's who
10 were calling saying that Mr. Palmore was
11 calling under fake names and trying to get
12 information out of his ex-girlfriend's parents
13 and a friend. There was all sorts of stuff
14 going on. That is what that is in reference
15 to.

16 ATTORNEY SPESSARD: Again, what does that
17 have to do with the video footage? Because
18 the statement is: He getting nothing from me.

19 ATTORNEY WELSH: Okay. If we want to go
20 there, we will go there. I don't know what to
21 say.

22 THE COURT: So this e-mail is to the
23 district attorney?

24 ATTORNEY SPESSARD: To specifically, Tracy
25 Park.

1 THE COURT: Well, I think he can explain
2 why he told the district attorney that, and I
3 do think it -- you know, I can't restrict him
4 in terms of why he said that. I think he is
5 entitled to give an explanation of why he said
6 that. So I don't think there is an objection
7 pending.

8 ATTORNEY WELSH: There is not. I was just
9 giving fair notice.

10 THE COURT: Okay. We will proceed.

11 BY ATTORNEY SPESSARD:

12 Q. Corporal White, did you have a chance to review the
13 e-mails sent by Mr. Palmore that you were carbon copied
14 on?

15 A. Yes.

16 Q. Is that e-mail consistent with the e-mail that you
17 received in that carbon copy?

18 A. Yes.

19 Q. It seemed authentic and everything like that.

20 In your reading of the e-mail, as you said, he
21 makes a request for video footage in a couple places I
22 think?

23 A. Yes.

24 Q. Specifically, saying for his university conduct
25 trial. Right?

1 A. Yes.

2 Q. So I asked this previously: Prior to December 3,
3 did you acquire video footage from Wilkinson Hall?

4 A. No.

5 Q. After December 3, did you acquire video footage
6 from Wilkinson Hall?

7 A. No.

8 Q. You are obviously familiar with the security
9 systems.

10 A. Um-hmm.

11 Q. And the nature of the video footage.

12 A. Yes.

13 Q. Does Clarion University keep the video footage
14 forever?

15 A. Then, it was 30 to 60 days. That is what we were
16 told as officers.

17 Q. If we were to say the allegation date was December
18 10 -- excuse me -- October 10, you and I could agree that
19 December 10 would have been right around the 60 day mark?

20 A. Yes.

21 Q. We can also agree that December 11 which would have
22 been the date that you filed the charges would be right
23 around that 60 days' mark.

24 A. Yes.

25 Q. But we can agree that on December 3 the 60-day mark

1 had not hit yet.

2 A. Yes.

3 ATTORNEY SPESSARD: Corporal White, thank you for
4 your testimony. I have no further questions.

5 ATTORNEY WELSH: All right, Corporal.

6 **CROSS EXAMINATION**

7 BY ATTORNEY WELSH:

8 Q. Let us start at the end there talking about video
9 footage. You indicated that there were five or six
10 entrances or exits to Wilkinson Hall.

11 A. Yes.

12 Q. And I think that your testimony was that not all of
13 them were covered by video.

14 A. Yes.

15 Q. Do you know how many would be covered -- or what
16 entrances or exits were not covered to your memory?

17 A. I'd have to say two or three were not.

18 Q. Now there was a question that those were locked. I
19 think you said they are all locked.

20 A. Yes.

21 Q. Is it fair to say that all of the entrances to
22 Wilkinson Hall would have been locked at all times.

23 A. Yes.

24 Q. In order to get in, you'd have to use your student
25 ID to get in?

1 A. Yes.

2 Q. That is unless somebody would let you in.

3 A. Yes.

4 Q. From your experience of handling investigations and
5 seeing the going-ons in campus, would it be fairly regular
6 that people would get into the dormitories into the lobby
7 area without a student ID card?

8 A. Yes.

9 Q. Now there was a reference made to another case, the
10 Burnap Case.

11 A. Yes.

12 Q. Where you indicated that you obtained surveillance.

13 A. Yes.

14 Q. Is it fair to say that in that investigation you
15 had a very distinct short timeframe to look at?

16 A. Yes.

17 Q. Is it fair to say in that case the victim didn't
18 immediately report the assault that would have taken
19 place?

20 A. Yes.

21 Q. Is it fair to say that the victim did not know who
22 that assailant was?

23 A. Yes.

24 Q. Is it fair to say that they were given a false name
25 and a false phone number at the time before they would

1 have been assaulted?

2 A. Yes.

3 Q. Is it fair to say that evidence was obtained in
4 part to identify who that individual was?

5 A. Yes.

6 Q. In the case here, did the alleged victim know the
7 identity of the person that she alleged assaulted her?

8 A. Yes.

9 Q. You had already stated that she did not give you a
10 specific date. Is that fair?

11 A. Yes.

12 Q. Through testimony today, there has been discussion
13 that it might have been on a Tuesday sometime stretching
14 11 to 2 is the timeframe potentially testified to today.
15 Was there any specificity like that when you originally
16 interviewed her?

17 A. Not that I can recall.

18 Q. If you had more specific times or a very narrow
19 timeframe, would it have made it easier to potentially
20 review that surveillance and look for evidence there?

21 A. Most definitely.

22 Q. What issue did you become presented with this
23 timeframe that was given and the uncertainty about the
24 date or time that this could have occurred?

25 A. The biggest issue was sitting down for 10, 12, 16

1 hours watching video. With not having a timeframe, you
2 have to literally watch every minute. If they had given
3 me hypothetically two weeks of possible dates, I'd have to
4 sit through 14 days worth of film to attempt to find the
5 time that the individual came into the building.

6 Q. Would it be fair that the most you would have
7 gained by doing that was observing Mr. Palmore entering
8 into that building?

9 A. Yes.

10 Q. And potentially him going upstairs?

11 A. Yes.

12 Q. Now I think you already testified, are there any
13 video cameras on the dorm rooms?

14 A. I am sorry.

15 Q. On the floors of the dormitories, are there video
16 cameras showing people walking the in the hallways?

17 A. No.

18 Q. Are there video cameras that show the doors of each
19 individual dorm room?

20 A. No.

21 Q. So any video evidence that you would have obtained,
22 would it have shown you what did or didn't happen in that
23 room?

24 A. It wouldn't have shown. There was no video. All I
25 would have been able to obtain is him coming into the

1 dormitory. That would have been it.

2 Q. Okay. Is it fair to say that there is some
3 potential usefulness that you could have seen Mr. Palmore
4 in the lobby at some point that week?

5 A. Yes.

6 Q. Was it -- in your assessment, was there a weighing
7 of the man hours and time required to review that versus
8 what evidentiary bound would have been getting to a day
9 like today?

10 A. It was a little of both: Man hours and just as you
11 said when I was reviewing it to myself, I couldn't justify
12 sitting for all of those hours just to prove he was in a
13 building into a lobby area where he could have easily
14 double backed on to somebody when somebody opened the door
15 or something.

16 Q. At this point at the time that you would have been
17 reviewing that video, would are you have been able to do
18 any other police work during that time?

19 A. No.

20 Q. You talked about the written statement that was
21 provided by the alleged victim here that you took.

22 I guess I will show you a copy.

23 A. Yes.

24 Q. Is that a copy of that written statement?

25 A. Yes.

1 Q. Is there a date on which you would have taken that
2 written statement?

3 A. The fifth of November.

4 Q. Is there a time on that?

5 A. 7:57.

6 Q. Do you know if that is was a.m. or p.m.?

7 A. It would be p.m. because I work 3P to 11P.

8 Q. Now it doesn't say p.m. on there, but from your
9 experience, are you saying that is what it would be?

10 A. Yes.

11 Q. When Katelyn came in for an interview, do you
12 remember if she came in alone or was she accompanied?

13 A. I believe she was accompanied by a friend if I
14 recall correctly.

15 Q. She came -- you interviewed her, and she wrote this
16 statement.

17 A. Yes.

18 Q. In the course of your investigations, focusing
19 specifically on cases involving allegations of indecent or
20 sexual assault, do you have the alleged victim write their
21 statement first?

22 A. No.

23 Q. What happens when somebody comes in?

24 A. When somebody comes in my office for an interview
25 for a sexually related crime. I sit down, and I let them

1 tell the story. I let them go through the entire
2 incident. It could take ten minutes. It could take four
3 hours. After that is done, I go back with follow-up
4 questions and get more details. After that is done, I
5 usually ask for a written statement.

6 Q. Now the time that is on here, the 7:57 p.m., is
7 that the time which you would have come to the station to
8 report this or is that the time that she writes this
9 written statement?

10 A. That is the time that she started writing the
11 statement.

12 Q. So if I understand correctly -- tell me if I am
13 wrong -- somebody comes in. They tell you what they want
14 to tell you. You just let them talk. Tell me the whole
15 story. Then, you follow up by going back and asking
16 questions, to dig into more details, making connections,
17 investigating, and so on.

18 A. Yes.

19 Q. After that is when they would write the statement.

20 A. Yes.

21 Q. Do you recall in this case how long she would have
22 been at the station prior to writing this statement?

23 A. I can't recall.

24 Q. Would it be fair to say that she came to the
25 station at least sometime before 7:57 p.m. that evening?

1 A. Yes.

2 Q. What time it was you can't be entirely sure.

3 A. It may be on my report. I am not sure.

4 Q. You indicate that you conducted interviews. Is it
5 fair to say then that you conducted a number of interviews
6 in relation to Mr. Palmore and allegations?

7 A. Yes.

8 Q. Through multiple people. There has been some
9 discussions about Jasmine who was a roommate -- there
10 were a lot of different people.

11 A. Yes.

12 ATTORNEY WELSH: That is all of the
13 questions that I have for Corporal White.

14 THE COURT: Anything else?

15 ATTORNEY SPESSARD: Yes, Your Honor.

16 **REDIRECT EXAMINATION**

17 BY ATTORNEY SPESSARD:

18 Q. Corporal White, let us go back real quick to your
19 written statement with Ms. Hosler.

20 A. Um-hmm.

21 Q. Just so we are clear here. The way she testified
22 today was fairly consistent to what you knew at the time
23 of your interview.

24 A. From what she told me, yes.

25 Q. Right. So does her written statement make any

1 references to letting Mr. Palmore into the building?

2 A. I can't recall.

3 Q. You saw it, though.

4 A. But I didn't read it over.

5 Q. Does that remind you of what her statement
6 contains?

7 A. Her written statement, yes.

8 Q. It contains a statement that says she let
9 Mr. Palmore into the building.

10 A. Yes.

11 Q. In your interview, would it have come up that they
12 rode the elevator together?

13 A. They may have.

14 Q. If you had footage from Wilkinson, not only would
15 the footage have shown whether or not Mr. Palmore may have
16 entered the building, wouldn't it have shown him entering
17 the elevator with Ms. Hosler?

18 A. Um-hmm.

19 Q. And that would have been corroborative evidence of
20 her version of events. Right?

21 A. Yes.

22 Q. In this case, you testified there was no other
23 physical evidence.

24 A. Correct.

25 Q. There were no eyewitnesses that can say that they

1 saw them together. There were no witnesses speaking of
2 him departing her room or anything like that.

3 A. No.

4 Q. Neither of those things?

5 A. Correct.

6 Q. You had made reference to the number of man hours
7 that it would have taken to review this footage. Do you
8 play any role in the copying of that footage at all?

9 A. Do I?

10 Q. Yes.

11 A. When I find it, I would copy it.

12 Q. Does the Clarion University Police Department have
13 the ability to essentially download large amounts of data
14 to provide to the district attorney's office or somebody
15 else?

16 A. If there is proper paperwork, yes.

17 Q. So to be more specific here, if somebody said, I
18 need a week's worth of video footage from this camera.

19 A. Um-hmm.

20 Q. It can be downloaded to some sort of media and
21 provided to me.

22 A. I am not understanding. Are you talking for
23 criminal or your case?

24 Q. Sure.

25 A. Well, if it is a criminal case, I am doing the

1 investigation, so yes, the district attorney is going to
2 get that evidence. If it is the defense, there is going
3 to have to be proper paperwork filed to be able to get
4 that information.

5 Q. Right.

6 A. The same thing with judicial conduct. We just
7 don't hand out a month's worth of video if you need it.
8 There is also paperwork that has to be provided there.

9 Q. Right. But in this case, I mean your testimony was
10 that you were aware that Mr. Palmore was requesting this
11 footage.

12 A. Yes. He had no letters from anybody or any
13 authority signing off or they needed a subpoena or a
14 search warrant. There was nothing.

15 Q. Right. But when was the charge filed? December
16 11?

17 A. Um-hmm.

18 Q. And December 11 was 60 days after the footage would
19 have been deleted.

20 A. Um-hmm.

21 Q. Is he supposed to get a subpoena before he has a
22 criminal case?

23 A. He asked me requesting information for judicial
24 conduct.

25 Q. Right.

1 A. I have nothing to do with judicial conduct.

2 Q. Right. But you knew what he wanted.

3 A. No. Judicial conduct knew what he wanted. Unless
4 Matt Shaffer would have come to our station with proper
5 paperwork, we are not going to provide that to Matt
6 Shaffer either.

7 Q. I am not saying whether or not you knew the conduct
8 case.

9 A. Um-hmm.

10 Q. I am saying that you were copied on an e-mail that
11 Mr. Palmore specifically requested video footage from
12 Wilkinson Hall for the defense for at the time the
13 university conduct hearing.

14 A. Yes.

15 Q. And we have established the timing of that e-mail
16 was December 3.

17 A. Yes.

18 Q. And we established that the case wasn't filed until
19 December 11.

20 A. Yes.

21 Q. And we established that as of December 11 the
22 60-day mark is either hitting right there or it is within
23 basically hours. Right?

24 A. Yes.

25 Q. That is all I have. Thank you.

1 A. Thank you.

2 **RECROSS EXAMINATION**

3 BY ATTORNEY WELSH:

4 Q. When an individual has a judicial conduct board
5 hearing pending, do you give video footage to anybody if
6 they request it?

7 A. No.

8 Q. I am not talking Mr. Palmore's case.

9 A. No. Nobody.

10 Q. Thank you.

11 THE COURT: You may step down.

12 All right. We will take a 15-minute recess at
13 this time and resume at ten minutes before three.

14 So members of the jury, all of the instructions
15 that I have given you will still hold. Do not
16 discuss the case among yourselves or with anyone or
17 pay attention to media accounts or do any of your
18 own investigation or research.

19 So we will resume in 15 minutes.

20 Court is in recess.

21 (Brief recess.)

22 THE COURT: Mr. Spessard, you may call
23 your next witness.

24 ATTORNEY SPESSARD: Thank you.

25 Defense calls Darold Palmore.

1 **DAROLD PALMORE,**

2 called as a witness, was sworn and testifies as
3 follows:

4 **DIRECT EXAMINATION**

5 BY ATTORNEY SPESSARD:

6 Q. Mr. Palmore, can you state your name and spell your
7 name for the record.

8 A. Darold Palmore. D-a-r-o-l-d, P-a-l-m-o-r-e.

9 Q. Are you currently employed?

10 A. Yes, sir.

11 Q. What do you do?

12 A. I am a contractor in Washington D.C. I do washing
13 and gas contracts.

14 Q. And at one point in time, did you attend Clarion
15 University?

16 A. Yes, sir. Fall of 2015.

17 Q. What were you studying?

18 A. I had a double major of financing and accounting.

19 Q. Obviously, you have been listening in court the
20 whole time.

21 A. Yes, sir.

22 Q. You heard the testimony today.

23 A. Yes, sir.

24 Q. I am going to ask you point blank here: Did you
25 assault Katelyn Hosler?

- 1 A. Absolutely not.
- 2 Q. Not in the fall of 2015?
- 3 A. Absolutely not.
- 4 Q. Not any other time?
- 5 A. Never.
- 6 Q. Now you were also here when Ms. Gealy testified.
- 7 Right?
- 8 A. Yes, sir.
- 9 Q. Obviously, you heard her testimony.
- 10 A. Yes, sir.
- 11 Q. Are you confirming that you were charged with
- 12 crimes in Erie County, Pennsylvania?
- 13 A. Yes, sir, I was.
- 14 Q. Were the charges in 2009 or late 2008?
- 15 A. Late 2008.
- 16 Q. Obviously, we heard her testimony.
- 17 A. Yes, sir.
- 18 Q. Can you describe from your end what happened?
- 19 A. To be honest, I didn't hear all of her testimony.
- 20 I was 18. I figured things were consensual. She
- 21 didn't say very much.
- 22 Q. Let us go piece by piece here.
- 23 A. Okay.
- 24 Q. We are talking end of August 2008.
- 25 A. Yes.

1 Q. Do you recall her description of this apartment
2 building being consistent?

3 A. Yes.

4 Q. Do you recall on one evening that you were in her
5 apartment?

6 A. Yes. I was asked to stay there.

7 Q. Who asked you to stay there?

8 A. One of her roommates. I believe her name was
9 Ashley.

10 Q. All right. So you are there. Was there a
11 particular reason why you were there or was it to see
12 Ms. Gealy?

13 A. No. That night I was in my apartment, and I heard
14 some loud noises outside of the apartment because my
15 window was facing the front of the building.

16 And I went out, and Ashley had a big case of beer.
17 She was intoxicated, and she was trying to get the beer
18 into the building. She is quite petite, so it was giving
19 her some trouble. I opened the door because she couldn't
20 find her keys. I took the beer to her apartment. She had
21 a guy with her, and he came right behind -- well, not
22 right behind. But once we came up the steps and got to
23 the door. He was banging on, and she said he was with
24 her. So I let him in also.

25 Whenever we got upstairs, she asked me to stay

1 because she knew that she was intoxicated. The guy that
2 she was with she didn't want anything sexual in nature to
3 happen between them.

4 Q. As part of this conversation, what did you do?

5 A. I stayed. I told her that I would stay and make
6 sure that nothing happened between them.

7 Q. Do you eventually fall asleep?

8 A. Yes.

9 Q. Do you fall asleep on the floor as Ms. Gealy
10 described it?

11 A. Yes.

12 Q. What is the next thing that you remember?

13 A. I heard the door open. I woke up. I heard the
14 noise from the vanity area. I didn't see who came in. I
15 just heard the door shut. When I came around to the
16 vanity are, I saw her standing there. She was kind of
17 surprised. She didn't know I was there. She was
18 intoxicated, but we started talking.

19 One thing led to another. We did end up kissing.
20 I wasn't sure if she initiated it or I initiated it. It
21 was about ten years ago. She went off to go into her
22 room, and she invited me into her room. She said turn off
23 the light.

24 At that point, when somebody says, Turn off the
25 light. You are inviting someone into your room. So you

1 are not saying --

2 Q. This is your perspective.

3 A. Yeah. This is my perspective.

4 Q. Did you know Ms. Gealy for any length of time prior
5 to this?

6 A. Not at all.

7 Q. Did you know she was new girl?

8 A. No. I didn't know her at all, but Gannon is not a
9 small school. It is Division II. You are not going to
10 know everyone on campus. I wouldn't assume that she just
11 came here. I knew all of her roommates because we were
12 all on the same floor at the previous building the year
13 before.

14 Q. But this year, you guys were split level.

15 A. Yes.

16 Q. But you lived in the same building.

17 A. Yeah. We lived in the same building. I was on the
18 floor below them. Their apartment was stacked over mine.

19 Q. Getting back to things real quick here, your
20 understanding is she invites you in.

21 She says, Turn off the light.

22 You think, Okay.

23 A. Yeah.

24 Q. And she doesn't say, Leave.

25 A. No. She doesn't say, Leave.

1 Q. I think that you testified to this, but I am
2 unsure.

3 Did you say that you noticed the other roommate in
4 the room?

5 A. Yes. Julie. She was in the room at the time.

6 Q. So what happens next?

7 A. We start kissing while we are in the bed. After
8 kissing, we start touching. She is feeling on me, and I
9 am feeling on her. At one point, she kind of, like,
10 passes out or that is what it looks like to me. And it
11 scared the crap out of me. I never seen that before. I
12 am 18. I've never really drank before. I'm not a heavy
13 drinker, so I kind of freak out. And I, kind of, smack
14 her on the face to wake her up.

15 Q. You are, like, tapping.

16 A. Yeah.

17 Q. Right.

18 A. She wakes up and I am like, Are you sure you want
19 to do this?

20 And she was like, No.

21 At that point, I am like, Cool. Okay.

22 And I didn't want to seem like a dick or anything.
23 I didn't try to touch her or go any further than that, but
24 I didn't want to be the dude that just left because she
25 wasn't into it.

1 Q. At some point, does she get out of the bed and go
2 to the bathroom?

3 A. Yeah. In the middle of the night, she gets up and
4 goes to the bathroom. At that time, I hear a thump. At
5 first, I thought it might be Julie, but something told me
6 to just get up. I went into the bathroom. The door was
7 unlocked. She was on the floor.

8 Q. Was she crying at this point?

9 A. No. It seemed like she passed out again.

10 Q. What did you do?

11 A. I tapped her on the face again.

12 And I said, What is going on?

13 At that point, Julie hears me trying to get her
14 attention, not Julie's attention, but Kimberly's
15 attention.

16 She comes into the bathroom and says, What is going
17 on?

18 I said, I don't know. She collapsed.

19 She is like, Well, bring her into the room.

20 I pick her up, took her into the room, we both
21 tucked her into bed, and I went back to the floor outside.

22 Q. Why did you go back to the floor outside?

23 A. Because the guy was still there with Ashley.

24 Q. And Ashley was the one who asked you to stay.

25 A. Yes.

1 Q. You eventually get charges?

2 A. Yes.

3 Q. And the district attorney brought out a number of
4 times that you were convicted of indecent assault, a
5 misdemeanor level.

6 A. Yes.

7 Q. Now we heard the phrase no contest. Are you
8 familiar with that?

9 A. As familiar as a person that is not in the legal
10 profession would be.

11 Q. So I'll ask it this way: Did you plead guilty to
12 that charge? Did you go into court and say that I did
13 what Ms. Gealy said?

14 A. No.

15 Q. So instead, did you plead no contest?

16 A. Yes.

17 Q. What was your understanding of what no contest
18 meant?

19 A. From what my attorney at the time explained to me,
20 he said you are not pleading guilty, but you are accepting
21 punishment. He didn't really go into what the charges
22 are. In my eyes, it was a guilty plea. It just wasn't
23 called guilty is what it seemed to me.

24 Q. So your attorney explained all of this to you. We
25 heard from Ms. Gealy that you had been charged with some

1 sort of felony indecent assault. Is that accurate?

2 A. Yes.

3 Q. You have this felony indecent assault charge, and
4 you have this misdemeanor indecent assault charge. What
5 is going through your mind at this point?

6 A. At that point, I had an attorney from Pittsburgh.

7 He told me, this is a felony. We can take this to
8 trial. If you lose, you are looking at a minimum of five
9 to ten years.

10 I am 18 years old. I never had any serious trouble
11 in my life. Five to ten years is a lot. I didn't want to
12 go to jail for that period of time or longer.

13 Q. So given all of those factors, is that why you took
14 the no contest plea?

15 A. Of course. I was looking at five to ten years.

16 Q. It is 2015. What year in school are you?

17 A. I was a sophomore. I was considered a sophomore.

18 Q. During the investigation and the pending nature of
19 this case, are you familiar with your schedule as it was
20 in 2015?

21 A. Yes, sir.

22 Q. Do you remember what your course load was at the
23 time?

24 A. 18 credits.

25 Q. So for people that haven't been to college, what

1 does that boil down to?

2 A. Heavy course load.

3 Q. How many classes?

4 A. Six.

5 Q. And out of six classes, were all of them classroom
6 classes?

7 A. No. One was online, and the other five were
8 classroom classes.

9 Q. So I am going to try -- would it be fair to say
10 that for your Monday and Wednesday classes, you had a
11 Monday Wednesday class from 9 to 10 and from 2 to 3. Nine
12 to 10 in the morning and 2 to 3 in the afternoon.

13 A. Yes. That sounds about right.

14 Q. On Tuesday, you had class from 9:30 a.m. to 10:45,
15 11 a.m. to 12:15, followed by a break, followed by class
16 from 3:30 to 4:45. Does that sound accurate?

17 A. Yes.

18 Q. If you saw your schedule, would you be able to
19 identify it?

20 A. Yes, sir.

21 Q. Does this appear to be or schedule as it was at the
22 time of fall of 2015?

23 A. Yes, sir.

24 Q. It doesn't appear be altered or modified.

25 A. No, sir.

1 ATTORNEY SPESSARD: I'd ask this be marked as
2 Defendant's Exhibit No. 2 and move for its
3 admission.

4 ATTORNEY WELSH: No objection.

5 THE COURT: It is admitted.

6 (Defendant's Exhibit No. 2 is admitted into
7 evidence.)

8 BY ATTORNEY SPESSARD:

9 Q. Now in terms of your coursework here, you describe
10 18 credits as kind of a lot here.

11 What would a day in the life for you be in the
12 beginning of October in 2015 in terms of dealing with your
13 courses? We know you have class from certain times
14 because of the schedule.

15 A. Yes.

16 Q. So when you are not in class, what are you doing in
17 your free time?

18 A. In the October timeframe?

19 Q. Yes.

20 A. Midterms are somewhere in there. Yeah. Midterms
21 are somewhere in that area. It depends on the professor
22 when they give it to you. But most of that month, if you
23 have poor grades, you are trying to get your grades up
24 before midterms.

25 Q. In terms of your grades, what was your status in

1 terms of your grades with the upcoming midterms?

2 A. My grades were poor.

3 Q. All right. And is this still in the October
4 timeframe?

5 A. Yes.

6 Q. Did you try to take any steps to fix that?

7 A. Yes. I reached out to a few classmates and formed
8 study groups.

9 Q. Did you get involved in tutoring?

10 A. Yes.

11 Q. Did you regularly meet with a tutor?

12 A. Yes.

13 Q. What days would you meet with a tutor?

14 A. I met with Steven Cui.

15 Q. Can you spell Cui?

16 A. C-u-i, I believe is how spell it. We had the same
17 math class and the same business class. We'd meet before
18 business. I think business was around two to 3:30 on
19 Mondays and Wednesdays. So we would meet probably for an
20 hour, an hour and a half. And then math class, he was in
21 my math class also. We would work before math in the
22 library.

23 Q. Do you recall when math class was? Afternoon?
24 Morning?

25 A. Afternoon. I want to say in the late afternoon

1 like 3 o'clock or 3:30.

2 Q. 3:30 to 4:45?

3 A. Yes.

4 Q. Was that class Tuesdays and Thursdays?

5 A. Yes.

6 Q. So you said you'd meet prior to that class so on
7 and so forth to study.

8 A. Yes.

9 Q. Okay. So you are doing all of this work. In
10 addition to that, would you regularly go to the cafeteria
11 to eat lunch?

12 A. It really depended on how much work I was doing.
13 The cafeteria, even though it is technically not far, the
14 library has a little restaurant in the front of it, so you
15 can pick up small items, like a salad or a protein bar.
16 You can pick it up there and continue your work. It
17 really depends on my course load.

18 Q. As part of that sort of thing, would you make it a
19 habit to regularly get lunch?

20 A. Yeah. To have an uniform schedule that way I am
21 not all over the place, I would probably try to eat
22 somewhere between 12 and one o'clock.

23 Q. And you had a meal plan with the university.

24 A. Yes.

25 Q. So if you didn't go to lunch, you were wasting

1 money on the meal plan. Right?

2 A. Oh, absolutely.

3 Q. These were pre-purchased meals?

4 A. Yeah. Somewhere around \$4,000.

5 Q. A semester?

6 A. Yes.

7 Q. All right. Now we talked about coursework and your
8 free-time schedule. I want to talk to you about your
9 physical health. Did you have any physical issues going
10 into October of 2015?

11 A. Yeah. I had a wrist fracture.

12 Q. Okay. Without going into too many details here,
13 you broke your wrist one evening. Is that fair?

14 A. I want to say September 29.

15 Q. Okay. So late September?

16 A. Yeah.

17 Q. Before October?

18 A. Yeah.

19 Q. You said that you fractured your wrist. Do you go
20 seek treatment for that?

21 A. I do.

22 Q. Where do you go?

23 A. Up to the on-campus hospital. It is not a
24 hospital. It is a medical center.

25 Q. Okay. And do you have appointments there?

1 A. Several. I think I saw the nurses there probably
2 about four times, and I also had a few appointments with a
3 specialist doctor here in Clarion.

4 Q. Now when you would go to appointments, would you
5 have to get proof that you went to an appointment?

6 A. Yes.

7 Q. Why?

8 A. Because I am missing class to go to an appointment.
9 They take attendance. Some teachers have a device that
10 you use your ID, and you swipe the device. And it proves
11 that you are in class. If you miss, that takes 25 percent
12 of your grade.

13 Q. If you saw these class excuses that you had, would
14 you be able to identify them?

15 A. Yes.

16 Q. Could you take a look at these?

17 A. Yes, sir.

18 Q. Do these appear to be the class excuses that you
19 had?

20 A. Yes, sir.

21 Q. What dates are listed for the class excuses?

22 A. October 5, 2015; October 8, 2015; and October 22,
23 2015.

24 Q. October 5, 8, and 22 of 2015?

25 A. Yes, sir.

1 Q. And those were appointments at the health center or
2 with the specialist?

3 A. Yes, sir.

4 Q. Do these appear to be correct copies of those
5 sheets?

6 A. Yes, sir.

7 ATTORNEY SPESSARD: I'd ask these to be marked
8 as Defendant's Exhibit 3, and I move to admit them.

9 ATTORNEY WELSH: No objection.

10 THE COURT: It is admitted.

11 (Defendant's Exhibit No. 3 is admitted into
12 evidence.)

13 ATTORNEY SPESSARD: Thank you.

14 BY ATTORNEY SPESSARD:

15 Q. So you go to the health center, do they treat you?

16 A. Yes.

17 Q. What do they give you to deal with your wrist?

18 A. Two ice packs. They give me some type of medicine.
19 I think it was Ibuprofen, but it was stronger than what
20 you can get over the counter. So they gave me some really
21 strong Ibuprofen for the inflammation that I had in my
22 hand and my wrist.

23 Q. Did they give you anything else in terms of
24 immobilizing your wrist to prevent you from further
25 injury?

1 A. They gave me an ace bandage. It is a tan bandage
2 that stretched over your hand as tight as you want, and
3 you have a clip at the end to tie it off.

4 Q. Did they give you anything else in terms of
5 stability?

6 A. Two ice packs.

7 Q. Okay. So you said that you would have had this ace
8 bandage that you would have wrapped your wrist in.

9 A. Yes.

10 Q. Which wrist was it?

11 A. My right.

12 Q. Are you left or right handed?

13 A. Right.

14 Q. Does this appear to be your right hand?

15 A. Yes.

16 Q. Is it wrapped in an ace bandage?

17 A. Yes.

18 Q. Did you take this photograph?

19 A. Yes.

20 Q. Was this approximately around the time of October
21 of 2015 or maybe late September?

22 A. I believe this is October 5.

23 Q. Is there any specific reason that you remember
24 that?

25 A. The floor in the background is the floor from the

1 Clarion Center. It doesn't make sense to take a picture
2 the same third or fourth time that I have been there. The
3 first time would have been the reason.

4 Q. Based on the October 5 excuse, it must have been
5 October 5 because that is why you took the photo.

6 A. Yes.

7 Q. And you would have had the bandage.

8 A. Yes.

9 Q. Okay. Otherwise, this doesn't seem to be
10 manipulated or modified.

11 A. No, sir.

12 ATTORNEY SPESSARD: I'd ask this be admitted as
13 Defense Exhibit No. 4 and move for admission.

14 ATTORNEY WELSH: No objection.

15 THE COURT: It is admitted.

16 (Defendant's Exhibit No. 4 is admitted into
17 evidence.)

18 BY ATTORNEY SPESSARD:

19 Q. So let us talk about your symptoms. You have an
20 injured wrist. You have it wrapped up. Can you describe
21 for the jury what kind of, if any, limitations you have
22 with your wrist at the time in 2015?

23 A. At the time in 2015 because of the swelling in my
24 hand -- it was very swollen. It was like a grapefruit.
25 And because I had so much fluid, it stretched my skin. It

1 kind of pulled, so I couldn't squeeze or grip things or
2 grab things.

3 Q. Could you grab a pencil?

4 A. No.

5 Q. Could you write in class or anything?

6 A. No.

7 Q. Could your fingers close?

8 A. My fingers could touch, but my actual palm can't
9 close. You can touch things with your fingers, but you
10 can't grab things. They work in conjunction, but they can
11 work separately. You are not going to lift a table with
12 your fingers. You are going to grip it and try to move
13 it.

14 Q. Just to clarify here, you are saying that you could
15 touch but not necessarily grip.

16 A. Yeah.

17 Q. We know that you had appointments on the fifth.
18 That is the first day.

19 A. Yes.

20 Q. You had an appointment on the eighth of October.

21 A. Yes.

22 Q. You saw the nurse. Do you recall how your systems
23 were at that point?

24 A. At that point, it was a lot of swelling. They
25 debated whether to have it drained or not. They said to

1 wait a week. They wanted to see if it would finally go
2 down, but it was considered. We want to drain, but let us
3 give it some time.

4 Inflammation, pain, the swelling, I could not --
5 because of the swelling, I couldn't move my hand back. I
6 guess that is an extension.

7 And I couldn't flex it either, so I couldn't pull
8 it down. Immobilizing this type of position until the
9 swelling went down, and then I got some type of motion out
10 of it.

11 Q. Now -- so you are dealing with these symptoms. You
12 go again on October 22.

13 A. Yes.

14 Q. Was that with the specialist? Do you recall?

15 A. Well, I had to report to Clarion Health Center to
16 get my excuse because my excuse, I guess, acted as a
17 payment for cab. And I could give it to my teachers. I
18 didn't have transportation to the hospital in order to see
19 the specialist. And so those forms that you showed, I'd
20 show that to the cab driver, and he'd have some type of
21 documentation to write down, and he would somehow give
22 that to Clarion University to be paid for taking me over
23 to the hospital.

24 Q. To go back to my question: On the 22nd, you go to
25 the hospital.

1 A. Yes.

2 Q. You get looked at the hospital. As of the 22nd,
3 what are your symptoms like?

4 A. The swelling had went down. It was not all of the
5 way down, but it was down. I received a brace from the
6 specialist. It wasn't the ace bandage, but an actual
7 brace to keep my wrist immobilized.

8 Q. Do you remember when you got the brace?

9 A. If it wasn't on the eighth, it was the 22nd. I am
10 not too sure.

11 Q. Okay. In terms of your -- we talked about your
12 limitations. If your hand had been immobilized at the
13 time or it had been wrapped, and somebody intentionally
14 did a tap, push, any kind of movement on your wrist, what
15 would that experience have been for you?

16 A. I would have cried, literally cried.

17 Q. Would you have been able to function?

18 A. I don't know what you mean by function, but it
19 really would have hurt.

20 Q. Could you just have ignored it?

21 A. No. Not at all.

22 Q. I want to move on now to Ms. Hosler's testimony
23 today and your relationship with her. Did you and Katelyn
24 hang out regularly?

25 A. No.

1 Q. Did you ever grab lunch?

2 A. No.

3 Q. Did you regularly meet up after class?

4 A. No.

5 Q. Did you know each other's schedules?

6 A. No.

7 Q. Did you know her schedule?

8 A. No.

9 Q. So you didn't know, for instance, if she would be
10 in or out of class at a particular time?

11 A. No.

12 Q. So we heard some testimony today about text
13 messages. She testified that at some point you and she
14 exchanged phone numbers. Is that true?

15 A. Yes.

16 Q. You give her yours. She gives you hers. You got
17 each other's phone numbers.

18 A. Yes.

19 Q. She also testified that you didn't exchange any
20 other information.

21 A. What do you mean?

22 Q. I mean you didn't offer your e-mail address or your
23 personal e-mail address or Facebook profiles or anything
24 like that.

25 A. No. I mean it is common to exchange Facebooks, but

1 e-mail is weird. You don't exchange e-mails.

2 Q. Was there any other sort of account information
3 exchanged?

4 A. No. That is even weirder.

5 Q. It is uncommon.

6 A. Very uncommon.

7 Q. All right. So did you ever text message her?

8 A. No.

9 Q. Do you ever remember text messaging her?

10 A. No.

11 Q. Do you remember ever receiving a text message from
12 her?

13 A. No.

14 Q. Did you -- back up. Do you recall what your phone
15 number was in the fall of 2015?

16 A. I had just moved from Atlanta, Georgia, so I think
17 it was (404) 621-5838.

18 Q. And do you recall who your carrier was?

19 A. Sprint.

20 Q. As part of the defense's investigation, did you
21 have an opportunity to review records that were provided
22 by Sprint?

23 A. Yes.

24 Q. And specifically, did you see a CD that looks like
25 this that was provided by Sprint?

1 A. Yes.

2 Q. Did you have an opportunity to review the files on
3 it?

4 A. Yes.

5 Q. If I showed you these files, would you be able to
6 identify them?

7 A. Yes.

8 Q. Take a look at these real quick.

9 A. (Witness complies.)

10 Q. Does the content of this information appear to be
11 the same as the content on the CD?

12 A. Yes.

13 Q. Now did you happen to notice that the front page of
14 this indicates something about certification and
15 verification of records?

16 A. Yes.

17 Q. Is it notarized?

18 A. No.

19 Q. Does it say it is from Sprint Corporation?

20 A. Yes.

21 ATTORNEY SPESSARD: Your Honor, I'd ask
22 this be marked as Exhibit 5 and move for its
23 admission specifically indicating that these are
24 wireless cellular records.

25 ATTORNEY WELSH: Can you specify the

1 timeframe on what those records would have
2 been?

3 ATTORNEY SPESSARD: Records from September
4 1, 2015, to the final message is October 12,
5 2015. The request would have been for all of
6 October of 2015.

7 ATTORNEY WELSH: And you are clarifying in
8 your offer that those are specifically text
9 messages sent over a cellphone carriers'
10 network.

11 ATTORNEY SPESSARD: Yes.

12 ATTORNEY WELSH: If that is the case,
13 there is no objection.

14 THE COURT: It is admitted.
15 (Defendant's Exhibit No. 5 is admitted into
16 evidence.)

17 ATTORNEY SPESSARD: Your Honor, at this
18 time, I would offer a stipulation that
19 Ms. Hosler's phone number in the fall of 2015
20 was (302) 300-6524.

21 ATTORNEY WELSH: I will stipulate to that.

22 THE COURT: Members of the jury, the
23 attorneys by making this agreement are putting
24 in evidence this fact that -- again, what
25 timeframe was this?

1 ATTORNEY SPESSARD: In the fall of 2015.

2 THE COURT: In the fall of 2015, Katelyn
3 Hosler's phone number was (302)300-6524. And
4 the agreement of the attorneys by stipulation
5 is a proper way of presenting evidence, so
6 that fact is now part of the evidence in the
7 case for your consideration.

8 ATTORNEY SPESSARD: Thank you, Your Honor.

9 Additionally, rather than going through
10 line by line, I'd just offer the stipulation
11 that the aforementioned number of
12 (302)300-6524 does not appear in any of the
13 records as either a dialed number or received
14 number or text messages from the Sprint
15 Corporation.

16 ATTORNEY WELSH: I will stipulate to that.

17 THE COURT: Okay. In any of the records,
18 Exhibit 5, is that what you are saying?

19 ATTORNEY SPESSARD: Yes, Your Honor.

20 None of the entries indicate that that
21 number was in some way or another dialled or
22 received information from.

23 THE COURT: All right.

24 Again, members of the jury, that fact is
25 in evidence by stipulation of the attorneys,

1 and you may consider that fact as part of the
2 evidence in the case.

3 BY ATTORNEY SPESSARD:

4 Q. Now, Mr. Palmore, I have an extra copy here of
5 Exhibit 5. I am asking you to go all the way to the end.
6 Can you tell the jury what the last date of record is
7 listed in Exhibit No. 5?

8 A. 10/12/2015 at 3:43 p.m.

9 Q. Is there an associated cell number with 10/12/2015?

10 A. No.

11 Q. What is listed there?

12 A. There is a four digit code listed there.

13 Q. Not a full ten-digit number.

14 A. No.

15 Q. When is the next full ten-digit number? When is
16 the last time that a full ten-digit number was in some way
17 communicated through the Sprint towers to that cell
18 number?

19 A. 10/05/2015.

20 Q. 10/05/2015?

21 A. Yeah.

22 Q. Do these records indicate this is for your phone
23 number, the 404 phone number that you listed?

24 A. Yes, sir.

25 Q. Now, you indicated that there were these four-digit

1 codes on Exhibit 5.

2 A. Yes.

3 Q. Now, you don't work for Sprint. Do you?

4 A. No.

5 Q. Have you ever worked for a wireless communication
6 company?

7 A. No.

8 Q. So do you recall some time near those dates, some
9 time around this second-ish week of October, would you
10 have received any sort of messages?

11 A. At the beginning of October, I received a lot of
12 messages from Sprint due to the fact that my phone bill
13 wasn't paid, so I had to pay them in order for my service
14 to continue. I was already behind in payments to them;
15 and so for ongoing service, I had to pay a certain amount
16 of money.

17 Q. So they would -- so are the timeframes that you are
18 looking at there with that four-digit code is that
19 consistent with around the time that you would have gotten
20 these messages from Sprint?

21 A. Yes.

22 Q. Okay. Now we heard some testimony today about
23 iMessaging.

24 A. Yes.

25 Q. Are you a Apple user?

1 A. Not currently. I was before in 2015.

2 Q. In 2015, you were.

3 A. I was.

4 Q. Was an iPhone out at this point?

5 A. Yes.

6 Q. How long had you used an iPhone?

7 A. At that point, I had been using an iPhone since
8 2007 or 2008.

9 Q. So a number of years.

10 A. Yes.

11 Q. Now in your experience in using iMessage, do you
12 recall whether -- I guess I'll ask this first: If you
13 don't have someone's phone number, can you send them a
14 text message to a phone number you don't know.

15 THE COURT: Mr. Spessard, what relevance does
16 this have?

17 ATTORNEY SPESSARD: I believe the
18 Commonwealth is going to attempt to make some
19 sort of assertion that there was some other
20 means that Mr. Palmore could have communicated
21 to the victim that wasn't related to the cell
22 towers given the questioning that was made
23 during the victim's direct examination.

24 THE COURT: Okay. Go ahead and restate
25 your question.

1 BY ATTORNEY SPESSARD:

2 Q. With an iPhone, if you don't have someone's
3 cellular number, but you know the person that you want to
4 contact, can you just get a message to them somehow
5 without any other information?

6 A. No.

7 Q. If you don't have their cell number, what other
8 piece of information in your experience would you need to
9 communicate with them if you didn't have their cell
10 number?

11 A. You would need their Apple account e-mail.

12 Q. So there is an Apple account that you would sign up
13 for, and there would be an e-mail attached to it.

14 A. Whenever you purchase an Apple product, that opens
15 you up to their program of services. You'd sign up for
16 the Apple account, and that will either be an e-mail
17 through Apple that you choose or an e-mail that you
18 previously had that you continue to use as a
19 representative for your Apple account. But you would need
20 that information in order to work those services. Without
21 that information, you can't work those services.

22 Q. Did you have Katelyn Hosler's Apple iAccount
23 information?

24 A. No.

25 Q. Did she have yours?

1 A. No.

2 Q. And the only form of contact that you -- electronic
3 contact that you could have with her was through text
4 message or Facebook messenger. Is that fair?

5 A. Yes. Text message. I didn't know her on Facebook.
6 I don't think. But if I did, we didn't message on
7 Facebook.

8 Q. Okay. Now let us go back to Clarion University,
9 end of October 2015 or so. In the beginning of November,
10 did you reach out to Jarrett?

11 A. Yes.

12 Q. Did you inform him that you would have witnessed
13 some sort of conduct between Ms. Hosler and somebody else?

14 A. Yes, I did.

15 Q. Specifically, your roommate?

16 A. Yes.

17 Q. Do you recall the date this was?

18 A. November 5. I believe I saw him in the hallway and
19 that was, like, 9:30 or ten. Yeah, 9:30 or ten-ish.

20 Q. In person?

21 A. Yes.

22 Q. And you in-person tell him this information.

23 A. Yes.

24 Q. Does he eventually message you later?

25 A. Yes.

1 Q. That same day?

2 A. Yes.

3 Q. And you then proceed to describe to him what you
4 had tried to let him know at around ten o'clock that day.

5 A. Yes.

6 Q. So if you saw those messages, you could identify
7 them.

8 A. Yes.

9 Q. If I could see Defense Exhibit No. 1.
10 Have you had a chance to review these?

11 A. Yes.

12 Q. Are you familiar with them?

13 A. Yes.

14 Q. Are these the messages that were between you and
15 Mr. Boxley?

16 A. Yes.

17 Q. Okay. And just to clarify here: Within those
18 messages, you make a reference to what we talked about,
19 this activity that you may have witnessed?

20 A. Yes, sir.

21 Q. Now we have had a large amount of testimony here
22 regarding the testimony of Mr. Boxley about whether or not
23 -- I guess how quick this conversation was.

24 A. Um-hmm.

25 Q. Your testimony was it was November 5. That is what

1 the exhibit says as well. Does that line up with your
2 recollection?

3 A. Yes.

4 Q. What is your recollection of how fast this
5 conversation went when he finally reaches out to you on
6 Facebook?

7 A. Oh, the Facebook conversation? It was consistent.
8 It was back and forth. He would continue messaging.
9 There was no breaks in between.

10 Q. When you say no breaks, how long are we talking
11 between messages? Less than a minute? A minute tops?

12 A. Probably a minute tops.

13 Q. Okay. So you inform Mr. Boxley in the hallway, and
14 you sent him Facebook messages on November 5.

15 A. Yes.

16 Q. Now are you eventually informed one way or another
17 through the university that they have concerns regarding
18 these allegations?

19 A. I believe November 6. Officer Trumbeta -- I
20 believe she is a sergeant -- came to my dorm and gave me a
21 signed letter by Ms. Feeke. F-e-e-k-e, I believe is her
22 last name. She was at the time the president of student
23 affairs or the assistant deputy or president or whatever.
24 She signed the letter saying that I had to leave the
25 campus within 72 hours in order for the investigation to

1 be conducted into the allegations.

2 Q. And you say this is November 6.

3 A. Yes.

4 Q. In this letter, it detailed some information of
5 these claims.

6 A. Yes.

7 Q. Did it give you everything that they were claiming?

8 A. No. It didn't give me much. A lot of it got
9 filled in by other students.

10 Q. So you get this information.

11 A. Um-hmm.

12 Q. Do you take any steps after November 6 to attempt
13 to sort of protect yourself?

14 A. Yes. The first thing that I did when I received it
15 on November 6, I went to Ms. Bernadetta. She is a -- I
16 think she is also an assistant president not student
17 affairs but adjacent office. I can't remember her
18 department.

19 I asked her what I should do. What is the normal
20 process? She explained to me what was going to happen,
21 and at that point, I started trying to figure out how I
22 was going to leave campus because I live two and a half
23 hours away.

24 Once I was able to get off campus and get myself
25 together, I started trying to figure out how I was going

1 to get evidence to prove that I didn't do it.

2 Q. Why were you trying to get evidence together to
3 prove that you didn't do it?

4 A. Because I didn't do it.

5 Q. Had you had an experience that you had to deal with
6 that made you particularly cautious regarding information
7 like that?

8 A. I had that incident in 2008.

9 Q. With Ms. Gealy?

10 A. Yes. In my opinion, people are going to
11 automatically assume that he did it once, and he did it
12 again. They see the conviction, not the story, and I had
13 to make sure that I had all of the evidence to prove that
14 it wasn't me and that I didn't do it.

15 Q. Could you specifically talk about an affirmative
16 step that you took? We heard testimony about the e-mail.

17 A. I wrote an e-mail to Mr. Matt Shaffer. He is the
18 head of student judicial affairs I believe. I think that
19 is the department. I am not sure. He was pretty much the
20 school's liaison with me about the judicial stuff going
21 on: The investigation and alleged allegations.

22 Q. We heard testimony about this e-mail that was sent
23 out on December 3, 2015. Does that sound right?

24 A. Yes.

25 Q. Was Corporal Shane White copied on that e-mail?

1 A. Yes.

2 Q. An obvious question that I have to ask you here:
3 From December 2015 when you sent that e-mail up to today,
4 have you ever received any footage from Wilkinson Hall?

5 A. No.

6 ATTORNEY SPESSARD: I have no further
7 questions. Thank you.

8 THE COURT: Mr. Welsh?

9 ATTORNEY WELSH: Thank you.

10 **CROSS EXAMINATION**

11 BY ATTORNEY WELSH:

12 Q. So when are you saying that your phone no longer
13 worked for cell phone service?

14 A. I didn't hear that.

15 Q. When are you saying that your phone no longer
16 worked, your cell service?

17 A. I think the last time that I was able to make phone
18 calls, it was the beginning of October. The first week of
19 October.

20 Q. When were you able to call or make phone calls
21 again?

22 A. I was never able to make phone calls or text again.
23 I never paid the bill.

24 Q. Never? So you still can't make phone calls.

25 A. Not from that number.

1 Q. Not from that number I see.

2 At what point, when were you able to make calls or
3 texts from a different number?

4 A. The phone that I have now is the only phone that I
5 have had after. I just got it a month or two months ago.

6 Q. Okay. So from the beginning of October --

7 A. Um-hmm.

8 Q. -- of 2015 to a couple of months ago, you were
9 unable to make phone calls or send text messages?

10 ATTORNEY SPESSARD: Objection, Your Honor.

11 If we could approach.

12 THE COURT: You may. Yes.

13 (Sidebar discussion commences at 3:45 p.m.)

14 THE COURT: What is your objection?

15 ATTORNEY SPESSARD: I guess specifically
16 relevance of being able to make any sort of
17 text message or phone call ever again. This
18 also runs into a problem with prejudice
19 because the only way that I can defend him
20 would be to go into some discussion to the
21 fact that he was incarcerated from 2016 or I
22 guess early 2017 on for a good chunk of that
23 time, and he was only released the past six or
24 seven months.

25 THE COURT: What is your response?

1 ATTORNEY WELSH: I am looking specifically
2 at the end of 2015. I want to cross examine
3 him on such things as contacting a doctor,
4 being contacted by the doctor via phone calls.
5 He indicates that he wasn't able to. I told
6 them that I believe that he was after that
7 time.

8 ATTORNEY SPESSARD: I think I'd just ask a
9 limitation of timeframe here.

10 THE COURT: Well, the objection is
11 overruled.

12 You may proceed.

13 BY ATTORNEY WELSH:

14 Q. So you are indicating that you could not after -- I
15 think October 5 is the last date, the last date of full
16 phone numbers there. After that time, you couldn't call.

17 A. I don't believe so.

18 Q. But you could call and receive calls from the
19 health office and set doctor's appointments. Right?

20 A. Actually, no.

21 Q. So on October 5, there was a note that you were
22 called with the results of the x-ray. Were you called
23 with the results of the x-ray?

24 A. October 5? I know the last message was about 4:00
25 in the afternoon, and I remember getting a call from the

1 Clarion Health Center around 9:00 in the morning. But I
2 was in class, and I couldn't answer. But I could not
3 return that call. I had to show up in person.

4 Q. November 13, 2015, 1:25 p.m., you did not call the
5 doctor's office to talk about e-mailing health records to
6 the doctor?

7 A. November 13? I was home.

8 Q. Okay.

9 A. Because I had a house phone.

10 Q. So you were able to make phone calls after that
11 time.

12 A. From the house phone, yeah.

13 Q. Did you give the doctors your house phone?

14 A. Most likely, yes.

15 Q. October 6, 2:16 p.m., did you call the doctor to
16 give an appointment time and location. Thinks he will get
17 a ride. Will call if he can't. You were stressed the
18 important of keeping the appointment due to the nature of
19 the injury. You indicated that you understood.

20 A. October 6?

21 Q. October 6.

22 A. I don't remember making a call, but I could have
23 used someone else's phone. I couldn't call from my phone.

24 Q. So you only had one phone.

25 A. I only had one phone that was my phone, and that

1 service was disconnected because I didn't pay the bill.

2 Q. You agree that -- you had an iPhone 4S white in
3 color at that time.

4 A. Yes.

5 Q. With Apple, you agree that there are two ways that
6 you can send messages. Correct?

7 A. Yes.

8 Q. You can send a message over the cell signal or send
9 a message over the Wifi.

10 A. Yes.

11 Q. Now both of those -- your phone number is connected
12 when you set up your phone to your Apple ID. Correct?

13 A. Yes.

14 Q. At that point, let us say that you don't have a
15 cellphone signal, but you are able to get Wifi.

16 A. Um-hmm.

17 Q. You are able to send a message from iPhone to
18 iPhone using the Wifi?

19 A. If you have active service, you can.

20 Q. You believe that you have active service on a cell
21 phone carrier.

22 A. Not that I believe. If you have active service,
23 you can.

24 Q. Do you have any evidence that supports that?

25 A. No.

1 Q. So if I told you that even if you don't have active
2 service, you can still do that if you have that phone
3 number.

4 A. I'd ask to see your evidence.

5 Q. Now the information regarding your wrist --

6 A. Okay.

7 Q. You went to the doctor.

8 A. Yes.

9 Q. It was wrecked.

10 A. Yes.

11 Q. You gave descriptions of how you could not hold a
12 pencil and so on. Correct?

13 A. Yes.

14 Q. You described it as a wrist fracture.

15 A. Today I would describe it as a wrist fracture, yes.

16 Q. Isn't it true when you were evaluated by Doctor
17 Pollock, he described it as a wrist sprain.

18 A. No. He said it was a possible fracture, but he
19 couldn't tell it was a fracture because I didn't get an
20 MRI.

21 Q. Isn't it true that you have produced medical
22 documentation at one point that showed that the comments
23 were right wrist sprain?

24 A. I don't remember the comments on them but --

25 Q. Do you remember Dr. Pollock's testimony at a

1 previous hearing that it was a right wrist sprain?

2 A. I believe he testified to something of that nature.

3 Q. Now you also -- when Dr. Pollock would have been
4 handling you -- this would have been on October 5th, the
5 5th and the 8th.

6 A. Um-hmm.

7 Q. He did testing on you. Is that fair?

8 A. Yes.

9 Q. One of those motions was to grab his finger.

10 A. Yes.

11 Q. And he said you passed and that you could grab his
12 gripper.

13 A. Yes.

14 Q. It wasn't that you couldn't grab. Right?

15 A. I couldn't put pressure on things. When I grab, I
16 can grab your fingers, but my palm can't grab things. So
17 yeah I am touching it, but I can't grip. I can't squeeze.
18 I cant grab. I can't do any of these things.

19 Q. Isn't it true that you talked about your pain
20 tolerance at a previous hearing?

21 A. Yes.

22 Q. You testified that it hurt, and you felt like
23 crying but you are not a crier.

24 A. Probably, yes.

25 Q. Did you ever buy track phones? Do you know what a

1 track phone is?

2 A. Yeah. I know what one is, but I never purchased
3 one. No.

4 Q. Never made a call on a track phone?

5 A. Not that I know of.

6 Q. What was your relationship like with Jarrett Boxley
7 before you talked to him?

8 A. Nonexistent.

9 Q. You didn't know him.

10 A. I knew him as a student leader. He is one of these
11 guys that you see walking down the street, and you are
12 like he is going to go somewhere. He does well. He is
13 older, his demeanor. You knew he was going to be
14 successful.

15 Q. That November 5 day, was that the first date that
16 you ever talked to him?

17 A. Yes.

18 Q. And the first time you ever talked to him, you told
19 him that your girlfriend had been unfaithful to you.

20 A. Yes.

21 Q. At the time that this happened, you indicated that
22 you were a sophomore.

23 A. I think by looking at my credit I was a sophomore.

24 Q. It was your first year at Clarion University.

25 Right?

1 A. Yes.

2 Q. The dorms, is it fair to say that those were mostly
3 freshman dorms?

4 A. Yes.

5 Q. If you were upperclassman, you would move out to an
6 apartment or other student housing. Is that fair?

7 A. Yes. That was the only dorms that I could afford
8 to go to Clarion, so I had some talks with the resident
9 director of residence life housing. She was over the
10 housing department, and she approved me to stay there
11 because I couldn't afford the higher-end -- when you go
12 into the apartments, it costs more. Those building, the
13 freshman pay, like, \$2,000 a semester. And it comes to,
14 like, four to five thousand for a semester.

15 Q. How old were you at that time?

16 A. Twenty-six.

17 Q. Did you inform the residence director that you had
18 been previously convicted of a sex offense?

19 A. Yes. I spoke with her on the phone. She saw that
20 it was on my transcripts, and she approved it.

21 Q. Who was that person?

22 A. Kahle-Bell (spelled phonetically) -- it was like a
23 double last name. I don't remember her first name.

24 Q. So you are a 26, a convicted sex offender, and you
25 were approved to live in the freshman dorms.

1 A. Clarion University approved me, yes.

2 Q. All right. Now you have indicated that you did not
3 do this to Ms. Hosler. Right?

4 A. No.

5 Q. You are saying you were never in her dorm room.

6 A. No. I was never in her dorm room.

7 Q. You never talked to her via text message. Correct?

8 A. No.

9 Q. Is it fair to say that you have described it -- you
10 didn't do this because she is not attractive.

11 A. She is not attractive to me.

12 Q. And that is something that you have used in
13 interviews as a defense saying she is not attractive. It
14 doesn't happen to unattractive girls.

15 A. I don't think I was ever interviewed for this case.

16 Q. Is that how you feel?

17 A. That is a statement. I don't find her attractive,
18 so I don't -- I am not attracted. That is not somebody
19 that I would have an interest in sexually or otherwise.

20 Q. Now Ms. Gealy -- and I guess -- let us go back.

21 When the jury is deliberating, you are not
22 indicating that this was in any way consensual.

23 A. It never happened.

24 Q. Right. So you don't want them considering other
25 than your defense that it never happened.

1 A. It never happened.

2 Q. There was no secret relationship between the two of
3 you.

4 A. No.

5 Q. There was no other third story.

6 A. No.

7 Q. That is not what you are testifying to.

8 A. No.

9 Q. And what Ms. Gealy said up there today, you are
10 saying that didn't happen either.

11 A. No. I am saying that my actions that night in my
12 opinion weren't what Ms. Gealy -- my actions that night --
13 I feel like my actions were not as bad as she makes them
14 out to be; but at the same time, I feel that I was 18.
15 And I made a mistake.

16 Q. Are you saying that she is lying?

17 A. At first when I was 18, yeah, I called her a liar.

18 Q. Today, you saw her testify right here today. You
19 are saying what she testified to is a lie.

20 A. Some parts, yes.

21 Q. So she came here to lie about what happened.

22 A. She came here to tell her story, and the truth is
23 somewhere in the middle.

24 Q. The truth is somewhere in the middle.

25 A. Yes.

1 ATTORNEY WELSH: That is all of the questions
2 that I have.

3 THE COURT: Do you have any other
4 questions, Mr. Spessard?

5 ATTORNEY SPESSARD: No, Your Honor. No
6 questions.

7 THE COURT: You may step down.
8 Any other witnesses?

9 ATTORNEY SPESSARD: No, Your Honor.
10 Defense rests.

11 THE COURT: Does the Commonwealth have
12 rebuttal evidence?

13 ATTORNEY WELSH: No, Your Honor.

14 THE COURT: Members of the jury, you now
15 have heard all of the evidence which is going
16 to be presented at this trial.

17 The next step is for the attorneys to give
18 you their closing arguments, and I will
19 provide the instructions on the law, and you
20 will begin your deliberations.

21 I do need to meet with the attorneys
22 before they start, so the Court will take a
23 recess at this time. I suspect it will be
24 somewhere around 15 minutes. We will try to
25 move things along as quickly as we can.

1 So during the recess, follow all of the
2 instructions that I have given you.

3 And I do need to see the attorneys in
4 chambers.

5 Court is in recess.

6 (Brief recess.)

7 (In-camera discussion commencing at 4:00 p.m.)

8 THE COURT: So it is four o'clock on June 12.
9 We are in the Judge's chambers talking about jury
10 instructions, so I will be giving the standard
11 instructions on credibility of witnesses, 4.17.

12 There is the charge of credibility of the
13 defendant as a witness, 3.09. I will want to get
14 back and talk about that. Paragraph three is the
15 standard instruction regarding prior criminal
16 convictions. We will leave that for further
17 discussion.

18 I am assuming false in one false in all is
19 appropriate, 4.15.

20 Direct and circumstantial evidence, 7.02(a).

21 7.01, presumption of innocence, burden of
22 proof.

23 7.03, arguments of counsel.

24 I will be giving the jurors a copy of the
25 instructions on the indecent assault and part of

1 the standard instruction 7.11 pertaining to that
2 and part of the instructions and 7.05 on the rule
3 of the jury deliberations.

4 I did review the transcript of the first trial
5 from October 10, 2016, and considered some other
6 possible instructions here. So I'll just go
7 through these and try to expedite matters and hear
8 what you have to say about each of these. And of
9 course, I'll entertain any proposals from both of
10 you -- proposed instructions.

11 I mentioned 3.09, credibility of the defendant.
12 So paragraphs one and two are standard. Paragraph
13 3 says there was evidence tending to prove that the
14 defendant has a prior criminal conviction, and it
15 goes on to say that this is not evidence of guilt.
16 You must not infer guilt from that prior
17 conviction. Consider it only for one purpose that
18 is to help judge the credibility and weight of the
19 defendant's testimony as a witness.

20 Now along those same lines, there is the
21 standard charge on the rape shield evidence,
22 15.3104. Let us see. That is not what I am
23 referring to -- that is incorrect. 3.08, evidence
24 of other offenses as substantive proof of guilt.
25 So this is essentially the prior bad acts issue.

1 3.08 reads: You heard evidence tending to
2 prove that the defendant -- and this is where we
3 fill in the blanks -- I would propose to say: Was
4 convicted by plea of no contest to indecent assault
5 in Erie County, for which he is not on trial. I am
6 speaking of the testimony of Kimberly Gealy. This
7 evidence is before you for a limited purpose that
8 is for the purpose of tending to show _____.
9

10 And based on this Court's ruling from October 5
11 of 2016, I guess I would propose for the purpose of
12 showing a common plan or scheme.

13 This evidence must not be considered by you in
14 any way other than for the purpose that I just
15 stated. You must not regard this evidence as
16 showing that the defendant is a person of bad
17 character or criminal tendencies from which you
18 might be inclined to infer guilt.

19 We can talk about the wording of that
20 instruction, but I guess I need clarification from
21 you attorneys if the purpose of this is strictly
22 common scheme or plan or is it also credibility.

23 ATTORNEY WELSH: I don't think it is
24 credibility because I think credibility goes
25 to if you have prior criminal falsi. I don't
think it is that.

1 I am looking at Page 114 of the trial
2 transcript. Page 2 is the jury instruction,
3 and it is essentially close to verbatim. I
4 would propose keeping it the same as we had at
5 the previous trial.

6 ATTORNEY SPESSARD: To the extent that I
7 am not waiving the prior motion in limine that
8 was filed on that subject, I agree that is the
9 appropriate instruction.

10 THE COURT: Tell me the page again. Is
11 this October 10?

12 ATTORNEY WELSH: October 11. It is about
13 two-thirds of the way down it starts. Okay.

14 THE COURT: Okay. Yeah.

15 So 3.08, then again, my proposal is you
16 have heard evidence tending to prove that the
17 defendant was convicted of plea by no contest
18 to indecent assault.

19 Or do you want me to say convicted of
20 indecent assault?

21 ATTORNEY WELSH: Last time we just said
22 was convicted. If Erich wants to no contest,
23 I am not going to object.

24 ATTORNEY SPESSARD: I'd ask for the
25 convicted through a plea of no contest.

1 Whatever your original wording was.

2 THE COURT: Convicted by a plea of no
3 contest to indecent assault. All right. For
4 which he is not on trial. I am speaking of
5 the testimony of Kimberly Gealy. This
6 evidence is before you for the limited purpose
7 that is for the purpose of intending to show
8 that the defendant engaged in a common plan or
9 scheme.

10 ATTORNEY WELSH: The original language is
11 for the purpose of tending to show a common
12 plan or scheme.

13 THE COURT: So for the purpose of showing
14 the common plan or scheme.

15 ATTORNEY WELSH: Purpose of tending to
16 show a common plan or scheme.

17 THE COURT: And the rest is standard.

18 ATTORNEY WELSH: Yes.

19 THE COURT: That is 3.08.

20 3.09 is the credibility of the defendant.
21 I am not going to give Paragraph 3 on
22 credibility. So that is -- I won't give it.

23 Are you requesting an alibi instruction?
24 I think we gave one at the last.

25 ATTORNEY SPESSARD: Given her testimony

1 regarding Tuesdays and so forth, I think I
2 have to request an alibi instruction.

3 ATTORNEY WELSH: I don't know that she
4 ever really -- do we have enough specificity
5 to say it was an alibi? I don't think you can
6 really point to what the specific alibi was.
7 It is spongy.

8 THE COURT: Well, the instruction reads:
9 The defendant has presented an alibi that is
10 he was not present at the scene or was rather
11 at another location at the precise time that
12 the crime took place. You should consider
13 this evidence along with all of the evidence
14 in the case in determining whether the
15 Commonwealth has met it's burden.

16 The defendant's evidence that he was not
17 present may be sufficient to raise a
18 reasonable doubt of his guilt. If you have a
19 reasonable doubt, you must find him not
20 guilty.

21 That is the standard charge.

22 ATTORNEY WELSH: I don't think he
23 presented an alibi. He said, I didn't do it.
24 I wasn't there. My usual schedule was to be
25 here and here and here. He didn't say, On

1 this specific day, I was here, and Bob saw me
2 here. I don't think he presented a quote,
3 unquote, "alibi."

4 ATTORNEY SPESSARD: I think that the alibi
5 can be established through inference, not only
6 his testimony of I wasn't there, but also, the
7 schedule was submitted as an exhibit.

8 THE COURT: So we could word this: The
9 defendant has presented evidence of an alibi
10 that is he was not present at the scene at the
11 time the alleged crime took place.

12 ATTORNEY SPESSARD: Yeah.

13 THE COURT: And he didn't go on to say
14 specifically that he was at another location.

15 ATTORNEY SPESSARD: Right.

16 THE COURT: His point was that he wasn't
17 there.

18 ATTORNEY SPESSARD: Right.

19 THE COURT: I will give that. He was not
20 present at the scene at the time that the
21 alleged crime took place.

22 All right. So that is 3.11. I will give
23 it as modified.

24 We have 4.08(a) impeachment by prior
25 inconsistent statement, so I don't know -- are

1 you asking for that?

2 ATTORNEY SPESSARD: Yes.

3 THE COURT: Katelyn Hosler and the
4 defendant or is it just --

5 ATTORNEY SPESSARD: I think it is
6 technically both. There was testimony of
7 inconsistent statements from both of them.

8 THE COURT: Okay. There are alternatives.
9 You could consider this as proof of the truth
10 of anything. They also use it to judge
11 credibility. The alternative is only for one
12 purpose to judge credibility.

13 ATTORNEY WELSH: One purpose. It is just
14 credibility.

15 THE COURT: Okay.

16 There is a charge we had given at the last
17 trial in conflicting testimony, 4.09. Well, we --

18 ATTORNEY WELSH: Oh, I don't remember. Nobody
19 is asking for it.

20 THE COURT: I am jumping around here. You
21 have from the previous case, maybe I have
22 approached this the wrong way but -- failure
23 to make prompt complaint, 4.13(a).

24 ATTORNEY SPESSARD: I don't know if the
25 jurors want a specification there regarding a

1 prompt complaint to police. The evidence did
2 show and based on her testimony -- I have
3 nothing to dispute it that she didn't make a
4 complaint the next day, but no complaint was
5 formally submitted to police.

6 ATTORNEY WELSH: That is fine. He is
7 going to argue it in his closing anyway.

8 THE COURT: Delay in making complaint.

9 ATTORNEY WELSH: To law enforcement.

10 THE COURT: To law enforcement. All
11 right.

12 Okay. And then 4.13(b) is a conviction based
13 on uncooperative testimony.

14 ATTORNEY WELSH: I like that.

15 ATTORNEY SPESSARD: I don't object.

16 THE COURT: The last that I have is
17 15.3104, rape shield evidence.

18 Paragraph 1: You will recall there was
19 testimony admitted concerning allegations that
20 on a prior occasion the Commonwealth witness,
21 Katelyn Hosler, had sexual contact with
22 another. This evidence may not be considered
23 by you to impute the representation of Katelyn
24 Hosler, rather this evidence -- Paragraph 2 --
25 rather this evidence was admitted for a

1 limited purpose and may only be considered by
2 you in that regards. Specifically, the
3 evidence may only be considered by you to
4 question whether the testimony of Katelyn
5 Hosler is believable or credible.

6 Again, this is a proposal, but I can let
7 you look at this if you want.

8 ATTORNEY SPESSARD: Can I see it real
9 quick?

10 THE COURT: The standard instruction deals
11 with consent. It may be offered, too.

12 ATTORNEY SPESSARD: I think that is
13 appropriate.

14 I am sorry to interrupt. I am
15 specifically pointing to motive, but I think
16 that goes towards credibility. So I think
17 that the instruction as you jotted down here
18 is correct.

19 THE COURT: It needs to be modified
20 somehow because we are not talking about an
21 exception for consent.

22 ATTORNEY SPESSARD: Right.

23 ATTORNEY WELSH: That works for me.

24 THE COURT: All right.

25 So Mr. Welsh, do you have any other

1 requests for instructions?

2 ATTORNEY WELSH: I do not.

3 THE COURT: And Mr. Spessard?

4 ATTORNEY SPESSARD: I have one request for
5 a failure to produce material evidence adverse
6 inference, specifically regarding video
7 footage.

8 THE COURT: Is that a standard charge?

9 ATTORNEY SPESSARD: Yes. I can't remember
10 the number, but it is one of the last ones on
11 the evidence section of the book.

12 THE COURT: What is the title?

13 ATTORNEY SPESSARD: Failure to produce
14 material evidence. And then, the instruction
15 is something to the effect of: If you find
16 that there was evidence essentially solely
17 within the purview of one party that they did
18 not present it that there was no immediate way
19 for that explanation to be offered that is not
20 adequate, you may assume that that evidence
21 would have been unfavorable to the party that
22 failed to present it.

23 THE COURT: 3.21(b), failure to produce
24 document or other tangible evidence at trial.

25 ATTORNEY SPESSARD: Yes.

1 THE COURT: Is this the charge that you
2 are requesting?

3 ATTORNEY SPESSARD: Yes, Your Honor.

4 THE COURT: 3.21(b).

5 Mr. Welsh?

6 ATTORNEY WELSH: If we are looking to the
7 definition of what material to the issue is,
8 there is no comment to define what materiality
9 is as it relates to this instruction. I think
10 while the evidence, specifically the video,
11 could have been probative in some way -- I
12 don't know if it is material in the effect
13 that it comments directly on an element of the
14 offense or anything of that nature.

15 Secondly, the third line saying the item
16 would not be merely cumulative evidence is
17 concerning to me -- I know it is part of the
18 standard charge -- but that the jury is going
19 to weigh what cumulative evidence is. It is
20 not necessarily an issue so.

21 THE COURT: The material issue, isn't that
22 asking the jury to make that determination
23 whether it was material or not.

24 ATTORNEY WELSH: Probably, yes.

25 ATTORNEY SPESSARD: Yeah, it does look

1 like that.

2 "If you believe these factors are present", on
3 number three. "If you find these three
4 factors present, no explanation," and so on.

5 THE COURT: All right. Well, I'll give
6 3.21(b) and what we are referring to in
7 paragraph one.

8 ATTORNEY SPESSARD: I guess we have to use
9 past tense since we agree that there is no
10 longer video footage.

11 ATTORNEY WELSH: Right. The item was
12 available to the party. It is not longer. It
13 is more intended to show something that --

14 ATTORNEY SPESSARD: Still exists.

15 ATTORNEY WELSH: Right. Something that is
16 there and was reviewed, and the Commonwealth
17 just didn't produce it. We have this. We
18 didn't show it. For us to not show it, it
19 must have been bad for them.

20 In this case, there was no testimony that
21 he actually saw it. And to say, he saw it and
22 knew that it didn't help us. He just didn't
23 get it.

24 THE COURT: So that you're arguing for
25 that reason that this charge is inappropriate.

1 ATTORNEY WELSH: Again, I'd like to
2 comment, but it seems that this is not the
3 situation that this was intended for.

4 THE COURT: So with reference to the first
5 of the three items, you are saying it is not
6 available to you.

7 ATTORNEY WELSH: Correct.

8 ATTORNEY SPESSARD: Which is why I was
9 suggesting to adjusting it to past tense. The
10 item was available to the Commonwealth but not
11 to the other.

12 THE COURT: We don't know if it was
13 available. Right?

14 ATTORNEY SPESSARD: Well, Corporal White's
15 testimony was that he had access to it. He
16 did regularly give it out, but for some court
17 order, he does not give it out. Palmore
18 requested preservation of it, and White's
19 testimony was that the formal criminal charges
20 were not filed until December 11, which was
21 right around the 60-day mark. He testified it
22 was likely deleted at that point.

23 If there is no way -- if there is no
24 subpoena power to rely on, there is no way to
25 get the footage in the first place for

1 Palmore.

2 So the only party that could have got it
3 was Corporal White.

4 THE COURT: Well, again, I think this
5 starts with the recognition or assumption that
6 the Commonwealth knew the contents of the
7 evidence, that it was evidence that they had
8 available, and they knew what it said. In
9 this case, while it may have been available,
10 available in the sense that they could have
11 gotten it, they didn't know what it showed or
12 didn't show.

13 ATTORNEY SPESSARD: Well, the special
14 information so to speak would have been in the
15 lobby of Wilkinson, and Mr. Palmore entering
16 the elevator with Ms. Hosler which would have
17 been direct physical corroboration and
18 physical evidence of his presence there and
19 his presence with her.

20 ATTORNEY WELSH: The first line says it
21 failed to produce this evidence at this trial,
22 and the evidence is available.

23 It is putting the timeframe
24 contemporaneously on today. We didn't produce
25 the evidence. It is more of the DA's office

1 didn't present this evidence today. The
2 prosecutor didn't present this evidence today,
3 you can infer that it must have been bad for
4 them.

5 Erich has every right and he is going to
6 in closing going to be harping or hitting very
7 strongly on that they could have gotten this
8 video. They didn't. They don't have the
9 evidence.

10 But this other instruction, I think, puts
11 an overdue weight saying that we could have
12 that evidence today, and it must be bad if
13 they didn't do it.

14 THE COURT: The charge says specifically
15 in the first item that the item is available
16 to the party, so we know it is not available.

17 ATTORNEY WELSH: Correct.

18 THE COURT: So I am changing my decision.
19 I am not going to give 3.21(b), so that
20 request by the defense is denied.

21 Any other requests, Mr. Spessard?

22 ATTORNEY SPESSARD: No, Your Honor.

23 THE COURT: Okay. I have provided the
24 charge on the crime. I think it is pretty
25 straightforward.

1 ATTORNEY WELSH: You took out the parts
2 that I was going to ask you to take out about
3 bodily fluids.

4 THE COURT: Okay. And just the one charge
5 in the verdict slip.

6 ATTORNEY WELSH: Yep.

7 THE COURT: What about exhibits.

8 ATTORNEY WELSH: We can't send back the
9 text messages.

10 ATTORNEY SPESSARD: You are right. We
11 can't.

12 ATTORNEY WELSH: If there is one thing
13 that they are going to ask for, it is going to
14 be that.

15 ATTORNEY SPESSARD: And I am going to say,
16 You know what is on it.

17 ATTORNEY WELSH: Class schedule. Class
18 excuses.

19 ATTORNEY SPESSARD: The photo of the
20 wrist. And the phone records.

21 We will see if they ask for it.

22 THE COURT: Don't send them anything.

23 ATTORNEY WELSH: Let us let them hash it
24 out first.

25 THE COURT: Do you agree, Attorney

1 Spessard?

2 ATTORNEY SPESSARD: That is fine. I know
3 sometimes you give an instruction if you want
4 to see something in particular, otherwise
5 discuss it.

6 ATTORNEY WELSH: That is fine.

7 THE COURT: Okay. Well, we will get
8 started in the courtroom.

9 ATTORNEY WELSH: Thank you.

10 (In-camera discussion concludes at 4:33 p.m.)

11 * * *

12 THE COURT: I'd like to thank all of you
13 for your patience. We are ready to proceed
14 with the closing arguments.

15 Members of the jury, now you have heard
16 all of the evidence which is going to be
17 presented in this trial. The next step is for
18 the attorneys to give you their closing
19 arguments. Even though these arguments do not
20 constitute evidence, you should consider them
21 very carefully. In their arguments, the
22 attorneys will call your attention to the
23 evidence in which they consider material, and
24 they will ask you to draw a certain inference
25 from the evidence.

1 Please keep in mind, however, that you are
2 not bound by their recollection of the
3 evidence. It is your recollection of the
4 evidence, and your recollection alone, which
5 must guide your deliberations. If there is a
6 discrepancy between an attorney's recollection
7 of the evidence and your recollection, you are
8 bound by your own recollection.

9 You must consider all of the evidence
10 which you consider important to the issues
11 involved. To the extent that the inferences
12 which an attorney asks you to draw are
13 supported by the evidence and appeal to your
14 reason and judgment, you may consider them in
15 your deliberations. The attorneys may also
16 call your to attention to certain principles
17 of law in their arguments. Please, however,
18 remember that you are not bound by any
19 principle of law mentioned by an attorney.
20 You must apply the law which you are
21 instructed by me and only that law to the
22 facts as you find them.

23 Under the rules of Criminal Procedure of
24 the Supreme Court of Pennsylvania, the
25 attorney for the defendant makes his closing

1 argument first, followed by the closing
2 argument by the assistant district attorney,
3 then I will instruct you to the law which you
4 will apply to the facts as you find them.

5 At this time, Erich Spessard, the attorney
6 for Defendant Darold Palmore, may present a
7 closing argument to the jury.

8 ATTORNEY SPESSARD: Thank you, Your Honor.
9 Good afternoon, Mr. Welsh.

10 And good afternoon, ladies and gentlemen
11 of the jury. Thank you so much for being here
12 and paying attention to the case. And as the
13 judge said, this is my opportunity for closing
14 arguments. So I have to give you what I think
15 is the most important stuff to consider before
16 you go back to deliberate.

17 One of the things that I may do during my
18 closing is I may refer to things that I
19 anticipate the Commonwealth is going to say.
20 I am not doing that because I am trying to put
21 words in their mouth or strong-end their
22 arguments. I am only doing that because once
23 I sit down, we don't get to a rebuttal. We
24 don't get to go back and forth forever, which
25 I am sure is what you all want. This is it

1 for me.

2 So I have to be sure I provide some things
3 to consider while listening to the closing
4 arguments of the Commonwealth. Now, as the
5 judge stated at the beginning of the case, the
6 Commonwealth has the burden of proof here.
7 They must prove the case. The defense doesn't
8 have to show anything. We didn't have to
9 offer any evidence, but we did. But the
10 Commonwealth has this burden, and that burden
11 the phrase is proof beyond a reasonable doubt.
12 And to put it another way, you all have to be
13 convinced beyond this reasonable doubt level.
14 The official legal definition is something
15 like this: A reasonable doubt is the kind of
16 doubt that would cause a reasonably careful
17 and sensible person to hesitate before making
18 an important decision in his or her personal
19 affairs. So I don't really care for that
20 definition. I don't think it is very helpful.

21 I like to try to think of things more
22 visually. I am a visual sort of person. I
23 think that a more helpful description here
24 would be thinking of how convinced somebody is
25 or their certainty on a scale. If we were to

1 use the top of this stand here, we could say
2 this is a scale of certainty. One side is
3 zero. One side is a hundred. Zero percent,
4 hundred percent. So beyond a reasonable doubt
5 has to be on this scale somewhere. It is
6 definitely more than zero. Zero percent sure
7 is like saying, I don't know what is on the
8 other side of this door. I have never been in
9 this house before. I don't know what the
10 other side of this door is. It could be a
11 room. It could be a yard. I have no idea.

12 Up from there, we have what you might say
13 is 35ish percent. That might be probably. We
14 can just use our common sense on this.

15 You have a conversation with somebody, and
16 you say, Hey, are those people dating? And
17 you stop and think, Well, I have seen them
18 hang out a lot. I haven't seen them
19 conducting any type of affection towards each
20 other necessarily, but they do hang out a lot.
21 And maybe there are a couple other things that
22 you could consider, and you say, Well,
23 probably. I don't know, but I can't say for
24 sure but probably. That is 35 percent.

25 Up from there, we can go to 51 percent.

1 This is easy: More likely than not. Does it
2 tip the scales?

3 Up from there is what I like to call
4 pretty sure, which is maybe in the 75 percent
5 range. So again, you think to yourself: If
6 someone asks, Is that movie playing this
7 weekend? You stop and think: I think I have
8 read some reviews about the movie. I think
9 that I have seen some commercials for it and a
10 couple of website advertisements for it, but
11 you can't remember the date or anything that
12 says "out now." But you think of all of these
13 other pieces of evidence to suggest to you
14 whether it is. You say, Well, I am pretty
15 sure it is because of X, Y, Z.

16 Up from there, we have 100 percent
17 certainty. These are things that are so easy
18 to answer. It is a reflex. You might call it
19 mathematical certainty: Two plus two equals
20 four. Four divided by two equals two.

21 So beyond a reasonable has to be on this
22 scale. We know it is more than halfway, but
23 it is not a hundred percent certainty. The
24 Commonwealth being the first ones to say that
25 they don't have to prove beyond all doubt.

1 They don't have to make you a hundred percent
2 certain, but it is more than pretty sure. It
3 is in this squishy area that you have to be
4 convinced by as you consider all of the
5 evidence.

6 So if that way of looking at beyond a
7 reasonable doubt, you don't find to be
8 particularly helpful. The only other
9 suggestion that I have is to focus on one word
10 in the actual instructions: That word is
11 hesitate. The kind of doubt that would cause
12 a person to hesitate.

13 To just wrap that up: A juror goes up to
14 the deliberation room. They sat down. They
15 have talked with their fellow jurors about the
16 case beginning to end, and then that juror
17 finally says in his or her mind: Okay. Did
18 the Commonwealth prove this case beyond a
19 reasonable doubt? Did they prove the case?
20 Notice that I did not say: Do I think
21 something happened? That is not the question.
22 Did the Commonwealth prove the case? And that
23 juror could not answer that question
24 immediately without hesitation, but instead,
25 they find themselves going, I mean I think so.

1 Maybe, I guess. That hesitation is the answer
2 to that juror. And that hesitation would
3 mean, no, they have that. That hesitation
4 means that there is reasonable doubt.

5 So what should cause hesitation for the
6 jury today for you ladies and gentlemen on
7 this case? As I said from the get-go, this is
8 not particularly complicated, but it doesn't
9 mean that your job today is easy.

10 The problem here is the core of this case is
11 essentially a he-said she-said. You heard from
12 Corporal White. We have no other tangible evidence
13 that we can point to to say for sure, did this
14 happen? Did it not happen? At least not from the
15 Commonwealth.

16 Can we believe Ms. Hosler's testimony or should
17 we hesitate? As I said in my opening, we have
18 to consider consistency questions. We have to
19 consider motive and factors going into that
20 decisionmaking.

21 Today she testified that prior to looking at
22 her schedule when I presented it to her on the
23 stand, she could not give any definitive date. She
24 said, Well, I think it was at the beginning of the
25 week, and we know from prior court hearings that

1 she has never really been able to definitely say a
2 date. We know that even as early as November of
3 2015 when she wrote a written statement to the
4 police, when she interviewed with the police, she
5 never definitively was able to say a date. Now
6 today, she looks at her schedule. It must have
7 been a Tuesday. Any other time, haven't heard.

8 In her testimony today, while she was being
9 questioned by the Commonwealth, did she at any
10 point in time make references to, oh, by the way
11 something that you should know that was odd that
12 stuck out to me that would make this sort of thing
13 memorable: The defendant had a bandage. He had
14 some sort of indication of a wrist injury. It is
15 only when I bring it up.

16 Hey, did he have this? Oh, yes, he did.

17 So then, we take a look at the past. When she
18 first interviewed with the police, as Corporal
19 White indicated, does she mention regarding a wrist
20 injury? A wrap? Nothing. Kind of a notable
21 detail. Kind of unusual. I will submit to you all
22 that we would have expected to see something like
23 that.

24 So then, she goes to the first hearing that we
25 talked about, and she admitted on the stand. Yeah,

1 I don't think I said anything about it. I couldn't
2 remember at that point. And then, I showed her the
3 exchange between her and the attorney representing
4 Mr. Palmore at the time, and the attorney literally
5 says to her: Were you aware that he (Mr. Palmore)
6 had a wrist injury?

7 Her answer: I wasn't aware of that. I didn't
8 know.

9 So at a hearing only four months later from the
10 alleged date of this incident, she doesn't remember
11 any sort of specific injury. When she first
12 testified almost exactly a year after the alleged
13 incident, yes, after being tipped off by the
14 attorney, yes, he had some injury. He had a wrap.

15 Now we heard testimony from Mr. Palmore that he
16 was in considerable pain in dealing with his wrist
17 injury. He had multiple appointments that he had
18 to go to. Her testimony was that upon entering the
19 room, he sat down on the bed next to her, and he
20 wrapped her or grabbed her. While grabbing her, he
21 is kissing her. She is resisting. He then is
22 using one hand to do the conduct that she
23 described. Meanwhile he has one hand free. Now
24 presumably she says, yes, his hand was wrapped. So
25 we know there was some sort of injury if we believe

1 that this actually happened. We know there is some
2 sort of injury. She is resisting and yet does not
3 describe any sort of ability to truly deal with
4 this resisting. Essentially, even with this wrap
5 on, he nonetheless has the strength and the ability
6 to simply overcome or at least keep her on the bed
7 for some manner of time. We are not sure how long.
8 The way she describes it sounds like seconds, but
9 he is able to hold her for a couple of seconds
10 before she gets away.

11 But then, her testimony was, she has gone
12 through all of this. He has kissed her, forced
13 himself on her. She pushes him away and is able to
14 break off. She gets off the bed, and she stands
15 there. We just had a moment where she said this
16 guy forced himself on me. The door is closed. I
17 am in my room, and she stood there instead of
18 immediately saying, Hey, get out. This is not
19 okay.

20 Now, not only does her testimony go to
21 eventually -- eventually, I said, Get out. When I
22 asked her on cross examination, the phase that I
23 used was, You were kind of yelling. You were kind
24 of yelling at him. Her answer at that point was
25 yes.

1 The Commonwealth clarified that a little bit.
2 And she kind of said, Well, I was speaking sternly.
3 I wasn't necessarily yelling, but I was speaking
4 sternly. But if you know me, you know that I don't
5 really get carried away; so if I speak sternly, you
6 know it is a big deal.

7 But we knew that her friend lived right across
8 the hallway. We knew the friend, not only lived
9 across the hallway, but the door was open at the
10 time. Now do we know for sure if this friend
11 witnessed anything? Do we know for sure if the
12 roommate witnessed anything? Were they her to
13 testify about that? No. We don't know.

14 And when we talk about the idea of the burden.
15 It is not on us. I'd like to know what that
16 witness heard, if they heard something, if they
17 heard somebody that they know is their friend, if
18 they heard from somebody they know to be generally
19 soft-spoken to suddenly speak in a rather
20 uncharacteristically stern voice. I think that
21 would have stood out. But we don't know. We just
22 don't know.

23 Next, we have to go to motive. Have to. And I
24 can't help but notice that November 5 is sort of
25 this big day. It is the day that matters. We know

1 that according to Mr. Palmore, and even Mr. Boxley
2 does tend to verify this, some sort of conversation
3 likely happened in the morning of November 5. Now,
4 according to Mr. Boxley, I guess it is possible
5 that it was before November 5 but just given the
6 conduct and their conversation it was likely
7 November 5 I would argue.

8 Mr. Palmore knows these individuals are dating.
9 He approaches Mr. Boxley and essentially says,
10 Look, there is something that you need to know
11 about. And he divulges this information. Now,
12 nobody has been able to say -- and all credit to
13 Mr. Boxley for trying to tell the truth as best as
14 he can. He is not trying to say, I am pretty sure
15 this. Pretty sure that. We don't know. Now
16 Ms. Hosler's testimony was that -- today she said,
17 Well, we were broken up when I received some
18 screenshot. We were already over. It had to have
19 been after October 31, not only that it had to be
20 after I spoke to the police. It is just not
21 possible. But again, we talked about this idea of
22 consistency on no less under oath in a courtroom,
23 she testified my then-boyfriend, my boyfriend sent
24 me a message. Darold Palmore had contacted my
25 boyfriend. She comes into court. Her one

1 statement was literally to the effect of, While we
2 were still dating, Jarrett reported to me that he
3 got a message from Darold Palmore.

4 Ladies and gentlemen, I'd argue that that is
5 abundantly clear and only today when these
6 questions of motivation on her part come up. All
7 of a sudden, no, for sure we weren't dating when he
8 sent me that. We weren't dating when those
9 messages had been forward.

10 Her testimony was, Well, I got a screenshot,
11 but that screenshot only made references to protect
12 myself from allegations that Mr. Palmore had some
13 statements saying, I have to protect himself. What
14 is going on?

15 So we have two different things that we can
16 believe here: We can believe, A, that Mr. Boxley
17 and Ms. Hosler were still dating or maybe had just
18 recently broken up.

19 Mr. Boxley gets this information regarding
20 other activity, and as he seemed to describe
21 himself in the way that he knew how he acted, it is
22 possible that upon receiving that information he
23 immediately contacts her. Probably to some
24 variation of, what the hell is this?

25 Or what the Commonwealth would have you believe

1 is they have already broken up. Surrounding these
2 rumors and things going around, they have already
3 broken up. And even though they have already
4 broken up, his one message made some sort of
5 statement about I am not talking with her anymore.
6 He goes out of his way to forward some random
7 statement about "I have to protect myself from
8 allegations" from Darold Palmore.

9 So I submit to you, ladies and gentlemen, what
10 does your common sense tell you? Does it make more
11 sense that either an ongoing boyfriend or a
12 recently broken up boyfriend would confront
13 somebody regarding other activities that they may
14 have been involved in or a recently broken up
15 boyfriend says, Hey, some random guy is concerned
16 about stuff?

17 I submit to you the answer is obvious. The
18 answer is very likely I submit to you Jarrett
19 Boxley forwarded almost all of the messages. She
20 saw all of them. Read them. And now she has a
21 motivation. Because again using common sense here,
22 questions of issues like that can come out
23 sometimes and it is not fair or it is not relevant
24 to hear what may or may not have happened. But the
25 question is would that issue have given Ms. Hosler

1 a reason to go to the police?

2 Well, when did she go to the police? The
3 evening of November 5. Hours after the messages
4 were sent from Mr. Palmore to Mr. Boxley. Within
5 hours, she is at the police saying there was an
6 assault. No other day before. That moment.
7 November 5 in the evening. I submit to you, ladies
8 and gentlemen, that is consistent with somebody who
9 has some sort of ulterior motive. Whether it is to
10 save their reputation, I don't know, but I submit
11 it is evidence of something.

12 So I have talked about a number of these issues
13 already regarding inconsistencies between 2015 to
14 2016, 2016 to today. Issues regarding motivation.
15 The messages. But as I said, this case still does
16 boil down to he said, she said. And if only we had
17 the silver bullet, the smoking gun. That prime
18 piece of evidence that we could all say, There it
19 is. We know. But we don't have that. But we
20 could have it. We could have it.

21 We know that on December 3, 2015, just shy of
22 two months after the allegation date, Mr. Palmore
23 copies an e-mail to the investigating officer on
24 the criminal charge. Now Mr. Palmore doesn't know
25 criminal charges have been filed yet or at least

1 there is no evidence to suggest that he knew that a
2 charge had been filed because the charge wasn't
3 filed for another eight or so days. And but he
4 sends an e-mail that says, Get this video footage.
5 I need this video footage for my defense.

6 Well, the Commonwealth will say that was for a
7 university conduct board hearing. It is not for a
8 criminal charge. Yeah. He didn't have charges,
9 yet. But he is begging for evidence. Get this
10 video. I need it for my defense. So using our
11 common sense, does a guilty person say, Find that
12 piece of evidence that will absolutely definitively
13 convict me? Typically, no, I would submit. Now
14 the Commonwealth may point out that he didn't have
15 specific dates at that point. Fair enough. That
16 is not why I am offering that point. My point is
17 they knew he was asking for video footage. We
18 heard testimony from Corporal White that the video
19 footage showed both elevators. There were only
20 two, and lobby shot showed both elevators.

21 Now, on the one hand, I can understand the
22 realities of a small police force collecting
23 evidence. You don't have 24 hours a day to simply
24 sit down and review evidence. I'll give you that.
25 Sure. All they had to do was copy it. He has been

1 involved with it. It could have been done, and
2 they could have said, Here, it is. You want to
3 prove it, you go look at it. But they didn't do
4 that. Instead it was, I don't have the time. I
5 don't need it. We have no other physical evidence,
6 but I don't need this.

7 I submit to you, ladies and gentlemen, any
8 reasonable person in the Commonwealth of
9 Pennsylvania or the United States for that matter
10 would hopefully expect a little bit of that extra
11 effort. I am not going to look at it, but if you
12 want to, by all means.

13 The same is true for text messaging. Did the
14 Commonwealth provide you any evidence regarding
15 text messages between Ms. Hosler and Ms. Palmore?
16 No. Now the Commonwealth is going to try to make
17 some reference or some passing inference
18 implications to say, Well, there is this other way
19 that you can use an Apple device. Maybe it can be
20 sent. Maybe it can't. Did we have somebody who is
21 an expert in the active use of Apple devices to
22 testify today? Did we have someone who is just a
23 technology guru? Did we have a local person from
24 one of the computer shops that could verify any of
25 this information? No. And again, the burden is

1 not on us. It is not on the defense to prove
2 anything. It is on them. So could it? Frankly, I
3 don't know. But there is no evidence before you,
4 ladies and gentlemen, to make any type of
5 definitive answer that it could have, and we know
6 from the testimony of both Ms. Hosler and Mr.
7 Palmore nothing else was exchanged but a phone
8 number. Her specific was, I received text
9 messages, not iMessages, not Facebook messages, not
10 direct messages, or tweets. Text, number to
11 number.

12 We have all of these issues to talk about, and
13 I don't want this to go on too much longer. You
14 may have noticed yet: I haven't even yet talked
15 about Mr. Palmore's testimony, and I haven't even
16 yet talked about Ms. Gealy's testimony. As the
17 judge will instruct you, he is not on trial for
18 Ms. Gealy's testimony. And I found it very moving.
19 I am sure that you did too. But he is not on trial
20 for Ms. Gealy's testimony. He is not on trial for
21 anything that he may or may not have done to her.
22 What you have to be convinced of today is whether
23 they proved the case, and given the number of
24 inconsistencies, the shifting of stories from 2015
25 to 2016 to today, given the lack of evidence that

1 the Commonwealth didn't collect or didn't present,
2 they simply cannot get to that burden. They cannot
3 meet their burden to prove their case beyond a
4 reasonable doubt. Much like the judge will say, a
5 reasonable doubt can't be a made up doubt. The
6 Commonwealth always likes to say something like
7 reasonable doubt can't be something that is
8 manufactured -- I think is the word -- to prevent a
9 tough decision. But a reasonable doubt -- and the
10 judge will say this -- can be based either off of
11 the evidence presented or the lack of evidence
12 presented. And given the gaps we have in not only
13 the evidence collected and presented by the
14 Commonwealth, but by the gaps that we have through
15 the inconsistencies and the statements today, there
16 is one logical, reasonable, and frankly one verdict
17 that most upholds the ideals that we are supposed
18 to be striving for in this courtroom. And that
19 verdict is not guilty.

20 So I ask, ladies and gentlemen, that you find
21 Mr. Palmore not guilty of this charge.

22 Thank you.

23 THE COURT: Assistant District Attorney
24 Drew Welsh may present a closing argument to
25 the jury.

1 ATTORNEY WELSH: Your Honor.

2 Attorney Spessard.

3 Ladies and gentlemen, you have two women:
4 Katelyn Hosler and Kimberly Gealy. They are
5 separated by hundreds of miles and different
6 universities. They don't know each other.
7 Separated by several years in time. They have
8 one thing in common other than physical
9 appearance of brunette, dark hair: Darold
10 Palmore. He is what is in common.

11 The judge is going to instruct you
12 regarding the evidence of Ms. Gealy, the
13 conviction that Mr. Palmore received, his
14 result of his actions toward Ms. Gealy, the
15 indecent assault. He is not on trial for
16 that. He has already been convicted.

17 What you are going to consider that
18 evidence for is: This Mr. Palmore's common
19 plan or scheme? Is this what he does? Is
20 this his M.O.?

21 You can look at the similarities between
22 the two cases: Both college freshman, both
23 universities in Pennsylvania. But you look at
24 how this happened. It comes up to each of the
25 women. He kisses them forcibly, then gets

1 into a bed with them, sticks his hand down
2 their shirt, and sticks his hand down their
3 pants. Exactly the same situation between
4 both of these cases: One in 2008, one in
5 2015.

6 When he is told to leave in both of these
7 cases, he leaves. I submit to you that
8 Ms. Palmore doesn't care about whether or not
9 someone consents. He sees what he wants. He
10 is going to push it as far as he can.

11 Now Ms. Gealy's testimony, Attorney
12 Spessard didn't comment on in his closing, I
13 understand why. You heard that testimony. He
14 said he was moved by that testimony. I know
15 someone here who didn't seem to be very moved
16 by that testimony: Mr. Palmore.

17 What does Mr. Palmore say about that
18 testimony? Even though he is convicted, she
19 is a liar. That was all consensual.
20 Everything that happened. Did that sound like
21 consensual sex to you?

22 Now, Attorney Spessard has made a number
23 of statements regarding inconsistencies over
24 time. Talking about when I asked her
25 questions, she never mentioned anything about

1 an ace bandage on his wrist. That is right.
2 I never asked her a question about: Did he
3 have anything on his hand? See, I had to ask
4 her about it. Like it is a big surprise.
5 Then he says, Oh, yeah. She testified and
6 talked about it in two prior hearings in 2016.
7 It is not like this is some revelation. This
8 information has been out there by Attorney
9 Spessard's own admission.

10 He also wants to talk to you about the
11 Facebook messages. Ask yourself: Was there a
12 single witness, anybody who testified, that
13 her boyfriend at some point Jarrett Boxley
14 confronted her about anything involving Mr.
15 Palmore prior to November 5, prior to her
16 reporting to the police? No. Zero. Did
17 Mr. Boxley say, I confronted her before she
18 reported to the police. No. I might have
19 sent her a text message. He can't even
20 testify that he did send her messages unless
21 someone told him that he did.

22 So the motive is then what? She has a motive
23 to fabricate because Attorney Spessard wants you to
24 assume something for which you have no facts to
25 assume it from. She was forwarded these messages

1 from November 5 and then went to the police to
2 report Darold Palmore for indecently assaulting her
3 and her motive is because her boyfriend found out
4 about this. He is going to be mad. She has to
5 cover for herself. Wait a second. Her testimony
6 is that they are already broken up, but after the
7 fact, does she come back to Mr. Boxley and say,
8 Don't break up with me. I was a victim of an
9 assault. Darold Palmore assaulted me. No. He
10 told you no. So this motive that she seemed to
11 have to get back into Mr. Boxley's good graces or
12 to cover herself in Mr. Boxley's eyes makes no
13 sense.

14 You heard the testimony from Ms. Hosler that
15 they had broken up on Halloween. She remembers the
16 circumstances regarding that break up. She
17 mentions, Well, what sort of message did you get a
18 screenshot from? She talks about a message which
19 corresponds with the message on November 9, four
20 days after this was reported to the police.

21 I'd like to bring your attention to one
22 completely undisputed piece of testimony. Who did
23 she first report to? She reported to her community
24 assistant, William Best. Was that ever disputed?
25 Was that ever said that she never did? That was a

1 lie. No. That is an undisputed fact that was
2 testified to.

3 Where was this motive regarding Jarrett Boxley
4 at that time? No where. She said that she
5 reported a day or two after this would have
6 happened, the second week of October. She reported
7 to her CA that this happened, but I don't want to
8 go to the police. You know who else didn't go to
9 the police right away? Kimberly Gealy. It took
10 her a couple of days before she went to the police,
11 too.

12 Attorney Spessard didn't mention Mr. Best's
13 name in his closing argument. I submit because
14 that blows his entire defense out of the water.
15 Prior to any of the stuff going on with Jarrett
16 Boxley, she reported it to her community assistant
17 at the dorms. She didn't want to report it to the
18 police.

19 She did tell a friend right across the hallway,
20 Jasmine, this happened, and the friend tells her,
21 You should tell the police. And so she goes down
22 with her friend Jasmine to University Police. You
23 heard Corporal White testify. She appeared at the
24 station with a friend to report what happened.

25 Now Attorney Spessard wants to spend a great

1 deal of time talking about what he described as the
2 silver bullet or the smoking gun. This video at
3 the lobby, that would have solved everything
4 because, ladies and gentlemen, if you saw a video
5 of the two of them in the lobby, then obviously,
6 what happened in the dorm room, that would have
7 been proven. No. You'd be in the same boat you
8 are in now. There is no video in that dorm room.
9 You are still stuck with the determination of what
10 happened in that dorm room. You have to make that
11 credibility of determination.

12 The judge is going to instruct you that if you
13 believe the testimony of Katelyn beyond a
14 reasonable doubt, you can convict. You don't need
15 any of this outside evidence. You don't need
16 anything.

17 Let us say, hypothetically, there was video
18 evidence that showed, as Mr. Spessard says, the
19 Commonwealth could have produced this evidence that
20 showed the smoking gun of Mr. Palmore in the lobby
21 with Katelyn. Do you think his defense would have
22 been I was never there? Or he'd tell you, like
23 with Ms. Gealy: This was consensual.

24 There has been a lot of talk about text
25 messaging and iMessaging. I won't get into all of

1 this. The evidence shows that from iPhone to
2 iPhone, what Mr. Palmore had and what Ms. Hosler
3 had. You can send messages over the internet
4 through Wifi that doesn't have to be cellular text
5 messages. That can happen. There wasn't a dispute
6 about that. Attorney Spessard says that she said
7 text messages. You can recall back to the
8 testimony. Your recollection is what counts. She
9 said, He texted me, first, and then said, He
10 messed me, at one point. That is where this all
11 came up.

12 So I am trying to be brief because I know some
13 of you have sat on juries before. Some of you
14 heard all of this spiel before. But in this case,
15 everyone is expected to take this seriously.

16 Attorney Spessard has talked about reasonable
17 doubt and hesitation. If you aren't convinced like
18 that, you have to find him guilty. That is just
19 not the way that human beings work. That is not
20 the burden is today. The question is not: Do you
21 have a reasonable doubt at any point? The question
22 is, can you move beyond that reasonable doubt? The
23 question was if the jury hesitated like this, then
24 every jury verdict would be in five minutes. You'd
25 go upstairs, and all of a sudden, you'd say, we all

1 feel like this. Let us all go downstairs.

2 What happens is you have to discuss. You have
3 to move beyond that reasonable doubt or determine
4 that I am still stuck with that reasonable doubt.

5 I'll give you an example from my personal life.
6 We all have this hesitation. Even if we move
7 beyond them and conquer that reasonable doubt. I
8 remember in 2010 when I applied for this job as
9 assistant district attorney. At the time, I lived
10 in Pittsburgh. I had recently graduated from the
11 University of Pittsburgh. I interviewed for the
12 job up here. I had a second interview. My wife
13 and I talked. I think this is going to be the
14 right fit. This is going to be the job that I am
15 going to take. I get the phone call from the
16 district attorney. He says, Congratulation, Drew.
17 We want to offer you the job. And I say, That is
18 great, but I'd like to talk to my wife about it one
19 more time. I want to sleep on it. I will call you
20 back in the morning. Now my boss was frustrated.
21 He thought that I should have made the decision
22 like that. But I talked to my wife. We had a
23 young son at the time. We will be moving into a
24 new area. We weighed everything, went to sleep,
25 and I knew beyond a reasonable doubt that was the

1 right decision to take this job. Now I am not
2 asking you to sleep on this. You are going to be
3 determining what is going to happen today. Even
4 though I had talked about it beforehand and I knew
5 it was the right thing to do, there is still that
6 hesitation, but you move beyond that. You make a
7 decision. And I am asking that you make that
8 decision today and find the defendant guilty.

9 So I am asking you one last thing to consider
10 when you are considering the credibility of Katelyn
11 Hosler and Kimberly Gealy and what they have had to
12 say today. If you look at Katelyn, this happened
13 four and a half years ago. You heard that she went
14 to the police and wrote a written statement. And I
15 don't want to degrade Corporal White, but if you
16 have been the victim of sexual assault, you want to
17 go in and talk to a man like Corporal White. You
18 want to come in and talk to me about what happened.
19 She went and she talked to Corporal White about
20 what happened. She wrote out her written
21 statement, then you heard that she testified in
22 February of 2016. She testified in October of 2016
23 and told what happened. She comes back here four
24 and a half years after it happened. She said that
25 she lives three and a half hours away. Was she

1 under a subpoena? No. Was she forced to be here?
2 No. She got a phone call: Can you come and
3 testify? Yes. And the defense wants you to
4 believe that she wrote out a statement and
5 testified those three times, including today,
6 driving three and a half hours to be here all to
7 lie, and the motive for lying is about what her
8 boyfriend from four and a half years ago was going
9 to think. Does it make sense to you that she would
10 do that? The only reason that somebody would go to
11 those lengths is because she is telling the truth
12 about what happened. Is Ms. Gealy coming from Erie
13 to tell you about that you can obviously see the
14 effect that had on her? Is she telling you that to
15 lie? To take an oath, like Katelyn did those three
16 times and like she did this time, to take an oath
17 and lie to you.

18 Your question is to determine whether they are
19 telling the truth. If you find that they are
20 telling the truth, if you find that Katelyn Hosler
21 is telling the truth, you can find the defendant
22 guilty. I am asking you to believe them. I am
23 asking you to find the defendant guilty of the one
24 charge presented against him.

25 Thank you.

1 THE COURT: Members of the jury, now that
2 all of the evidence has been presented and the
3 attorneys from both sides have made their
4 closing arguments, it becomes my duty to
5 instruct you in the law which you would apply
6 to the facts as you find them in reaching a
7 verdict.

8 In doing this, I am going to be reading
9 from written jury instructions that I have
10 prepared as almost all judges do. The reason
11 we do this, that is reading, is to make sure
12 that the statements of the law which I am
13 providing are accurate and correct. The
14 reason that I mentioned that I'll be reading
15 is because it is understandable that many of
16 us would not pay as close attention to
17 somebody who is reading from something as we
18 would for somebody who is taking without
19 notes. When you understand that the
20 information and the law that I am going to
21 instruct you about is providing you with the
22 tools that you will need in order to properly
23 deliberate and arrive at a verdict. I am sure
24 that you will be able to pay close attention,
25 even though I will be reading.

1 Now as I told you before, you will apply
2 only the law in which I instruct you. You
3 will not apply any other law which any of you
4 know or think you know. During your
5 deliberations, if you come to a point where
6 you don't understand or have a question about
7 how to apply or what the effect of the law is
8 that I am telling you, about any question
9 about my instructions, you, that is the
10 foreperson, of your jury can write your
11 question or questions on paper that is
12 available and hand it outside of the
13 deliberation room to one of the tipstaves to
14 give to me, and I will respond to your
15 question. I am not suggesting that will be
16 necessary. Hopefully, what I am telling you
17 is going to be clear enough, but it is
18 understandable there may be questions that you
19 need further guidance and answers from. If
20 that is the case, that is the way that you and
21 I will communicate with each other.

22 As the judge's of the facts, you are the
23 sole judges of the credibility of the
24 witnesses and their testimony. This means
25 that you must judge the truthfulness of each

1 witness's testimony and decide whether to
2 believe all or part or none of that testimony.

3 The following are some of the factors that
4 you may and should consider when judging
5 credibility and deciding whether or not to
6 believe the testimony: Was the witness able
7 to see, hear, or know the things about which
8 he or she testified? How well could the
9 witness remember and describe things about
10 which he or she testified? Was the ability of
11 the witness to see, hear, know, remember, or
12 describe those things affected by the person's
13 age or by any physical, mental, or
14 intellectual disability? Did the witness
15 testify in a convincing manner? How did the
16 witness look and act and speak while
17 testifying? Was the testimony uncertain or
18 confused or self-contradictory or evasive?
19 Did the witness have any interest in the
20 outcome of this case or any bias or prejudice
21 or other motive that might effect the
22 witness's testimony? And finally, how well
23 does the testimony of the witness square with
24 the other evidence in the case, including the
25 testimony of other witnesses? Was it

1 contradicted or supported by the other
2 testimony and evidence and does it make sense?
3 If you believe some part of the testimony of a
4 witness to be inaccurate, then consider
5 whether the inaccuracy casts doubt upon the
6 rest of the witness's testimony. This may
7 depend on whether the witness has been
8 inaccurate in an important matter or a minor
9 detail and on any possible explanation. For
10 example, did the witness make an honest
11 mistake or simply forget or did the witness
12 deliberately falsify?

13 While you are judging the credibility of
14 each witness, you are likely to be judging the
15 credibility of other witnesses or evidence.
16 If there a real irreconcilable conflict, it is
17 up to you to decide which, if any, conflicting
18 testimony or evidence to believe.

19 As the sole judges of credibility and the
20 facts, you, the jurors, are responsible to
21 give the testimony of every witness and all of
22 the other evidence whatever credibility and
23 weight you think it deserves.

24 You have heard evidence tending to prove
25 that the defendant was convicted by a plea of

1 no contest to indecent assault for which the
2 defendant is not on trial. I am speaking of
3 the testimony of Kimberly Gealy. This
4 evidence is before you for a limited purpose.
5 That is for the purpose of tending to show a
6 common plan or scheme. This evidence must not
7 be considered by you in any way other than for
8 the purpose that I just stated. You must not
9 regard this evidence as showing that the
10 defendant is a person of bad character or
11 criminal tendencies from which you might be
12 inclined to infer guilt.

13 The defendant took the stand as a witness
14 and in considering the defendant's testimony,
15 you are to follow the general instructions
16 that I gave you for judging the credibility of
17 any witness. You should not disbelieve the
18 defendant's testimony merely because he is the
19 defendant. In weighing this testimony,
20 however, you may consider the fact that he has
21 a vital interest in the outcome of this trial.
22 You may take the defendant's interest into
23 account just as you would the interest of any
24 other witness along with all of the other
25 facts and circumstances bearing on credibility

1 in making up your minds what weight his
2 testimony deserves.

3 In this case, the defendant has presented
4 evidence of an alibi. That is, that he was not
5 present at the scene at the time the alleged crime
6 took place. You should consider this evidence
7 along with all of the other evidence in the case in
8 determining whether the Commonwealth has met its
9 burden of proving beyond a reasonable doubt that a
10 crime was committed and that the defendant himself
11 committed the crime.

12 The defendant's evidence that he was not
13 present either by itself or together with other
14 evidence may be sufficient to raise a reasonable
15 doubt of his guilt. If you have a reasonable doubt
16 of the defendant's guilt, you must find him not
17 guilty.

18 You have heard evidence that witnesses, Katelyn
19 Hosler, and the defendant made statements on
20 earlier occasions which were inconsistent with
21 their present testimony. You may consider this
22 evidence for one purpose only: To help you judge
23 the credibility and the weight of the testimony
24 given by the witness at this trial. You may not
25 regard the evidence of an earlier inconsistent

1 statement as proof of the truth of anything said in
2 that statement. When you judge the credibility and
3 weight of testimony, you are deciding whether you
4 believe the testimony and how important you think
5 it is.

6 Before you may find the defendant guilty of the
7 crime charged in this case, you must be convinced
8 beyond a reasonable doubt that the act charged did,
9 in fact, occur, and it occurred without Katelyn
10 Hosler's consent. The evidence of Katelyn Hosler's
11 delay in making a complaint to law enforcement does
12 not necessarily make her testimony unreliable but
13 may remove from it the assurance of reliability
14 accompanying prior complaint or outcry that a
15 victim of a crime such as this would ordinarily be
16 expected to make. Therefore, the delay in making a
17 complaint to law enforcement should be considered
18 in evaluating her testimony and deciding whether
19 the act occurred at all. You must not consider
20 Katelyn Hosler's delay in making a complaint to;
21 law enforcement as conclusive evidence that the act
22 did not occur or that it did occur. Katelyn
23 Hosler's failure to complaint promptly to law
24 enforcement and the nature of any explanation for
25 that failure are factors bearing on the

1 believability of her testimony and must be
2 considered by you in light of all of the evidence
3 in this case.

4 The testimony of Katelyn Hosler standing alone,
5 if believed by you, is sufficient proof upon which
6 to find the defendant guilty in this case. The
7 testimony of the victim in a case such as this need
8 not be supported by other evidence to sustain a
9 conviction. Thus, you may find the defendant
10 guilty if the testimony of Katelyn Hosler convinces
11 you beyond a reasonable doubt that the defendant is
12 guilty.

13 You will recall that there was a testimony
14 admitted concerning allegations that on a prior
15 occasion, the Commonwealth's witness Katelyn Hosler
16 had sexual contact with another. This evidence may
17 not be considered by you to impune the reputation
18 of Katelyn Hosler. Rather, this evidence was
19 admitted for a limited purpose and may only be
20 considered by you in that regard. Specifically,
21 the evidence may only be considered by you on the
22 question of whether the testimony of Katelyn Hosler
23 is believable or credible.

24 If you decide that a witness deliberately
25 testified falsely about a material point, that is

1 about a matter that it could effect the outcome of
2 this trial, you may for that reason alone choose to
3 disbelieve the rest of the witness's testimony, but
4 you are not required to do so. You should consider
5 not only the deliberate falsehoods but also all
6 other factors bearing on the witness's credibility
7 in deciding whether to believe other parts of the
8 witness's testimony.

9 The evidence in this case is of two different
10 types. On one hand there is direct evidence which
11 is testimony by a witness from his or her own
12 personal knowledge, such as something that the
13 witness saw or heard himself or herself. The other
14 type is circumstantial evidence which is testimony
15 about facts which point to the existence of other
16 facts which are in question. Whether or not
17 circumstantial evidence is proof of the other facts
18 in question depends in part on the application of
19 common sense and human experience. You should
20 recognize that it is sometimes necessary to rely upon
21 circumstantial evidence in criminal cases
22 particularly where the crime was committed in
23 secret. In deciding whether or not to accept
24 circumstantial evidence as proof of the facts in
25 question, you must be satisfied first that the

1 testimony of the witness is truthful and accurate,
2 and second, that the existence of the facts the
3 witness testifies to leads to the conclusion that
4 the facts in question also happened.

5 Circumstantial evidence alone may be sufficient to
6 prove the defendant's guilt. If there are several
7 pieces of circumstantial evidence, it is not
8 necessary that each piece standing separately
9 convinces you of the defendant's guilt beyond a
10 reasonable doubt. Instead before you may find the
11 defendant guilty, all of the pieces of
12 circumstantial evidence when considered together
13 must reasonably and naturally lead to the
14 conclusion that the defendant is guilty and must
15 convince you of the defendant's guilt beyond a
16 reasonable doubt. In other words, you may find the
17 defendant guilty based on circumstantial evidence
18 alone but only if the total amount and quality of
19 that evidence convinces you of the defendant's
20 guilt beyond a reasonable doubt.

21 A fundamental principle of our system of
22 criminal law is that the defendant is presumed to be
23 innocent. The mere fact that he was arrested and
24 accused of a crime is not any evidence against him.
25 Furthermore, the defendant is presumed innocent

1 throughout the trial, and unless and until you
2 conclude based on careful and impartial
3 consideration of the evidence that the Commonwealth
4 has prove him guilty beyond a reasonable doubt. It
5 is not the defendant's burden to prove that he is
6 not guilty. Instead it is the Commonwealth that
7 always has the burden of proving each and every
8 element of the crime charged and that the defendant
9 is guilty of that crime beyond a reasonable doubt.
10 A person accused of a crime is not required to
11 present evidence or prove anything in his own
12 defense. If the Commonwealth's evidence fails to
13 meet its burden, then your verdict must be not
14 guilty. On the other hand, if the Commonwealth's
15 evidence does prove beyond a reasonable doubt that
16 the defendant is guilty, then your verdict should
17 be guilty.

18 Although the Commonwealth has the burden of
19 proving that the defendant is guilty, this does not
20 mean that the Commonwealth must prove its case
21 beyond all doubt and to a mathematical certainty
22 nor must it demonstrate the complete impossibility
23 of innocence.

24 A reasonable doubt is a doubt that would cause
25 a reasonably careful and sensible person to

1 hesitate before acting upon a matter of importance
2 in his or her own affairs. A reasonable doubt must
3 fairly arise out of the evidence that was presented
4 or out of the lack of evidence presented with
5 respect to some element of the crime. A reasonable
6 doubt must be a real doubt. It may not be an
7 imagined one or be manufactured to avoid carrying
8 out an unpleasant duty.

9 To summarize, you do not find the defendant
10 guilty based on a mere suspicion of guilt. The
11 Commonwealth has the burden of proving the
12 defendant guilty beyond a reasonable doubt. If it
13 meets that burden, then the defendant is no longer
14 presumed innocent, and you should find him guilty.
15 On the other hand if the Commonwealth does not meet
16 its burden, then you must find him not guilty.

17 The speeches of the attorneys are not part of
18 the evidence, and you should not consider them as
19 such. However, in deciding the case, you should
20 carefully consider the evidence in light of the
21 various reasons and arguments each attorney
22 presents. It is the right and the duty of each
23 attorney to discuss the evidence in a manner which
24 is most favorable to the side that he represents.
25 You should be guided by each attorney's arguments

1 to the extent that they are supported by the
2 evidence and insofar as applying your own reason
3 and common sense. However, you are not required to
4 accept the arguments of either attorney. It is for
5 you and you alone to decide the case based on the
6 evidence as it was presented from the witness stand
7 and in accordance with the instructions which I am
8 now giving you.

9 So now we are to the point -- we are close to
10 the end. I certainly appreciate your patience and
11 attention.

12 I am now going to instruct you on the law of
13 the crime charged in this case, including the
14 elements of the offense. To assist you in your
15 deliberations, I am going to give each of you a
16 copy of each part of my instructions, so you will
17 each have a copy of the instructions on the law of
18 the criminal charge in this case. Do not place
19 greater emphasis on the element of the offense
20 simply because I have provided them to you in
21 writing and other instructions are not provided in
22 writing. Consider all of the instructions as a
23 whole and each in the light of the others.

24 The defendant has been charged with indecent
25 assault. To find the defendant guilty of this

1 offense, you must find that each of the following
2 three elements has been proven beyond a reasonable
3 doubt: First, that the defendant had indecent
4 contact with Katelyn Hosler or caused her to have
5 indecent contact with him. Second, that the
6 defendant had or caused this contact without the
7 consent of Katelyn Hosler, and third, that the
8 defendant acted knowingly or at least recklessly
9 regarding Katelyn Hosler's nonconsent.

10 I will explain some terms that I used when I
11 gave you the elements. What do I mean by indecent
12 contact? Two things are necessary for a defendant
13 to have or to cause indecent contact with the
14 alleged victim of an indecent assault. One, the
15 defendant must bring about a touching of the sexual
16 or other intimate parts of the body of one of them
17 by the other. And second, the defendant must bring
18 about this contact for the purpose of arousing or
19 gratifying his own or the alleged victim's sexual
20 desire. Contact may be indecent even though the
21 clothing of a defendant or a victim prevents their
22 flesh from touching. When considering consent, the
23 age and mentality of the alleged victim must be
24 considered.

25 What I mean by the requirement in the third

1 element, that the defendant acted knowingly or at
2 least recklessly. A defendant acts recklessly with
3 regard to an alleged victim's nonconsent if he
4 consciously disregards a substantial and
5 unjustifiable risk that the victim is not
6 consenting to the contact. The risk disregarded
7 must be the sort of risk that is grossly
8 unreasonable for the defendant to disregard.

9 Before you retire to decide this case, there
10 are a few final instructions from the way in which
11 you should conduct your deliberations in how you
12 may properly arrive at a verdict. It is my
13 responsibility to decide the questions of law, and
14 therefore, you must accept and follow my rulings
15 and instructions on matters of law. I am not,
16 however, the judge of the facts. It is not for me
17 to decide what are the true facts concerning the
18 charge against the defendant. You, the jurors, are
19 the sole judges of the facts. It will be your
20 responsibility to consider the evidence to find the
21 facts and apply the law to the facts as you find
22 them to decide whether the defendant has been
23 proven guilty beyond a reasonable doubt.

24 Your decision in this case is a matter of
25 considerable importance. Remember, that it is your

1 responsibility as jurors to perform your duties and
2 reach a verdict based on the evidence as it was
3 presented at trial. However, in deciding the
4 facts, you may properly apply common sense and draw
5 upon your own everyday practical knowledge of life
6 as each of you has experienced it. You should keep
7 your deliberations free of any bias or prejudice.
8 Both the Commonwealth and the defendant have a
9 right to expect you to consider the evidence
10 conscientiously and to apply the law as I have
11 outlined it to you.

12 In arriving at a verdict, you should not
13 concern yourselves with any possible future
14 consequences of your verdict, including what the
15 penalty might be if you should find the defendant
16 guilty. The question of guilt and the question of
17 penalty are decided separately.

18 Upon retiring to deliberate, you should select
19 one of you to be the foreperson of the jury. The
20 foreperson is the one who will announce the verdict
21 in this courtroom after you have finished
22 deliberating.

23 Your verdict must be unanimous. This means
24 that in order to return a verdict each of you must
25 agree to it. You have a duty to consult with each

1 other and to deliberate with a view to reaching an
2 agreement if it can be done without doing any
3 violence to your individual judgment.

4 Each of you must decide the case for himself or
5 herself, but only after there has been impartial
6 consideration with your fellow jurors. In the
7 course of deliberations, each juror should not
8 hesitate to reexamine his or her own views or
9 change his or her opinion if convinced it is
10 erroneous. However, no juror should surrender an
11 honest conviction as to the weight or effect of the
12 evidence solely because of the opinion of his or
13 her fellow jurors or for the meer purpose of
14 returning a verdict.

15 In closing, I'd like to suggest that you will
16 be able to deliberate more easily and in a way
17 better for all concerned if each of you treat your
18 fellow jurors and their views with the same
19 courtesy and respect as you would other persons in
20 your everyday lives.

21 So thank you very much. With that, I will
22 close my final instructions.

23 Do the attorneys have any matters
24 concerning the charge to raise at this time?

25 ATTORNEY WELSH: No, Your Honor.

1 ATTORNEY SPESSARD: No, Your Honor.

2 THE COURT: Members of the jury, I am also
3 going to be sending with you a verdict slip.
4 It has the names of the parties, the caption
5 of the case at the top, and it reads: And
6 now, to wit, June 12, 2019, we, the jurors, in
7 the above case find -- and below that is the
8 one charge in this case, indecent assault. To
9 the right of that is a blank line, it is on
10 that line that the foreperson of the jury will
11 write your verdict of either guilty or not
12 guilty. Then, below that is a blank line for
13 the foreperson of the jury to sign his or her
14 signature. That will be completed and
15 returned at the time that you are going to be
16 announcing your verdict.

17 I am not going to be sending the exhibits
18 with you for your deliberations, but if during
19 your deliberations you decide that you want to
20 refer to any of the exhibits, you can send a
21 note back to me as I have described. We will
22 determine whether it is appropriate for you to
23 have the exhibit that you are requesting.

24 I am going to address the two alternates:
25 We thank you very much for your attention as

1 well. We often need to ask an alternate or
2 both alternates to step in and serve as a
3 juror because of some problem that a juror or
4 jurors may have. We haven't had to do this in
5 this case, but the rules of the Supreme Court
6 do require us to have you stay during the jury
7 deliberations. One of our tipstaves will take
8 you to wait for the jury's verdict, and I am
9 directing you to not talk about the case or
10 any of the evidence or discuss your opinions
11 about the evidence or how the law should be
12 applied during the time that you are waiting
13 for the verdict.

14 So we will have the tipstaves come forward
15 and be sworn.

16 (Tipstaves duly sworn.)

17 THE COURT: Members of the jury and alternates,
18 if you would please follow the court staff.

19 Court is in recess.

20 (Jurors exit at 5:47 p.m. for deliberations.)

21 * * *

22 (Jurors return at 6:16 p.m.)

23 THE COURT: Would the foreperson of the
24 jury please stand?

25 (Foreperson complies.)

1 THE COURT: Has the jury reached a
2 verdict?

3 THE FOREPERSON: Yes, we have.

4 THE COURT: The bailiff will come get the
5 jury slip from you.

6 (Bailiff complies.)

7 THE COURT: You can return that to the
8 foreperson, please.

9 (Bailiff complies.)

10 THE COURT: And I'd ask you to please
11 start where it says: "And now to wit," and
12 read the verdict on the charge.

13 THE FOREPERSON: And now, June 12, 2019,
14 we, the jurors, in the above case find for the
15 charge of indecent assault not guilty.

16 THE COURT: Thank you.

17 Do either of the parties desire to have
18 the jurors polled?

19 ATTORNEY WELSH: I do, Your Honor.

20 THE COURT: When we poll the jury -- you
21 may be seated -- I will call on each of you
22 and ask: Was the verdict read in open court
23 your verdict? Please stand and respond to my
24 question, and you may then be seated.

25 THE COURT: Juror No. 1, was the verdict

1 read in open court your verdict?

2 JUROR NO. 1: Yes.

3 THE COURT: Juror No. 2, was the verdict
4 read in open court your verdict?

5 JUROR NO. 2: Yes.

6 THE COURT: Juror No. 3, was the verdict
7 read in open court your verdict?

8 JUROR NO. 3: Yes.

9 THE COURT: Juror No. 4, was the verdict
10 read in open court your verdict?

11 JUROR NO. 4: Yes, Your Honor.

12 THE COURT: Juror No. 5, was the verdict
13 read in open court your verdict?

14 JUROR NO. 5: Yes.

15 THE COURT: Juror No. 6, was the verdict
16 read in open court your verdict?

17 JUROR NO. 6: Yes, Your Honor.

18 THE COURT: Juror No. 7, was the verdict
19 read in open court your verdict?

20 JUROR NO. 7: Yes, Your Honor.

21 THE COURT: Juror No. 8, was the verdict
22 read in open court your verdict?

23 JUROR NO. 8: Yes.

24 THE COURT: Juror No. 9, was the verdict
25 read in open court your verdict?

1 JUROR NO. 9: Yes.

2 THE COURT: Juror No. 10, was the verdict
3 read in open court your verdict?

4 JUROR NO. 10: Yes, sir.

5 THE COURT: And Juror No. 11, was the
6 verdict read in open court your verdict?

7 JUROR NO. 11: Yes.

8 THE COURT: Juror No. 12, was the verdict
9 read in open court your verdict?

10 JUROR NO. 12: Yes.

11 THE COURT: Thank you.

12 Members of the jury and alternates who are
13 in the courtroom, I want to thank you for your
14 service in this case. It was a long day. You
15 performed your duties well. You have provided
16 a service in deciding this case which is
17 important to everybody involved. But beyond
18 that, you have fulfilled your duty as a
19 responsible citizen of Clarion County,
20 Pennsylvania, in the United States in serving
21 as a juror of peers of the parties involved.
22 I am sure each of you would agree with me that it
23 is a privilege to be able to perform a duty such as
24 jury duty.

25 It is a long day taking away from your families

1 and the obligations, so certainly it is a
2 sacrifice. But think of it in terms of if we
3 didn't have that ability to perform this duty,
4 where we would be as an individual and as a
5 country. So our democracy depends on the serious
6 participation and dedication of individual citizens
7 like you. It all adds up and certainly helps save
8 the rights and freedoms that we old hold dear as
9 citizens of the United States. In that respect,
10 you performed a valuable service as well.

11 All of the restrictions that I placed on you
12 throughout the trial are now lifted. You can talk
13 about the case with whomever you please. I would
14 ask that you respect the position and the opinions
15 stated by your fellow jurors during your
16 deliberations because there is a certain level of
17 confidentiality or respect that is owed to your
18 fellow jurors in terms of your deliberations. You
19 can talk with whomever you please, but you are not
20 required to. It is altogether up to you.

21 So I'd ask for you to please hand your juror
22 badge to the tipstaves on the way out, and I thank
23 you again. You are excused.

24 Are there any other matters for the court
25 today?

1 ATTORNEY WELSH: No, Your Honor.

2 THE COURT: Court is adjourned.

3 (The proceedings were concluded at 6:22 p.m.)

4 * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF COURT RECORDER

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I hereby certify that the
proceedings, evidence and rulings of the Court are
contained fully and accurately, to the best of my
ability, in the recording and notes taken by me on
the hearing of the above petition and that it is a
correct transcript of the same.



Brittany Lynn Beaver
Court Recorder & Notary Public

DATE: 03/08/2021

\$	12:15 [1] - 243:15 13 [6] - 201:5, 202:5, 206:23, 209:23, 272:4, 272:7 14 [1] - 224:4 15 [4] - 153:7, 153:20, 233:19, 280:24 15-minute [1] - 233:12 15.3104 [2] - 282:22, 289:17 16 [1] - 223:25 17 [1] - 152:25 18 [8] - 13:3, 235:20, 239:12, 242:10, 242:24, 244:10, 279:14, 279:17 185 [1] - 4:6 1:00 [1] - 169:5 1:03 [1] - 171:13 1:25 [1] - 272:4 1:30 [2] - 115:10, 154:9	180:10, 181:19, 184:7, 184:19, 186:23, 187:7, 188:9, 191:9, 193:4, 194:13, 198:20, 201:3, 201:5, 202:18, 206:23, 207:25, 208:23, 209:5, 209:10, 211:10, 212:17, 212:18, 212:20, 234:16, 235:2, 242:16, 242:20, 243:22, 244:12, 247:10, 248:22, 248:23, 248:24, 250:21, 251:22, 251:23, 256:15, 258:4, 258:5, 258:6, 258:19, 259:1, 259:2, 262:1, 262:2, 264:9, 268:23, 269:3, 270:8, 271:2, 272:4, 306:3, 313:13, 313:21, 316:24, 319:5 2016 [34] - 15:18, 22:24, 41:12, 42:4, 42:8, 42:22, 126:8, 126:13, 126:17, 126:25, 127:3, 127:5, 127:24, 128:13, 128:19, 129:9, 129:18, 130:13, 132:10, 132:20, 133:3, 133:4, 133:23, 138:21, 138:22, 270:21, 282:5, 283:10, 313:14, 316:25, 320:6, 326:22 2017 [1] - 270:22 2018 [1] - 13:7 2019 [5] - 5:5, 12:16, 12:21, 345:6, 347:13 21 [1] - 41:20 22 [5] - 43:1, 248:22, 248:24, 253:12 22nd [3] - 253:24, 254:2, 254:9 23 [3] - 46:6, 46:7, 128:8 24 [2] - 29:3, 314:23 243 [1] - 4:7 248 [1] - 4:7 25 [1] - 248:11 250 [1] - 4:8 257 [1] - 4:8 26 [3] - 16:5, 41:23, 277:24 26th [2] - 167:19, 167:21 27 [2] - 16:13, 41:23	28 [1] - 206:23 29 [1] - 247:14 2:11 [1] - 214:10 2:16 [1] - 272:15 2:42 [6] - 23:24, 27:15, 138:3, 138:5, 144:10, 177:3 2:59 [2] - 29:2, 188:14	4.17 [1] - 281:11 404 [1] - 260:23 404 621-5838 [1] - 256:17 42 [1] - 169:8 4:00 [2] - 271:24, 281:7 4:33 [1] - 298:10 4:45 [2] - 243:16, 246:2 4S [1] - 273:2
0	07/01 [1] - 94:7	3	5	
1	1 [21] - 4:6, 27:5, 27:6, 33:7, 35:10, 35:11, 35:24, 37:17, 39:17, 50:4, 63:14, 63:15, 186:3, 186:10, 186:12, 188:4, 258:4, 265:9, 289:18, 347:25, 348:2 10 [16] - 15:18, 21:16, 22:23, 42:25, 60:11, 138:22, 220:18, 220:19, 223:25, 243:11, 243:12, 282:5, 284:11, 349:2, 349:4 10/05/2015 [2] - 260:19, 260:20 10/12/2015 [2] - 260:8, 260:9 100 [1] - 303:16 10:18 [1] - 92:19 10:30 [3] - 115:10, 152:21, 153:6 10:45 [1] - 243:14 11 [26] - 66:19, 113:14, 114:5, 114:7, 114:8, 115:25, 138:22, 152:21, 153:6, 154:16, 160:3, 160:21, 212:17, 212:18, 212:20, 220:21, 223:14, 231:16, 231:18, 232:19, 232:21, 243:15, 284:12, 294:20, 349:5, 349:7 114 [1] - 284:1 11P [1] - 226:7 12 [14] - 5:5, 12:16, 113:7, 113:8, 202:5, 209:23, 223:25, 246:22, 258:4, 281:8, 345:6, 347:13, 349:8, 349:10	2 2 [12] - 4:7, 39:17, 182:15, 223:14, 243:11, 243:12, 244:2, 244:6, 284:2, 289:24, 348:3, 348:5 20 [3] - 89:7, 120:3, 153:7 20-year-old [3] - 62:13, 181:6, 193:7 2007 [2] - 206:22, 262:8 2008 [12] - 88:5, 149:21, 150:7, 150:20, 167:22, 206:23, 235:14, 235:15, 235:24, 262:8, 268:8, 319:4 2009 [1] - 235:14 2010 [1] - 325:8 2011 [1] - 180:8 2015 [91] - 15:24, 16:1, 17:4, 17:10, 34:14, 34:22, 40:1, 47:24, 48:5, 49:23, 87:13, 87:25, 90:17, 94:9, 94:15, 95:4, 96:3, 96:4, 106:6, 106:7, 107:19, 111:7, 112:2, 114:24, 120:2, 128:3, 128:25, 140:25, 160:23, 173:1, 175:6, 176:25, 178:15, 180:9,	3 3 [26] - 4:7, 5:19, 12:21, 39:17, 46:7, 60:11, 188:18, 213:16, 213:20, 214:1, 220:2, 220:5, 220:25, 232:16, 243:11, 243:12, 246:1, 249:8, 249:11, 268:23, 282:13, 285:21, 313:21, 348:6, 348:8 3.08 [4] - 282:23, 283:1, 284:15, 285:19 3.09 [3] - 281:13, 282:11, 285:20 3.11 [1] - 287:22 3.21(b) [3] - 291:23, 293:6, 296:19 3.21(b) [1] - 292:4 30 [1] - 220:15 302 300-6524 [3] - 258:20, 259:3, 259:12 31 [2] - 140:25, 310:19 3104 [2] - 13:4, 14:3 3126 [1] - 73:12 31st [1] - 140:9 35 [1] - 302:24 35ish [1] - 302:13 3:30 [4] - 243:16, 245:18, 246:1, 246:2 3:43 [1] - 260:8 3:45 [1] - 270:13 3:53 [2] - 27:21, 139:17 3P [1] - 226:7	5 5 [80] - 4:8, 13:6, 13:8, 14:2, 15:23, 15:25, 17:4, 17:9, 20:7, 23:24, 25:6, 25:22, 26:2, 27:15, 28:23, 29:4, 30:2, 39:17, 40:1, 43:21, 46:18, 46:21, 59:1, 64:22, 64:23, 65:24, 67:10, 67:17, 107:19, 111:7, 122:1, 125:10, 125:13, 130:13, 130:18, 138:3, 138:4, 138:5, 138:8, 139:22, 144:10, 177:3, 178:15, 179:21, 180:3, 187:7, 188:9, 188:13, 189:1, 189:6, 206:15, 248:22, 248:24, 250:22, 251:4, 251:5, 257:22, 258:15, 259:18, 260:5, 260:7, 261:1, 264:18, 265:25, 266:14, 271:15, 271:21, 271:24, 276:15, 283:9, 309:24, 310:3, 310:5, 310:7, 313:3, 313:7, 320:15, 321:1, 348:12, 348:14 51 [1] - 302:25 54 [1] - 114:1 540 [1] - 100:25 57 [3] - 42:24, 46:5, 60:10 58 [2] - 46:6, 60:11 5920 [1] - 169:8 5:47 [1] - 346:20 5th [2] - 275:4, 275:5
		4 4 [10] - 4:8, 15:7, 32:20, 32:22, 39:17, 188:13, 251:13, 251:16, 348:9, 348:11 4.08(a) [1] - 287:24 4.09 [1] - 288:17 4.13(a) [1] - 288:23 4.13(b) [1] - 289:12 4.15 [1] - 281:19	6 6 [20] - 25:8, 25:12, 25:15, 27:17, 28:22, 29:2, 53:23, 179:24,	

188:13, 188:14,
213:23, 266:19,
267:2, 267:12,
267:15, 272:15,
272:20, 272:21,
348:15, 348:17
60 [4] - 220:15,
220:19, 220:23,
231:18

60-day [3] - 220:25,
232:22, 294:21
62 [1] - 17:5
6:16 [1] - 346:22
6:22 [1] - 351:3

7

7 [4] - 188:17,
206:22, 348:18,
348:20
7.01 [1] - 281:21
7.02(a) [1] - 281:20
7.03 [1] - 281:23
7.05 [1] - 282:2
7.11 [1] - 282:1
72 [1] - 266:25
75 [1] - 303:4
7:57 [3] - 226:5,
227:6, 227:25

8

8 [8] - 37:16, 135:21,
136:19, 188:17,
248:22, 248:24,
348:21, 348:23
86-CR-2016 [1] - 5:7
8:02 [1] - 5:2
8:30 [1] - 15:18
8th [1] - 275:5

9

9 [20] - 27:21, 44:4,
46:19, 46:22, 54:1,
54:16, 68:18, 68:21,
127:24, 128:9,
133:14, 138:21,
139:17, 188:17,
188:19, 188:20,
243:11, 321:19,
348:24, 349:1
9:00 [1] - 272:1
9:30 [5] - 26:2, 30:2,
243:14, 264:19
9:47 [1] - 74:17
9:54 [1] - 74:19
9th [1] - 45:20

A

a [1] - 73:13
a.m [9] - 5:2, 15:18,
26:2, 74:17, 74:19,
92:19, 226:6, 243:14,
243:15
ability [5] - 230:13,
308:3, 308:5, 330:10,
350:3
able [34] - 23:17,
43:21, 44:6, 135:12,
157:6, 157:20,
170:12, 176:10,
224:25, 225:17,
231:3, 243:18,
248:14, 254:17,
257:5, 267:24,
269:17, 269:20,
269:22, 270:2,
270:16, 271:5,
272:10, 273:15,
273:17, 306:1, 306:5,
308:9, 308:13,
310:12, 328:24,
330:6, 344:16, 349:23
Abraham [1] - 87:7
absolutely [4] -
235:1, 235:3, 247:2,
314:12
abundantly [1] -
311:5
accept [4] - 22:5,
336:23, 340:4, 342:14
accepted [1] - 33:13
accepting [1] -
241:20
access [7] - 155:9,
173:1, 206:12,
208:20, 215:2, 217:4,
294:15
accessible [1] -
209:17
accompanied [2] -
226:12, 226:13
accompanying [1] -
334:14
accordance [1] -
340:7
according [3] - 5:20,
310:1, 310:4
account [6] - 256:2,
263:11, 263:12,
263:16, 263:19,
332:23
accounting [1] -
234:18
accounts [2] -
168:18, 233:17
accuracy [4] - 77:23,

80:20, 81:3, 91:8
accurate [6] -
126:17, 176:17,
242:1, 243:16,
328:13, 337:1
accurately [1] -
26:12
accusation [1] -
76:18
accusations [3] -
35:18, 36:24, 39:5
accused [6] - 14:5,
14:9, 14:14, 35:6,
337:24, 338:10
Ace [4] - 125:20,
125:21, 125:25, 126:9
ace [7] - 125:24,
126:6, 250:1, 250:7,
250:16, 254:6, 320:1
acknowledges [1] -
71:11
acquire [5] - 205:21,
208:25, 209:23,
220:3, 220:5
acquired [2] -
211:18, 212:2
act [6] - 66:4, 185:6,
330:16, 334:8,
334:19, 334:21
acted [6] - 79:24,
184:10, 253:16,
311:21, 341:8, 342:1
acting [4] - 84:10,
203:13, 217:3, 339:1
action [2] - 15:15,
184:12
actions [4] - 279:11,
279:12, 279:13,
318:14
active [5] - 273:19,
273:20, 273:22,
274:1, 315:21
activities [4] -
106:16, 145:24,
184:2, 312:13
activity [9] - 16:23,
24:2, 24:20, 24:21,
25:11, 25:19, 69:22,
265:19, 311:20
acts [6] - 7:6, 7:9,
7:21, 72:2, 282:25,
342:2
actual [12] - 33:2,
45:17, 125:15,
127:17, 136:15,
164:6, 167:7, 177:16,
182:12, 252:8, 254:6,
304:10
addition [2] - 78:19,
246:10

additional [3] - 5:22,
22:16, 78:11
additionally [4] -
58:25, 64:18, 91:11,
259:9
address [8] - 15:10,
86:19, 89:10, 89:11,
89:16, 255:22,
255:23, 345:24
addressed [4] - 6:21,
13:5, 13:15, 22:15
addresses [1] -
173:22
addressing [1] -
14:17
adds [1] - 350:7
adequate [1] -
291:20
adequately [1] -
170:12
adjacent [1] - 267:17
adjourned [1] -
351:2
adjusting [1] - 294:9
administration [1] -
76:5
admissibility [3] -
70:7, 70:16, 75:8
admissible [5] -
11:11, 14:7, 18:19,
18:22, 82:6
admission [6] -
26:21, 186:4, 244:3,
251:13, 257:23, 320:9
admit [1] - 249:8
ADMITTED [1] - 4:2
admitted [23] - 14:5,
14:6, 27:6, 33:7, 50:4,
63:1, 63:3, 186:11,
186:12, 244:5, 244:6,
249:10, 249:11,
251:12, 251:15,
251:16, 258:14,
258:15, 289:19,
289:25, 306:25,
335:14, 335:19
advance [1] - 75:10
advances [1] -
119:14
adverse [1] - 291:5
advertisements [1] -
303:10
affairs [5] - 266:23,
267:17, 268:18,
301:19, 339:2
affected [1] - 330:12
affection [2] - 30:17,
302:19
affiant [4] - 200:7,
200:9, 200:17, 211:25

affirmatively [2] -
146:3, 161:16
afford [2] - 277:7,
277:11
aforementioned [1] -
259:11
afternoon [11] -
113:7, 168:13,
168:25, 174:21,
243:12, 245:23,
245:25, 271:25,
300:9, 300:10
afterwards [1] -
25:15
age [2] - 330:13,
341:23
agent [1] - 217:3
ago [11] - 95:9,
109:21, 111:18,
141:20, 160:3,
170:25, 237:21,
270:5, 270:8, 326:13,
327:8
agree [36] - 9:25,
14:11, 14:22, 17:23,
30:21, 42:2, 42:7,
42:18, 43:8, 43:13,
46:9, 46:17, 46:18,
52:24, 69:7, 72:11,
78:18, 86:3, 90:5,
115:12, 122:25,
128:1, 129:8, 138:4,
145:15, 189:8,
220:18, 220:21,
220:25, 273:2, 273:5,
284:8, 293:9, 297:25,
343:25, 349:22
agreed [2] - 13:18,
73:10
agreeing [1] - 13:22
agreement [3] -
258:23, 259:4, 344:2
ahead [10] - 18:9,
42:25, 115:7, 135:15,
135:19, 151:15,
151:20, 176:13,
192:15, 262:24
alcohol [5] - 6:9,
8:16, 162:2, 162:8,
162:12
alibi [10] - 285:23,
286:2, 286:5, 286:6,
286:9, 286:23, 287:3,
287:4, 287:9, 333:4
allegation [7] - 9:8,
111:9, 113:13, 181:4,
198:5, 220:17, 313:22
allegations [28] -
5:24, 11:1, 28:8,
36:16, 36:24, 37:6,

- 40:4, 45:5, 61:25,
71:14, 90:17, 134:17,
135:25, 190:19,
197:6, 197:8, 197:15,
217:20, 217:21,
226:19, 228:6,
266:18, 267:1,
268:21, 289:19,
311:12, 312:8, 335:14
alleged [36] - 5:16,
5:21, 6:7, 6:12, 6:16,
6:17, 6:19, 12:19,
34:13, 44:24, 74:2,
79:20, 79:23, 87:12,
114:21, 116:5,
126:14, 130:21,
132:11, 160:22,
160:23, 185:13,
223:6, 223:7, 225:21,
226:20, 268:21,
287:11, 287:21,
307:10, 307:12,
333:5, 341:14,
341:19, 341:23, 342:3
allegedly [3] - 19:7,
69:17, 114:11
alleging [1] - 179:7
allowed [1] - 216:5
allows [1] - 83:13
almost [5] - 75:5,
160:3, 307:12,
312:19, 328:10
alone [8] - 95:18,
226:12, 299:4, 335:4,
336:2, 337:5, 337:18,
340:5
altered [1] - 243:24
alternate [1] - 346:1
alternates [7] - 75:1,
82:24, 86:11, 345:24,
346:2, 346:17, 349:12
alternative [1] -
288:11
alternatives [1] -
288:8
altogether [1] -
350:20
amount [4] - 162:9,
261:15, 265:21,
337:18
amounts [1] - 230:13
analysis [1] - 91:15
AND [1] - 12:16
angry [1] - 119:20
announce [1] -
343:20
announcing [1] -
345:16
annoyed [1] - 142:22
answer [23] - 12:2,
16:13, 29:17, 40:14,
40:21, 43:9, 60:14,
128:16, 129:2,
129:10, 146:22,
146:25, 198:23,
216:14, 272:2,
303:18, 304:23,
305:1, 307:7, 308:24,
312:17, 312:18, 316:5
answered [1] - 16:10
answering [1] -
29:18
answers [5] - 60:14,
60:15, 81:24, 82:2,
329:19
anticipate [4] - 7:16,
8:19, 11:9, 300:19
anticipated [1] -
75:12
anyway [3] - 46:11,
94:13, 289:7
apartment [26] -
150:11, 150:15,
151:7, 151:9, 151:24,
152:10, 154:18,
154:22, 155:1,
155:10, 158:23,
158:25, 162:16,
162:24, 163:3, 163:4,
163:5, 163:8, 164:1,
236:1, 236:5, 236:13,
236:14, 236:20,
238:18, 277:6
apartment's [1] -
162:17
apartments [2] -
150:10, 277:12
apologies [1] - 19:2
apologize [1] -
151:19
app [1] - 98:15
appeal [3] - 11:19,
81:20, 299:13
appear [17] - 23:20,
26:11, 47:6, 83:16,
113:22, 121:21,
127:2, 127:21,
135:16, 176:17,
243:21, 243:24,
248:18, 249:4,
250:14, 257:10,
259:12
appearance [3] -
125:17, 126:17, 318:9
appeared [1] -
322:23
appellant [1] - 66:22
Apple [12] - 261:25,
263:11, 263:12,
263:14, 263:16,
263:17, 263:19,
263:22, 273:5,
273:12, 315:19,
315:21
application [1] -
336:18
applied [2] - 325:8,
346:12
apply [11] - 78:10,
79:6, 299:20, 300:4,
328:5, 329:1, 329:3,
329:7, 342:21, 343:4,
343:10
applying [1] - 340:2
appointment [5] -
248:5, 248:8, 252:20,
272:16, 272:18
appointments [7] -
247:25, 248:2, 248:4,
249:1, 252:17,
271:19, 307:17
appreciate [4] -
29:18, 75:15, 89:25,
340:10
approach [4] - 92:18,
113:19, 214:8, 270:11
approached [1] -
288:22
approaches [1] -
310:9
appropriate [6] -
15:15, 72:17, 281:19,
284:9, 290:13, 345:22
approved [4] -
277:10, 277:20,
277:25, 278:1
April [1] - 59:11
area [24] - 10:5,
105:21, 151:10,
151:12, 154:22,
155:8, 155:15,
155:16, 162:19,
163:11, 163:12,
163:16, 163:17,
163:23, 167:8,
167:14, 210:17,
222:7, 225:13,
237:14, 244:21,
304:3, 325:24
areas [2] - 119:1,
185:18
argue [8] - 7:9, 20:7,
49:25, 90:20, 177:6,
289:7, 310:7, 311:4
arguing [2] - 69:5,
293:24
argument [16] - 7:1,
7:7, 62:23, 65:5,
66:15, 69:24, 70:4,
70:5, 71:4, 78:8, 89:2,
300:1, 300:2, 300:7,
317:24, 322:13
arguments [17] -
11:10, 81:16, 81:19,
280:18, 281:23,
298:14, 298:19,
298:21, 299:17,
300:14, 300:22,
301:4, 328:4, 339:21,
339:25, 340:4
arise [1] - 339:3
arm [2] - 117:16,
204:20
arms [2] - 116:22,
117:2
arousing [1] - 341:18
arrangement [1] -
150:8
arrest [1] - 207:6
arrested [1] - 337:23
arrive [2] - 328:23,
342:12
arrived [1] - 109:3
arriving [1] - 343:12
arrow [1] - 178:7
article [2] - 109:16,
193:20
Ashley [4] - 236:9,
236:16, 240:23,
240:24
aside [2] - 186:24,
186:25
asleep [5] - 164:21,
165:2, 165:18, 237:7,
237:9
ass [1] - 29:16
assailant [1] -
222:22
assault [41] - 6:8,
8:17, 44:24, 73:12,
76:14, 79:18, 80:5,
88:10, 88:13, 89:3,
160:6, 160:10,
160:11, 160:19,
172:9, 184:21,
185:19, 202:14,
211:13, 222:18,
226:20, 234:25,
241:4, 242:1, 242:3,
242:4, 281:25, 283:4,
284:18, 284:20,
285:3, 313:6, 318:15,
321:9, 326:16, 332:1,
340:25, 341:14,
345:8, 347:15
assaulted [7] -
87:15, 88:6, 169:22,
194:21, 223:1, 223:7,
321:9
assaulting [1] -
321:2
assertion [1] -
262:19
assessment [2] -
90:19, 225:6
assigned [1] - 70:6
assist [4] - 169:18,
211:12, 213:11,
340:14
Assistant [8] - 5:9,
5:18, 77:4, 77:15,
86:17, 86:22, 106:15,
108:10
assistant [10] -
77:24, 78:3, 79:13,
266:23, 267:16,
300:2, 317:23,
321:24, 322:16, 325:9
associated [1] -
260:9
assume [23] - 27:25,
52:7, 54:19, 55:21,
56:6, 62:12, 69:10,
117:12, 119:6, 119:9,
163:14, 177:21,
180:19, 180:21,
193:21, 194:19,
201:17, 238:10,
268:11, 291:20,
320:24, 320:25
assumed [2] - 30:14,
100:12
assuming [4] - 62:9,
72:22, 119:20, 281:18
assumption [1] -
295:5
assumptions [1] -
56:9
assurance [1] -
334:13
assure [1] - 75:13
Atlanta [1] - 256:16
attached [3] - 5:20,
12:22, 263:13
attack [1] - 69:6
attacking [1] - 11:23
attempt [6] - 19:23,
201:15, 209:3, 224:4,
262:18, 267:12
attempting [1] - 63:3
attend [1] - 234:14
attendance [2] -
84:24, 248:9
attention [23] -
25:25, 30:24, 76:8,
84:3, 86:10, 113:25,
128:7, 168:18,
179:14, 191:19,
192:17, 233:17,
240:14, 240:15,

- 298:22, 299:16,
300:12, 321:21,
328:16, 328:24,
340:11, 345:25
ATTORNEY [299] -
7:12, 7:13, 7:16, 8:18,
8:23, 9:14, 9:19, 9:21,
10:3, 11:5, 11:13,
11:16, 11:21, 12:5,
12:6, 12:13, 12:14,
14:19, 14:24, 15:2,
15:12, 18:7, 19:1,
21:6, 21:9, 21:13,
21:17, 21:20, 21:24,
22:8, 22:19, 22:21,
26:5, 26:10, 26:21,
26:24, 27:3, 27:10,
27:14, 32:3, 32:5,
32:7, 33:4, 33:6,
33:10, 33:12, 33:18,
33:21, 34:3, 36:3,
36:8, 37:16, 38:5,
39:15, 40:11, 40:17,
41:2, 41:23, 41:25,
42:1, 43:16, 43:19,
45:10, 45:14, 46:24,
47:2, 47:5, 47:11,
47:16, 47:21, 58:19,
60:25, 61:7, 62:16,
62:17, 62:20, 63:2,
63:8, 63:13, 63:15,
63:18, 63:24, 65:7,
65:10, 65:14, 65:19,
66:15, 69:25, 70:3,
71:25, 72:12, 72:16,
72:25, 73:3, 73:15,
73:16, 73:20, 86:20,
89:17, 89:20, 92:16,
92:20, 93:8, 93:9,
93:10, 93:13, 93:21,
110:11, 110:16,
110:18, 113:19,
113:21, 138:10,
138:12, 138:14,
138:16, 145:8,
145:12, 145:14,
147:24, 148:1, 148:4,
149:2, 161:11,
167:23, 167:24,
168:2, 168:3, 169:6,
170:5, 170:16,
170:23, 171:3,
171:11, 171:20,
171:25, 172:21,
172:25, 173:25,
174:2, 174:6, 174:14,
174:20, 184:25,
185:3, 185:7, 185:9,
185:15, 186:2, 186:5,
186:9, 186:14,
186:16, 195:16,
195:19, 195:22,
198:1, 198:3, 198:9,
198:14, 198:16,
198:19, 198:25,
199:4, 199:13,
199:19, 200:19,
200:22, 201:2, 214:8,
214:11, 214:23,
215:5, 215:12,
215:13, 216:7,
216:25, 217:6, 217:9,
217:14, 218:1,
218:16, 218:19,
218:24, 219:8,
219:11, 221:3, 221:5,
221:7, 228:12,
228:15, 228:17,
233:3, 233:24, 234:5,
244:1, 244:4, 244:8,
249:7, 249:9, 249:13,
249:14, 251:12,
251:14, 251:18,
257:21, 257:25,
258:3, 258:7, 258:11,
258:12, 258:17,
258:21, 259:1, 259:8,
259:16, 259:19,
260:3, 262:17, 263:1,
269:6, 269:9, 269:11,
270:10, 270:15,
271:1, 271:8, 271:13,
280:1, 280:5, 280:9,
280:13, 283:22,
284:6, 284:12,
284:21, 284:24,
285:10, 285:15,
285:18, 285:25,
286:3, 286:22, 287:4,
287:12, 287:15,
287:18, 288:2, 288:5,
288:13, 288:18,
288:24, 289:6, 289:9,
289:14, 289:15,
290:8, 290:12,
290:22, 290:23,
291:2, 291:4, 291:9,
291:13, 291:25,
292:3, 292:6, 292:24,
292:25, 293:8,
293:11, 293:14,
293:15, 294:1, 294:7,
294:8, 294:14,
295:13, 295:20,
296:17, 296:22,
297:1, 297:6, 297:8,
297:10, 297:12,
297:15, 297:17,
297:19, 297:23,
298:2, 298:6, 298:9,
300:8, 318:1, 344:25,
345:1, 347:19, 351:1
Attorney [30] - 5:10,
5:18, 62:20, 69:5,
76:12, 77:5, 77:16,
86:17, 86:23, 89:21,
92:18, 92:22, 93:2,
93:5, 139:2, 141:25,
142:12, 143:15,
161:6, 171:18,
188:24, 297:25,
317:23, 319:11,
319:22, 320:8,
320:23, 322:12,
322:25, 324:6
attorney [35] - 60:14,
76:22, 77:9, 77:20,
77:24, 78:1, 78:4,
78:7, 79:13, 81:16,
82:5, 85:9, 129:12,
218:23, 219:2, 231:1,
241:3, 241:19,
241:24, 242:6,
299:12, 299:19,
299:25, 300:2, 300:5,
307:3, 307:4, 307:14,
318:2, 324:16, 325:9,
325:16, 339:21,
339:23, 340:4
attorney's [12] -
200:15, 202:10,
202:15, 202:19,
203:17, 210:5, 212:3,
212:7, 217:1, 230:14,
299:6, 339:25
attorneys [30] - 5:9,
13:21, 75:7, 75:13,
75:20, 76:7, 81:10,
81:11, 81:21, 82:1,
82:17, 84:1, 84:12,
86:13, 87:5, 148:9,
148:13, 258:23,
259:4, 259:25,
280:17, 280:21,
281:3, 283:20,
298:18, 298:22,
299:15, 328:3,
339:17, 344:23
attracted [3] -
102:23, 105:4, 278:18
attractive [4] -
278:10, 278:11,
278:13, 278:17
August [6] - 151:23,
167:21, 167:22,
206:23, 235:24
authentic [1] -
219:19
authenticate [1] -
19:22
authority [3] -
207:10, 207:11,
231:13
automatically [1] -
268:11
available [11] -
293:12, 294:6,
294:10, 294:13,
295:8, 295:9, 295:10,
295:22, 296:15,
296:16, 329:12
average [1] - 169:14
avoid [4] - 83:2,
83:15, 86:7, 339:7
aware [13] - 45:22,
80:25, 128:24, 129:4,
129:13, 143:21,
160:5, 172:8, 192:8,
194:11, 231:10,
307:5, 307:7
awkward [3] -
154:13, 156:6, 162:16
awoken [1] - 165:14
-
- B**
-
- B-o-x-l-e-y** [2] -
47:23, 174:24
backed [1] - 225:14
background [5] -
26:16, 26:19, 51:4,
162:11, 250:25
backside [1] -
217:17
bad [12] - 7:6, 7:8,
7:21, 72:4, 148:20,
279:13, 282:25,
283:15, 293:19,
296:3, 296:12, 332:10
badge [1] - 350:22
Bailiff [1] - 347:6
bailiff [3] - 47:15,
347:4, 347:9
ball [1] - 158:1
bandage [19] -
125:18, 125:19,
125:20, 125:21,
125:24, 125:25,
126:6, 126:9, 128:15,
129:22, 129:25,
250:1, 250:8, 250:16,
251:7, 254:6, 306:13,
320:1
baning [1] - 236:23
bar [2] - 70:15,
246:15
barely [1] - 140:20
based [28] - 17:12,
17:13, 25:17, 49:17,
69:19, 70:8, 71:19,
115:18, 124:9, 135:2,
169:14, 177:18,
179:5, 180:4, 181:24,
189:5, 193:15, 251:4,
283:9, 289:2, 289:12,
317:10, 337:17,
338:2, 339:10, 340:5,
343:2
baseline [1] - 187:7
bases [3] - 8:8, 12:7,
72:19
basing [1] - 49:16
basis [2] - 88:25,
170:6
bathroom [10] -
151:15, 155:9,
157:18, 164:6,
165:15, 167:11,
240:2, 240:4, 240:6,
240:16
bearing [4] - 148:15,
332:25, 334:25, 336:6
become [3] - 9:17,
85:24, 223:22
becomes [1] - 328:4
bed [30] - 101:11,
101:14, 101:23,
102:20, 104:18,
116:8, 116:17,
118:11, 118:14,
118:16, 130:2, 155:7,
156:3, 156:7, 156:9,
156:14, 156:24,
158:13, 162:6,
164:24, 172:16,
239:7, 240:1, 240:21,
307:19, 308:6,
308:14, 319:1
bedroom [8] -
151:14, 158:10,
164:12, 164:14,
164:20, 164:21,
165:15, 167:11
bedrooms [4] -
150:10, 163:3, 164:9
beds [3] - 116:16,
151:14, 172:15
beef [1] - 29:16
beer [3] - 236:16,
236:17, 236:20
beforehand [1] -
326:4
began [1] - 48:15
begging [1] - 314:9
begin [3] - 83:5,
168:12, 280:20
beginning [21] -
41:22, 43:25, 50:1,
50:16, 53:15, 61:5,
74:24, 96:2, 105:15,
114:13, 114:16,
133:25, 147:8,

- 244:12, 261:11,
264:9, 269:18, 270:6,
301:5, 304:16, 305:24
behalf [2] - 5:14,
130:11
behavior [1] - 81:1
behavioral [1] -
169:16
behind [6] - 101:11,
155:21, 205:9,
236:21, 236:22,
261:14
beings [1] - 324:19
believability [2] -
148:25, 335:1
believable [2] -
290:5, 335:23
believes [2] - 6:1,
6:13
Bell [1] - 277:22
bell [1] - 211:16
below [4] - 152:11,
238:18, 345:7, 345:12
bench [2] - 82:21,
148:9
Bernadetta [1] -
267:15
Best [3] - 106:12,
108:10, 321:24
best [11] - 28:14,
36:21, 58:21, 59:6,
86:8, 114:10, 125:3,
179:16, 180:1,
190:23, 310:13
best's [1] - 322:12
Betania [4] - 121:12,
123:7, 123:15, 123:25
BETANIA [1] -
121:14
Betania's [7] - 123:1,
123:10, 124:10,
124:11, 142:1, 142:5,
142:8
Bethlehem [1] -
200:4
better [2] - 180:24,
344:17
between [37] - 18:2,
19:6, 23:15, 26:13,
26:22, 31:18, 32:24,
39:19, 51:17, 67:16,
68:25, 88:11, 101:2,
115:19, 131:9,
134:23, 137:1, 146:2,
175:18, 178:5, 178:9,
179:8, 195:5, 237:3,
237:6, 246:22,
264:13, 265:14,
266:9, 266:11, 279:2,
299:6, 307:3, 313:13,
315:15, 318:21, 319:3
beyond [37] - 20:12,
76:23, 79:17, 80:6,
88:23, 89:12, 91:20,
91:21, 169:13,
301:11, 301:13,
302:4, 303:21,
303:25, 304:6,
304:18, 317:3,
323:13, 324:22,
325:3, 325:7, 325:25,
326:6, 333:9, 334:8,
335:11, 337:9,
337:15, 337:20,
338:4, 338:9, 338:15,
338:21, 339:12,
341:2, 342:23, 349:17
bias [2] - 330:20,
343:7
big [8] - 116:17,
172:16, 172:18,
194:20, 236:16,
309:6, 309:25, 320:4
bigger [1] - 102:8
biggest [1] - 223:25
bill [3] - 261:12,
269:23, 273:1
binding [1] - 81:17
birth [1] - 94:6
bit [10] - 45:16, 46:3,
110:23, 111:2,
142:23, 161:21,
177:13, 206:25,
309:1, 315:10
Black [1] - 17:24
blank [3] - 234:24,
345:9, 345:12
blanks [1] - 283:3
block [2] - 153:19,
161:25
blowjob [1] - 57:22
blown [1] - 136:11
blows [1] - 322:14
blue [1] - 98:19
blunt [1] - 193:24
board [2] - 233:4,
314:7
boat [1] - 323:7
Bob [1] - 287:1
bodily [1] - 297:3
body [7] - 102:3,
157:14, 184:8,
184:19, 184:22,
185:18, 341:16
boil [2] - 243:1,
313:16
boils [1] - 15:20
bolstered [1] - 69:23
boob [1] - 102:19
book [1] - 291:11
books [1] - 202:22
boss [1] - 325:20
bottom [3] - 122:4,
188:16, 214:6
bounce [1] - 111:1
bound [5] - 81:10,
225:8, 299:2, 299:8,
299:18
BOXLEY [2] - 47:17,
174:16
Boxley [87] - 15:22,
17:1, 17:13, 18:2,
19:20, 20:6, 23:16,
24:14, 25:1, 25:25,
26:13, 26:15, 26:22,
28:4, 28:10, 28:20,
28:24, 29:6, 34:18,
36:5, 36:17, 37:25,
38:20, 39:8, 40:3,
40:7, 40:15, 47:5,
47:8, 47:23, 61:11,
64:20, 67:16, 67:20,
68:10, 71:2, 71:6,
71:13, 107:11, 131:1,
131:4, 131:17,
131:22, 132:2,
132:23, 135:17,
136:7, 137:1, 137:6,
137:10, 139:8,
139:15, 139:22,
140:7, 141:18,
141:21, 144:19,
144:21, 145:15,
146:2, 174:15,
174:21, 174:24,
174:25, 195:23,
198:11, 199:6,
265:15, 265:22,
266:13, 276:6, 310:1,
310:4, 310:9, 310:13,
311:16, 311:19,
312:19, 313:4,
320:13, 320:17,
321:7, 322:3, 322:16
Boxley's [5] - 37:9,
38:17, 64:8, 321:11,
321:12
boyfriend [64] - 6:18,
15:22, 16:14, 16:15,
19:13, 34:11, 34:15,
35:15, 42:10, 42:11,
42:15, 42:16, 44:21,
44:23, 66:23, 67:11,
87:21, 102:15, 103:1,
105:6, 107:6, 107:8,
107:10, 117:22,
119:17, 132:12,
132:13, 132:16,
139:3, 143:6, 143:10,
143:11, 143:12,
147:1, 147:2, 147:9,
147:12, 147:13,
147:17, 147:19,
147:21, 148:16,
153:24, 196:10,
310:23, 310:25,
312:11, 312:12,
312:15, 320:13,
321:3, 327:8
bra [3] - 103:14,
103:17, 103:22
brace [7] - 128:15,
129:9, 129:19,
129:22, 254:5, 254:7,
254:8
break [17] - 52:22,
52:25, 58:22, 59:7,
67:19, 67:22, 140:6,
161:7, 171:16, 183:5,
183:7, 183:8, 196:13,
243:15, 308:14,
321:8, 321:16
breaking [1] - 191:21
breaks [3] - 84:25,
266:9, 266:10
breast [6] - 87:18,
103:9, 103:11,
103:22, 118:2, 118:5
breath [2] - 151:17,
151:20
brief [5] - 87:4,
116:9, 169:3, 281:6,
324:12
Brief [1] - 233:21
briefly [7] - 7:14,
22:9, 32:3, 32:20,
97:18, 171:5, 195:19
bring [12] - 8:14,
93:7, 99:4, 99:6,
113:25, 128:7,
215:25, 240:19,
306:15, 321:21,
341:15, 341:17
bro [1] - 51:25
broke [17] - 34:19,
43:7, 44:9, 44:13,
44:16, 45:24, 49:1,
67:18, 134:4, 137:14,
140:1, 141:1, 178:21,
182:21, 195:3,
195:11, 247:13
broken [32] - 30:13,
42:12, 42:14, 42:16,
46:15, 48:23, 49:23,
52:18, 53:12, 59:2,
130:17, 132:6,
139:25, 140:10,
140:13, 140:14,
140:23, 145:16,
145:20, 145:24,
191:8, 191:15,
195:23, 310:17,
311:18, 312:1, 312:3,
312:4, 312:12,
312:14, 321:6, 321:15
brought [16] - 9:11,
25:25, 30:19, 30:24,
89:10, 91:25, 105:5,
106:21, 146:16,
169:7, 179:14,
191:19, 192:16,
192:18, 192:20, 241:3
brunette [1] - 318:9
brushing [1] - 155:6
bubble [1] - 98:20
building [28] - 99:20,
100:5, 100:13, 151:1,
151:3, 152:10,
153:13, 153:21,
154:1, 154:6, 158:25,
166:16, 209:10,
209:14, 210:20,
224:5, 224:8, 225:13,
229:1, 229:9, 229:16,
236:2, 236:15,
236:18, 238:12,
238:16, 238:17,
277:12
buildings [2] - 99:8,
207:23
bullet [2] - 313:17,
323:2
bunch [1] - 153:20
burden [21] - 76:23,
91:17, 91:19, 281:21,
286:15, 301:6,
301:10, 309:14,
315:25, 317:2, 317:3,
324:20, 333:9, 338:5,
338:7, 338:13,
338:18, 339:11,
339:13, 339:16
Burnap [1] - 222:10
Burnett [1] - 211:15
business [3] -
245:17, 245:18
bustle [1] - 207:15
buy [1] - 275:25
BY [45] - 22:21,
27:14, 32:7, 34:3,
36:8, 38:5, 39:15,
41:2, 42:1, 43:19,
45:14, 47:21, 58:19,
60:25, 61:10, 93:21,
110:18, 113:21,
138:16, 145:14,
149:8, 161:11,
171:25, 172:25,
174:20, 185:3,
185:15, 186:16,

195:22, 198:3,
198:25, 199:19,
201:2, 219:11, 221:7,
228:17, 233:3, 234:5,
244:8, 249:14,
251:18, 260:3, 263:1,
269:11, 271:13
bye [1] - 122:23

C

CA [7] - 106:10,
106:14, 106:25,
124:19, 125:2, 322:7
cab [2] - 253:17,
253:20
cafeteria [4] - 9:1,
99:8, 246:10, 246:13
camera [25] - 5:2,
9:10, 13:14, 13:19,
13:24, 14:2, 15:17,
16:22, 18:8, 21:15,
22:4, 22:23, 23:2,
23:9, 26:4, 47:4, 74:1,
74:17, 169:5, 171:13,
210:10, 210:19,
230:18, 281:7, 298:10
cameras [8] -
207:22, 207:25,
208:2, 208:6, 210:15,
224:13, 224:16,
224:18
campus [14] - 30:7,
99:7, 105:21, 108:22,
124:22, 204:3,
207:13, 209:9, 222:5,
238:10, 247:23,
266:25, 267:22,
267:24
Campus [1] - 95:11
cancelled [2] -
114:18, 114:20
cannot [4] - 68:10,
86:7, 317:2
capabilities [2] -
84:23, 85:5
caption [1] - 345:4
carbon [3] - 213:6,
219:13, 219:17
card [6] - 100:6,
100:16, 151:4, 154:1,
211:7, 222:7
care [7] - 28:12,
36:19, 190:22, 194:6,
196:2, 301:19, 319:8
cared [3] - 197:4,
197:7, 197:8
career [1] - 183:16
careful [3] - 301:16,
338:2, 338:25

carefully [4] - 80:10,
81:16, 298:21, 339:20
carried [2] - 158:13,
309:5
carrier [2] - 256:18,
273:21
carriers' [1] - 258:9
carrying [1] - 339:7
Case [1] - 222:10
case [132] - 6:21,
7:25, 8:8, 8:9, 11:18,
17:24, 22:23, 74:22,
75:14, 75:22, 76:11,
77:7, 77:11, 77:25,
78:11, 79:14, 80:17,
82:16, 83:11, 83:19,
83:21, 84:4, 84:5,
84:9, 84:19, 84:21,
85:2, 85:6, 85:7,
85:10, 85:12, 85:16,
86:4, 87:2, 87:13,
88:12, 89:1, 89:6,
90:1, 90:12, 91:11,
92:6, 93:4, 111:6,
111:10, 113:11,
148:7, 160:8, 160:9,
160:22, 168:6,
168:15, 168:20,
174:5, 174:9, 199:9,
200:5, 200:17,
201:17, 201:20,
201:24, 203:16,
203:24, 211:10,
211:23, 212:2,
212:16, 222:9,
222:17, 223:6,
227:21, 229:22,
230:23, 230:25,
231:9, 231:22, 232:8,
232:18, 233:8,
233:16, 236:16,
242:19, 258:12,
259:7, 260:2, 278:15,
286:14, 288:21,
293:20, 295:9,
300:12, 301:5, 301:7,
304:16, 304:18,
304:19, 304:22,
305:7, 305:10,
313:15, 316:23,
317:3, 324:14,
329:20, 330:20,
330:24, 333:3, 333:7,
334:7, 335:3, 335:6,
335:7, 336:9, 338:20,
339:19, 340:5,
340:13, 340:18,
342:9, 342:24, 344:4,
345:5, 345:7, 345:8,
346:5, 346:9, 347:14,

349:14, 349:16,
350:13
cases [9] - 201:11,
201:23, 209:24,
214:20, 226:19,
318:22, 319:4, 319:7,
336:21
casts [1] - 331:5
casual [1] - 83:25
catch [1] - 151:20
causation [1] - 69:1
caused [4] - 79:20,
79:22, 341:4, 341:6
cautionary [2] -
70:22, 71:22
cautious [1] - 268:6
CD [2] - 256:24,
257:11
cell [10] - 98:25,
260:9, 260:17,
262:21, 263:7, 263:9,
269:13, 269:16,
273:8, 273:20
cellphone [2] -
258:9, 273:15
cellphones [1] -
168:22
cellular [5] - 84:22,
85:3, 257:24, 263:3,
324:4
Center [3] - 251:1,
253:15, 272:1
center [3] - 247:24,
249:1, 249:15
certain [8] - 18:18,
169:9, 244:13,
261:15, 298:24,
299:16, 304:2, 350:16
certainly [4] - 70:22,
340:10, 350:1, 350:7
certainty [5] -
301:25, 302:2,
303:17, 303:19,
303:23, 338:21
certification [1] -
257:14
chair [2] - 172:17,
172:20
chairs [1] - 172:19
challenge [1] - 6:19
Chambers [1] - 5:8
chambers [3] -
12:17, 281:4, 281:9
chance [7] - 47:12,
60:8, 128:11, 132:7,
204:22, 219:12,
265:10
change [1] - 344:9
changed [3] -
150:22, 153:19, 156:6

changing [1] -
296:18
character [7] - 20:1,
69:13, 72:4, 148:20,
181:4, 283:16, 332:10
charge [41] - 73:11,
73:13, 73:24, 76:15,
78:9, 78:20, 79:1,
79:11, 79:17, 89:3,
92:10, 106:16,
207:13, 213:1,
231:15, 241:12,
242:3, 242:4, 281:12,
282:21, 286:21,
288:16, 291:8, 292:1,
292:18, 293:25,
296:14, 296:24,
297:4, 313:24, 314:2,
314:8, 317:21,
327:24, 340:18,
342:18, 344:24,
345:8, 347:12, 347:15
charged [10] - 76:2,
76:13, 160:10,
235:11, 241:25,
334:7, 334:8, 338:8,
340:13, 340:24
charges [12] -
200:11, 200:13,
212:16, 213:4,
213:13, 220:22,
235:14, 241:1,
241:21, 294:19,
313:25, 314:8
chastity [5] - 65:25,
69:6, 69:13, 72:5,
148:19
chattering [2] -
192:1, 192:3
cheated [2] - 192:2,
197:16
cheating [3] -
193:23, 197:23,
197:24
check [3] - 47:14,
202:24, 203:2
chief [1] - 174:10
choose [2] - 263:17,
336:2
chunk [1] - 270:22
circulating [4] -
53:13, 53:15, 53:16,
53:19
circumstances [6] -
70:11, 88:7, 97:7,
215:9, 321:16, 332:25
circumstantial [9] -
281:20, 336:14,
336:17, 336:21,
336:24, 337:5, 337:7,

337:12, 337:17
citing [1] - 16:2
citizen [1] - 349:19
citizens [2] - 350:6,
350:9
citizenship [1] -
75:25
claim [4] - 30:23,
66:9, 66:10, 120:15
claimed [2] - 112:4,
121:8
claiming [3] -
184:23, 212:22, 267:7
claims [5] - 19:17,
25:11, 25:12, 63:25,
267:5
clarification [3] -
18:3, 18:23, 283:19
clarified [1] - 309:1
clarify [18] - 38:15,
40:14, 111:3, 131:21,
133:3, 135:10,
142:13, 144:19,
161:17, 165:5,
173:11, 181:11,
206:21, 210:9,
252:14, 265:17
clarifying [1] - 258:7
clarion [1] - 278:1
Clarion [38] - 47:25,
48:17, 76:12, 86:23,
87:1, 87:14, 94:14,
94:18, 94:21, 94:23,
95:11, 175:1, 175:3,
183:16, 184:6, 185:4,
185:16, 199:23,
207:1, 207:2, 207:5,
207:21, 207:22,
208:21, 209:9,
209:22, 220:13,
230:12, 234:14,
248:3, 251:1, 253:15,
253:22, 264:8, 272:1,
276:24, 277:8, 349:19
class [26] - 189:10,
189:11, 193:2,
243:11, 243:14,
243:15, 244:13,
244:16, 245:17,
245:20, 245:21,
245:23, 246:4, 246:6,
248:8, 248:11,
248:13, 248:18,
248:21, 252:5, 255:3,
255:10, 272:2, 297:17
classes [13] -
112:23, 113:3,
114:17, 114:20,
115:2, 115:20,
159:19, 159:21,

- 243:3, 243:5, 243:6,
243:8, 243:10
classify [1] - 39:18
classmates [1] -
245:7
classroom [2] -
243:5, 243:8
classrooms [1] -
120:7
clean [3] - 59:10,
67:22, 195:12
cleaned [1] - 153:5
clear [9] - 9:17,
116:21, 129:25,
181:20, 210:19,
218:3, 228:21, 311:5,
329:17
clearly [1] - 159:14
clenched [2] - 157:6,
157:11
click [2] - 98:14,
98:16
client [1] - 72:14
clip [1] - 250:3
close [17] - 76:7,
83:22, 86:12, 106:11,
111:14, 136:3,
152:21, 153:2, 153:4,
168:10, 252:7, 252:9,
284:3, 328:16,
328:24, 340:9, 344:22
closed [7] - 119:6,
119:7, 121:5, 122:21,
153:5, 153:12, 308:16
closer [3] - 46:18,
46:20, 46:21
closet [4] - 151:9,
151:13, 162:20,
167:12
closing [21] - 73:4,
78:8, 89:2, 91:21,
92:7, 280:18, 289:7,
296:6, 298:14,
298:18, 299:25,
300:1, 300:7, 300:13,
300:18, 301:3,
317:24, 319:12,
322:13, 328:4, 344:15
clothing [4] - 103:12,
193:16, 193:20,
341:21
cloud [1] - 193:4
clue [1] - 109:12
coat [1] - 151:10
coats [1] - 163:23
code [2] - 260:12,
261:18
codes [1] - 261:1
coerced [1] - 108:6
collapsed [3] -
157:25, 158:12,
240:18
collect [4] - 201:15,
204:10, 210:4, 317:1
collected [5] - 85:10,
85:13, 91:13, 91:14,
317:13
collecting [4] -
202:2, 202:4, 202:7,
314:22
collects [2] - 200:12,
200:14
college [3] - 183:16,
242:25, 318:22
color [2] - 36:12,
273:3
combined [2] -
163:15, 163:17
comfortable [1] -
107:4
coming [10] - 8:9,
11:17, 48:17, 49:10,
65:4, 100:13, 100:17,
211:11, 224:25,
327:12
commence [1] -
74:19
commences [4] -
92:19, 169:5, 214:10,
270:13
commencing [3] -
5:2, 74:21, 281:7
comment [4] - 32:23,
292:8, 294:2, 319:12
comments [5] -
29:16, 75:19, 274:22,
274:24, 292:13
commercials [1] -
303:9
committed [4] -
184:9, 333:10,
333:11, 336:22
common [22] -
80:25, 88:13, 100:14,
155:8, 255:25,
283:11, 283:21,
285:8, 285:11,
285:14, 285:16,
302:14, 312:10,
312:21, 314:11,
318:8, 318:10,
318:18, 332:6,
336:19, 340:3, 343:4
Commons [6] - 97:9,
97:11, 97:17, 105:19,
205:10
Commonwealth [60]
- 4:3, 5:6, 5:16, 6:3,
12:19, 20:17, 70:4,
70:20, 71:20, 74:22,
76:2, 76:11, 76:23,
77:6, 77:12, 79:15,
80:5, 86:18, 90:3,
90:15, 91:19, 92:13,
174:6, 174:9, 217:4,
262:18, 280:11,
286:15, 289:20,
293:16, 294:10,
295:6, 300:19, 301:4,
301:6, 301:10,
303:24, 304:18,
304:22, 305:15,
306:9, 309:1, 311:25,
314:6, 314:14, 315:8,
315:14, 315:16,
317:1, 317:6, 317:14,
323:19, 333:8, 338:3,
338:6, 338:18,
338:20, 339:11,
339:15, 343:8
Commonwealth's
[10] - 6:22, 21:23,
70:24, 77:7, 77:25,
92:6, 170:8, 335:15,
338:12, 338:14
commotion [1] -
165:14
communicate [4] -
187:2, 203:3, 263:9,
329:21
communicated [4] -
71:2, 145:19, 260:17,
262:20
communication [10]
- 24:13, 28:20, 71:6,
71:12, 84:23, 85:4,
173:18, 175:13,
175:17, 261:5
communications [1]
- 66:22
community [3] -
183:21, 321:23,
322:16
Community [2] -
106:15, 108:10
companies [1] -
206:11
company [1] - 261:6
compared [2] -
70:19, 91:9
complaint [10] -
288:23, 289:1, 289:4,
289:8, 334:11,
334:14, 334:17,
334:20, 334:23
complete [4] - 20:10,
47:1, 135:3, 338:22
completed [1] -
345:14
completely [3] -
82:15, 83:20, 321:22
completes [1] - 33:8
complicated [2] -
90:13, 305:8
complies [14] -
32:21, 43:2, 46:8,
60:16, 114:3, 122:12,
128:10, 176:15,
188:6, 214:7, 257:9,
346:25, 347:6, 347:9
computer [3] -
84:22, 85:3, 315:24
computers [1] -
168:22
concept [1] - 64:11
concern [4] - 85:20,
141:17, 217:3, 343:13
concerned [5] -
70:21, 141:21,
214:15, 312:15,
344:17
concerning [7] -
75:8, 148:13, 289:19,
292:17, 335:14,
342:17, 344:24
concerns [2] - 131:5,
266:17
conclude [2] - 67:5,
338:2
concluded [1] -
351:3
concludes [3] -
74:17, 171:13, 298:10
conclusion [3] -
85:19, 337:3, 337:14
conclusive [1] -
334:21
conduct [26] - 13:4,
13:12, 13:14, 13:19,
13:23, 19:6, 20:16,
65:22, 84:8, 124:13,
213:1, 213:3, 213:10,
219:24, 231:6,
231:24, 232:1, 232:3,
232:7, 232:13, 233:4,
264:13, 307:22,
310:6, 314:7, 342:11
conducted [3] -
228:4, 228:5, 267:1
conducting [1] -
302:19
confide [1] - 196:4
confided [2] -
124:19, 125:2
confident [1] - 189:5
confidentiality [1] -
350:17
confiding [1] -
183:11
confirm [2] - 194:1,
194:3
confirmed [1] -
202:18
confirming [1] -
235:11
conflict [1] - 331:16
conflicting [2] -
288:17, 331:17
confront [8] - 17:18,
30:19, 30:21, 30:22,
131:4, 181:5, 197:9,
312:12
confrontation [3] -
65:11, 70:17, 137:21
confronted [26] -
20:1, 20:5, 29:17,
29:25, 30:4, 57:16,
58:7, 58:11, 59:21,
59:25, 61:25, 64:13,
65:2, 71:13, 136:25,
137:11, 137:17,
140:12, 145:23,
181:7, 193:8, 193:13,
193:19, 193:22,
320:14, 320:17
confronting [5] -
19:24, 180:16, 181:2,
193:10, 197:7
confronts [1] -
165:10
confused [2] -
127:13, 330:18
confusing [4] -
110:24, 111:2,
117:20, 165:22
confusion [1] -
146:18
Congratulation [1] -
325:16
conjecture [4] -
13:13, 13:16, 13:18,
13:23
conjunction [1] -
252:10
connected [5] -
78:22, 183:21, 184:8,
185:18, 273:11
connections [1] -
227:16
conquer [1] - 325:7
conscientiously [1] -
343:10
conscious [1] -
185:24
consciously [1] -
342:4
consensual [6] -
69:7, 235:20, 278:22,
319:19, 319:21,
323:23

- consent** [10] - 73:12, 79:23, 80:1, 146:13, 206:2, 290:11, 290:21, 334:10, 341:7, 341:22
consented [1] - 93:3
consenting [1] - 342:6
consents [1] - 319:9
consequences [1] - 343:14
consider [44] - 22:1, 72:4, 73:6, 78:21, 81:15, 82:8, 83:13, 90:22, 90:24, 91:2, 91:8, 91:12, 91:24, 91:25, 148:18, 260:1, 282:17, 286:12, 288:9, 298:20, 298:23, 299:9, 299:10, 299:14, 300:15, 301:3, 302:22, 304:4, 305:18, 305:19, 318:17, 326:9, 330:4, 331:4, 332:20, 333:6, 333:21, 334:19, 336:4, 339:18, 339:20, 340:22, 342:20, 343:9
considerable [4] - 92:6, 215:16, 307:16, 342:25
consideration [4] - 14:1, 259:7, 338:3, 344:6
considered [17] - 148:21, 148:23, 242:17, 253:2, 282:5, 283:12, 289:22, 290:1, 290:3, 332:7, 334:17, 335:2, 335:17, 335:20, 335:21, 337:12, 341:24
considering [5] - 71:17, 278:24, 326:10, 332:14, 341:22
consistency [2] - 305:18, 310:22
consistent [11] - 17:20, 20:6, 115:15, 196:25, 204:5, 219:16, 228:22, 236:2, 261:19, 266:7, 313:8
consistently [1] - 179:17
constitute [3] - 13:17, 76:22, 298:20
Constitution [1] - 76:20
consult [6] - 170:13, 202:9, 202:25, 203:2, 212:7, 343:25
consultation [2] - 203:7, 203:10
contact [30] - 16:11, 16:12, 24:25, 25:2, 30:10, 32:13, 40:20, 79:19, 79:21, 79:23, 103:25, 140:18, 146:24, 148:14, 179:8, 202:14, 263:4, 264:2, 264:3, 289:21, 335:16, 341:4, 341:5, 341:6, 341:12, 341:13, 341:18, 341:20, 342:6
contacted [6] - 133:13, 166:7, 205:3, 205:16, 271:4, 310:24
contacting [2] - 215:17, 271:3
contacts [1] - 311:23
contained [3] - 18:24, 115:1, 134:13
contains [3] - 209:5, 229:6, 229:8
contemporaneous y [1] - 295:24
confend [1] - 14:19
content [5] - 20:14, 37:3, 215:6, 257:10, 257:11
contents [3] - 12:20, 19:13, 295:6
contest [12] - 88:9, 160:6, 241:7, 241:15, 241:17, 242:14, 283:4, 284:17, 284:22, 284:25, 285:3, 332:1
context [4] - 215:14, 216:19, 216:22, 216:24
continuation [1] - 22:13
continue [4] - 246:16, 261:14, 263:18, 266:8
continued [1] - 189:12
contractor [1] - 234:12
contractors [1] - 206:11
contracts [1] - 234:13
contradicted [1] - 331:1
contradictory [1] - 330:18
contrary [1] - 67:15
control [1] - 207:4
conversation [62] - 12:1, 19:22, 23:23, 24:12, 25:24, 31:14, 31:16, 32:11, 32:16, 38:2, 49:6, 50:14, 50:16, 50:19, 51:12, 51:15, 53:25, 55:3, 55:8, 56:2, 83:24, 93:11, 97:1, 97:17, 101:2, 101:16, 108:18, 116:9, 135:17, 136:24, 139:16, 141:2, 166:11, 175:16, 175:22, 176:8, 176:10, 181:14, 182:2, 186:6, 187:15, 189:8, 189:12, 192:10, 205:11, 237:4, 265:23, 266:5, 266:7, 302:15, 310:2, 310:6
conversations [5] - 45:3, 62:11, 83:25, 135:8, 188:8
convict [2] - 314:13, 323:14
convicted [16] - 88:9, 160:6, 160:18, 172:9, 241:4, 277:18, 277:24, 283:4, 284:17, 284:19, 284:22, 284:25, 285:2, 318:16, 319:18, 331:25
conviction [8] - 88:25, 268:12, 282:14, 282:17, 289:12, 318:13, 335:9, 344:11
convictions [1] - 281:16
convince [3] - 91:19, 153:14, 337:15
convinced [8] - 89:12, 301:13, 301:24, 304:4, 316:22, 324:17, 334:7, 344:9
convinces [3] - 335:10, 337:9, 337:19
convincing [2] - 91:17, 330:15
cool [1] - 28:16
Cool [1] - 239:21
cop [1] - 207:7
copied [3] - 219:13, 232:10, 268:25
copies [3] - 135:11, 249:4, 313:23
copy [17] - 5:19, 26:11, 41:17, 73:17, 176:17, 181:20, 213:6, 214:4, 219:17, 225:22, 225:24, 230:11, 260:4, 281:24, 314:25, 340:16, 340:17
copying [1] - 230:8
cordial [1] - 116:9
core [1] - 305:10
Corporal [21] - 8:4, 9:9, 86:24, 88:1, 111:10, 111:15, 199:14, 201:3, 214:9, 221:5, 228:13, 268:25, 294:14, 295:3, 305:12, 306:18, 314:18, 322:23, 326:15, 326:17, 326:19
CORPORAL [1] - 199:15
corporal [4] - 199:21, 219:12, 221:3, 228:18
Corporation [2] - 257:19, 259:15
correct [82] - 27:22, 31:1, 31:5, 31:11, 42:22, 50:9, 51:4, 58:14, 58:16, 58:24, 59:3, 59:19, 60:6, 61:3, 61:6, 61:17, 61:21, 65:19, 95:6, 104:15, 105:23, 113:10, 130:16, 130:20, 133:6, 134:2, 134:11, 135:17, 139:19, 149:20, 152:5, 154:19, 160:4, 160:20, 163:6, 163:10, 164:5, 164:8, 164:11, 164:13, 164:15, 165:1, 165:8, 173:16, 177:8, 178:23, 178:25, 179:22, 181:13, 182:8, 182:19, 182:25, 183:4, 183:15, 186:1, 187:23, 188:2, 188:11, 188:15, 188:21, 189:4, 189:13, 189:22, 190:2, 190:7, 190:10, 192:24, 195:15, 196:18, 196:22, 206:9, 229:24, 230:5, 249:4, 273:6, 273:12, 274:12, 278:7, 290:18, 294:7, 296:17, 328:13
correcting [1] - 188:22
correctly [5] - 192:11, 208:7, 212:25, 226:14, 227:12
correlation [1] - 68:25
correspondence [1] - 212:21
corresponds [1] - 321:19
corroboration [1] - 295:17
corroborative [1] - 229:19
costs [1] - 277:12
couch [5] - 155:2, 164:17, 165:2, 165:18, 167:5
couches [1] - 172:19
counsel [6] - 8:10, 12:18, 22:15, 76:22, 93:5, 281:23
Counsel [2] - 5:10, 12:23
counter [3] - 6:13, 170:20, 249:20
country [1] - 350:5
counts [1] - 324:8
County [5] - 76:12, 86:23, 235:12, 283:5, 349:19
couple [19] - 29:24, 41:3, 53:22, 96:19, 118:9, 118:25, 125:1, 139:1, 159:6, 161:6, 161:14, 171:6, 188:4, 219:21, 270:8, 302:21, 303:10, 308:9, 322:10
course [11] - 15:15, 78:4, 188:23, 214:11, 226:18, 242:15, 242:22, 243:2, 246:17, 282:9, 344:7
courses [1] - 244:13
coursework [2] - 244:9, 247:7
Court [19] - 6:21, 12:22, 13:6, 13:8,

13:15, 13:18, 13:25,
15:5, 22:1, 33:12,
65:12, 66:18, 69:4,
70:21, 76:16, 85:17,
280:22, 299:24, 346:5

COURT [206] - 5:4,
7:15, 9:13, 9:24, 10:4,
11:2, 11:8, 11:15,
11:20, 12:8, 12:15,
14:22, 15:1, 15:3,
18:3, 18:10, 21:3,
21:8, 21:10, 21:14,
21:18, 21:22, 21:25,
22:13, 26:8, 27:1,
27:4, 27:8, 27:12,
33:7, 33:11, 33:16,
33:19, 33:22, 36:2,
37:15, 37:20, 37:24,
38:15, 39:7, 39:13,
40:13, 40:21, 40:24,
41:22, 45:12, 47:1,
47:3, 47:9, 47:14,
60:23, 61:10, 62:14,
62:18, 62:22, 63:6,
63:12, 63:14, 63:16,
63:22, 65:5, 65:8,
65:12, 65:16, 66:14,
70:2, 70:24, 72:11,
72:13, 72:23, 73:2,
73:8, 73:17, 74:14,
74:20, 75:4, 89:15,
89:18, 92:12, 110:14,
113:20, 138:13,
145:10, 148:2, 148:5,
161:9, 167:25, 168:4,
168:9, 170:4, 170:17,
171:1, 171:9, 171:12,
171:15, 174:1, 174:3,
174:7, 185:2, 185:11,
186:10, 195:18,
198:12, 198:23,
199:5, 199:12,
200:25, 215:3,
215:10, 216:4,
216:12, 217:11,
217:23, 218:22,
219:1, 219:10,
228:14, 233:11,
233:22, 244:5,
249:10, 251:15,
258:14, 258:22,
259:2, 259:17,
259:23, 262:15,
262:24, 269:8,
270:12, 270:14,
270:25, 271:10,
280:3, 280:7, 280:11,
280:14, 281:8,
284:10, 284:14,
285:2, 285:13,
285:17, 285:19,

286:8, 287:8, 287:13,
287:16, 287:19,
288:3, 288:8, 288:15,
288:20, 289:8,
289:10, 289:16,
290:10, 290:19,
290:24, 291:3, 291:8,
291:12, 291:23,
292:1, 292:4, 292:21,
293:5, 293:24, 294:4,
294:12, 295:4,
296:14, 296:18,
296:23, 297:4, 297:7,
297:22, 297:25,
298:7, 298:12,
317:23, 328:1, 345:2,
346:17, 346:23,
347:1, 347:4, 347:7,
347:10, 347:16,
347:20, 347:25,
348:3, 348:6, 348:9,
348:12, 348:15,
348:18, 348:21,
348:24, 349:2, 349:5,
349:8, 349:11, 351:2
court [38] - 13:10,
13:13, 13:19, 14:1,
14:3, 49:10, 66:20,
83:22, 85:9, 91:10,
109:23, 113:11,
132:20, 169:2,
233:20, 234:19,
241:12, 281:5,
294:16, 305:25,
310:25, 346:18,
346:19, 347:22,
348:1, 348:4, 348:7,
348:10, 348:13,
348:16, 348:19,
348:22, 348:25,
349:3, 349:6, 349:9,
350:24, 351:2
court's [1] - 67:2
Court's [5] - 15:13,
17:20, 67:8, 74:11,
283:9
courtesy [1] - 344:19
courthouse [1] -
127:6
courtroom [7] -
41:14, 110:7, 298:8,
310:22, 317:18,
343:21, 349:13
courts [1] - 209:13
cover [5] - 8:8,
49:21, 72:19, 321:5,
321:12
coverage [1] - 213:2
covered [3] - 221:13,
221:15, 221:16

covering [1] - 12:6
covers [1] - 156:25
crap [5] - 214:13,
216:10, 216:11,
218:8, 239:11
credibility [38] -
6:19, 65:13, 65:15,
66:12, 68:3, 80:18,
80:19, 80:20, 81:6,
81:12, 92:3, 148:24,
281:11, 281:12,
282:11, 282:18,
283:21, 283:23,
285:20, 285:22,
288:11, 288:12,
288:14, 290:16,
323:11, 326:10,
329:23, 330:5,
331:13, 331:15,
331:19, 331:22,
332:16, 332:25,
333:23, 334:2, 336:6
credible [4] - 70:4,
90:25, 290:5, 335:23
credit [2] - 276:23,
310:12
credits [2] - 242:24,
244:10
cried [2] - 254:16
crier [1] - 275:23
crime [20] - 76:2,
201:12, 202:14,
226:25, 286:12,
287:11, 287:21,
296:24, 333:5,
333:10, 333:11,
334:7, 334:15,
336:22, 337:24,
338:8, 338:9, 338:10,
339:5, 340:13
crimes [1] - 235:12
Criminal [1] - 299:23
criminal [22] - 76:14,
76:17, 169:9, 169:10,
169:16, 207:17,
213:4, 230:23,
230:25, 231:22,
281:15, 282:14,
283:16, 283:24,
294:19, 313:24,
313:25, 314:8,
332:11, 336:21,
337:22, 340:18
critical [1] - 91:12
cross [16] - 19:10,
19:19, 40:25, 63:9,
72:15, 72:16, 72:18,
72:20, 77:21, 78:4,
110:14, 165:3,
170:13, 215:20,

271:2, 308:22
CROSS [9] - 27:13,
41:1, 58:18, 110:17,
161:10, 172:24,
186:15, 221:6, 269:10
crossed [1] - 157:5
crude [1] - 24:6
crying [2] - 240:8,
275:23
Cui [2] - 245:14,
245:15
CUI [1] - 245:16
cum [7] - 24:10,
56:21, 56:25, 57:14,
57:17, 57:21, 58:2
cumulative [4] -
14:7, 14:12, 292:16,
292:19
curled [1] - 158:1
customer [1] -
159:15
cut [1] - 36:22

D

D.C [1] - 234:12
DA's [1] - 295:25
danger [1] - 69:3
dark [3] - 156:19,
164:22, 318:9
darker [3] - 26:18,
36:12, 51:3
DAROLD [3] - 22:10,
234:1, 234:8
Darold [49] - 5:6, 8:2,
8:12, 8:13, 9:2, 9:4,
35:17, 35:21, 38:4,
45:3, 49:7, 74:23,
76:1, 87:15, 95:19,
110:6, 110:12,
112:22, 131:6,
132:13, 132:17,
132:24, 133:5,
134:16, 134:23,
135:6, 141:5, 147:5,
147:10, 152:3,
175:14, 175:18,
176:2, 176:8, 182:3,
186:23, 187:4,
187:19, 194:12,
212:22, 233:25,
234:8, 300:6, 310:24,
311:3, 312:8, 318:9,
321:2, 321:9
Darold's [1] - 39:3
data [3] - 99:2,
146:13, 230:13
date [37] - 16:7, 16:8,
25:24, 44:6, 44:7,
94:6, 106:4, 122:1,
126:14, 127:24,
128:2, 130:13,
130:21, 167:17,
176:23, 180:7,
182:24, 187:14,
195:12, 213:25,
220:17, 220:22,
223:10, 223:24,
226:1, 260:6, 264:17,
271:15, 276:15,
303:11, 305:23,
306:2, 306:5, 307:10,
313:22
dated [4] - 5:19,
15:17, 44:4, 58:22
dates [14] - 44:2,
45:16, 45:17, 49:12,
56:6, 62:11, 68:25,
127:13, 206:20,
213:2, 224:3, 248:21,
261:8, 314:15
dating [51] - 34:14,
41:7, 42:9, 43:4,
43:10, 48:5, 48:9,
48:12, 48:15, 55:22,
55:24, 59:15, 60:18,
61:2, 61:4, 64:13,
65:1, 68:1, 130:15,
130:19, 130:22,
130:24, 132:2, 132:4,
132:23, 133:5, 133:8,
139:23, 175:8,
175:10, 175:12,
178:16, 180:13,
181:3, 194:14,
194:17, 194:23,
195:1, 195:8, 195:13,
195:14, 196:24,
197:4, 197:9, 197:13,
302:16, 310:8, 311:2,
311:7, 311:8, 311:17
days [18] - 62:12,
68:18, 97:13, 139:18,
152:2, 159:6, 166:4,
166:5, 178:13, 188:8,
213:4, 220:15, 224:4,
231:18, 245:13,
314:3, 321:20, 322:10
days' [1] - 220:23
deal [13] - 75:7,
75:10, 82:17, 122:23,
160:16, 194:20,
214:14, 216:10,
249:17, 268:5, 308:3,
309:6, 323:1
dealing [3] - 244:12,
253:11, 307:16
deals [1] - 290:10
dear [1] - 350:8
debated [1] - 252:25

- December** [23] - 50:2, 195:6, 212:17, 212:18, 212:20, 213:16, 213:20, 214:1, 220:2, 220:5, 220:17, 220:19, 220:21, 220:25, 231:15, 231:18, 232:16, 232:19, 232:21, 268:23, 269:3, 294:20, 313:21
- decide** [22] - 69:14, 70:7, 70:11, 75:25, 78:13, 78:15, 78:25, 79:8, 82:5, 82:9, 88:14, 107:25, 330:1, 331:17, 335:24, 340:5, 342:9, 342:13, 342:17, 342:22, 344:4, 345:19
- decided** [6] - 9:2, 10:18, 10:24, 12:12, 106:21, 343:17
- deciding** [12] - 80:16, 80:22, 82:16, 85:16, 330:5, 334:3, 334:18, 336:7, 336:23, 339:19, 343:3, 349:16
- decision** [10] - 73:22, 74:12, 296:18, 301:18, 317:9, 325:21, 326:1, 326:7, 326:8, 342:24
- decisionmaking** [1] - 305:20
- dedication** [1] - 350:6
- defend** [1] - 270:19
- Defendant** [4] - 8:20, 12:24, 76:1, 300:6
- defendant** [89] - 4:5, 5:15, 6:6, 6:14, 6:15, 15:4, 16:24, 38:18, 69:6, 71:1, 76:13, 76:19, 76:20, 76:24, 77:1, 77:8, 78:1, 78:2, 79:1, 79:8, 79:19, 79:22, 79:24, 83:3, 83:8, 84:11, 85:21, 85:23, 87:15, 89:2, 89:13, 89:24, 170:18, 174:11, 281:13, 282:11, 282:14, 283:2, 283:15, 284:17, 285:8, 285:20, 286:9, 287:9, 288:4, 299:25, 306:13, 326:8, 327:21, 327:23, 331:25, 332:2, 332:10, 332:13, 332:19, 333:3, 333:10, 333:19, 334:6, 335:6, 335:9, 335:11, 337:11, 337:14, 337:17, 337:22, 337:25, 338:8, 338:16, 338:19, 339:9, 339:12, 339:13, 340:24, 340:25, 341:3, 341:6, 341:8, 341:12, 341:15, 341:17, 341:21, 342:1, 342:2, 342:8, 342:18, 342:22, 343:8, 343:15
- defendant's** [21] - 5:24, 27:6, 71:5, 71:8, 71:18, 77:9, 77:11, 79:25, 186:10, 282:19, 286:16, 332:14, 332:18, 332:22, 333:12, 333:16, 337:6, 337:9, 337:15, 337:19, 338:5
- Defendant's** [12] - 12:17, 27:5, 50:4, 186:3, 186:12, 188:4, 244:2, 244:6, 249:8, 249:11, 251:16, 258:15
- defendants** [1] - 84:1
- defending** [1] - 215:18
- Defense** [5] - 5:10, 12:23, 37:17, 251:13, 265:9
- defense** [34] - 12:10, 14:5, 14:14, 65:6, 68:25, 69:8, 69:9, 71:19, 76:14, 77:20, 77:25, 78:5, 89:5, 89:10, 91:18, 93:6, 199:14, 213:3, 213:11, 231:2, 232:12, 233:25, 278:13, 278:25, 280:10, 296:20, 301:7, 314:5, 314:10, 316:1, 322:14, 323:21, 327:3, 338:12
- defense's** [2] - 5:13, 256:20
- define** [1] - 292:8
- definitely** [5] - 115:9, 123:5, 223:21, 302:6, 306:1
- definition** [3] - 292:7, 301:14, 301:20
- definitive** [2] - 305:23, 316:5
- definitively** [3] - 178:16, 306:5, 314:12
- degrade** [1] - 326:15
- delay** [6] - 178:2, 178:5, 289:8, 334:11, 334:16, 334:20
- deleted** [4] - 176:21, 176:22, 231:19, 294:22
- deliberate** [10] - 78:13, 79:4, 83:9, 83:12, 300:16, 328:23, 336:5, 343:18, 344:1, 344:16
- deliberately** [3] - 84:16, 331:12, 335:24
- deliberating** [2] - 278:21, 343:22
- deliberation** [2] - 304:14, 329:13
- deliberations** [19] - 78:12, 81:9, 83:5, 84:24, 280:20, 282:3, 299:5, 299:15, 329:5, 340:15, 342:11, 343:7, 344:7, 345:18, 345:19, 346:7, 346:20, 350:16, 350:18
- delivered** [1] - 178:1
- delivery** [1] - 173:19
- demeanor** [2] - 170:1, 276:13
- democracy** [1] - 350:5
- demolished** [1] - 95:14
- demonstrate** [2] - 66:2, 338:22
- demonstrated** [1] - 92:4
- denied** [1] - 296:20
- deny** [8] - 70:12, 178:22, 191:11, 191:17, 191:22, 194:1, 194:3, 196:17
- denying** [2] - 215:2, 217:4
- departing** [1] - 230:2
- department** [8] - 199:25, 202:19, 207:18, 209:7, 209:20, 267:18, 268:19, 277:10
- Department** [3] - 87:1, 199:23, 230:12
- depended** [1] - 246:12
- deputy** [1] - 266:23
- describe** [23] - 77:3, 97:7, 104:20, 104:23, 110:9, 134:13, 139:11, 150:8, 150:25, 151:1, 152:6, 162:17, 186:22, 235:18, 244:9, 251:20, 265:3, 274:15, 308:3, 311:20, 330:9, 330:12
- described** [9] - 68:17, 163:1, 237:10, 274:14, 274:17, 278:9, 307:23, 323:1, 345:21
- describes** [1] - 308:8
- describing** [1] - 118:10
- description** [4] - 182:15, 182:17, 236:1, 301:23
- descriptions** [1] - 274:11
- deserves** [2] - 331:23, 333:2
- desire** [2] - 341:20, 347:17
- desk** [2] - 172:16, 172:20
- detail** [6] - 13:5, 14:20, 80:3, 162:17, 306:21, 331:9
- detailed** [2] - 79:10, 267:4
- details** [7] - 103:8, 161:17, 196:7, 196:10, 227:4, 227:16, 247:12
- detective** [1] - 74:3
- detectives** [1] - 160:11
- determination** [7] - 18:18, 20:25, 66:18, 69:14, 292:22, 323:9, 323:11
- determine** [6] - 13:11, 14:4, 156:22, 325:3, 327:18, 345:22
- determining** [4] - 148:24, 286:14, 326:3, 333:8
- developed** [1] - 119:10
- device** [7] - 84:23, 85:4, 182:3, 205:25, 248:9, 248:10, 315:19
- devices** [5] - 84:25, 85:11, 85:14, 168:23, 315:21
- dialed** [1] - 259:13
- dialled** [1] - 259:21
- dick** [1] - 239:22
- different** [12] - 56:18, 93:5, 119:1, 145:17, 164:18, 169:25, 210:22, 228:10, 270:3, 311:15, 318:5, 336:9
- difficult** [4] - 10:5, 142:3, 142:19, 151:17
- dlg** [1] - 227:16
- digit** [6] - 260:12, 260:13, 260:15, 260:16, 260:25, 261:18
- dilutes** [1] - 66:10
- dining** [5] - 151:10, 155:11, 163:12, 163:14, 163:16
- dinner** [1] - 194:22
- direct** [7] - 65:10, 72:21, 262:23, 281:20, 295:17, 316:10, 336:10
- DIRECT** [9] - 22:20, 34:2, 47:20, 93:20, 149:7, 171:24, 174:19, 199:18, 234:4
- directed** [1] - 217:1
- directing** [1] - 346:9
- direction** [2] - 122:22, 203:14
- directly** [4] - 152:10, 167:9, 292:13
- director** [2] - 277:9, 277:17
- disability** [1] - 330:14
- disagree** [1] - 215:13
- disagreed** [1] - 90:19
- disbelieve** [2] - 332:17, 336:3
- discharge** [1] - 83:20
- disciplinary** [2] - 216:21, 216:22
- discipline** [1] - 216:20
- disclose** [2] - 85:1, 85:6
- disclosed** [1] - 170:7
- disconnected** [1] - 273:1
- discrepancy** [1] - 299:6
- discuss** [15] - 82:20, 83:11, 83:21, 84:18, 86:4, 148:6, 168:5, 168:14, 174:4, 199:7,

- 233:16, 298:5, 325:2,
339:23, 346:10
discussed [2] -
50:23, 111:9
discussion [20] -
5:2, 5:3, 12:17, 14:16,
55:1, 74:17, 92:19,
138:21, 148:11,
169:5, 171:13,
172:12, 189:14,
214:10, 223:12,
270:13, 270:20,
281:7, 281:17, 298:10
discussions [1] -
228:9
disjointed [1] -
195:24
display [1] - 177:22
displays [2] - 30:16,
177:24
dispute [2] - 289:3,
324:5
disputed [2] - 83:4,
321:24
disregard [2] -
82:15, 342:8
disregarded [1] -
342:6
disregards [1] -
342:4
distinct [2] - 178:9,
222:15
distinctly [1] -
136:17
District [8] - 5:9,
5:18, 76:12, 77:4,
77:16, 86:17, 86:23,
317:23
district [22] - 76:22,
77:24, 78:4, 79:13,
89:21, 200:14,
202:10, 202:14,
202:19, 203:17,
210:4, 212:3, 212:7,
217:1, 218:23, 219:2,
230:14, 231:1, 241:3,
300:2, 325:9, 325:16
divided [1] - 303:20
Division [1] - 238:9
divulges [1] - 310:11
DNA [1] - 88:18
doctor [7] - 127:2,
248:3, 271:3, 271:4,
272:6, 272:15, 274:7
Doctor [1] - 274:16
doctor's [2] - 271:19,
272:5
doctors [1] - 272:13
document [9] - 4:6,
4:7, 4:7, 4:8, 4:8,
76:15, 76:17, 176:16,
291:24
documentation [3] -
109:24, 253:21,
274:22
documents [2] -
77:18, 115:6
done [11] - 40:6,
68:14, 76:8, 88:1,
150:21, 153:16,
227:3, 227:4, 315:1,
316:21, 344:2
door [43] - 101:12,
101:17, 103:4,
105:10, 105:12,
119:4, 119:6, 120:20,
121:4, 121:6, 122:19,
122:21, 123:3,
123:16, 123:24,
124:10, 155:12,
156:4, 156:5, 157:18,
157:24, 158:2, 158:3,
158:10, 158:16,
164:6, 165:14,
165:16, 167:11,
167:12, 210:14,
210:17, 225:14,
236:19, 236:23,
237:13, 237:15,
240:6, 302:8, 302:10,
308:16, 309:9
doors [8] - 100:4,
208:8, 208:9, 210:12,
210:13, 211:3, 211:5,
224:18
doorway [7] -
155:12, 155:14,
155:16, 163:24,
164:2, 167:13, 172:14
dorm [15] - 95:22,
105:16, 105:22,
120:8, 120:11,
141:11, 154:22,
224:13, 224:19,
266:20, 278:5, 278:6,
323:6, 323:8, 323:10
dormitories [3] -
95:10, 222:6, 224:15
dormitory [2] -
87:24, 225:1
dorms [9] - 95:8,
96:11, 99:3, 100:15,
277:2, 277:3, 277:7,
277:25, 322:17
double [3] - 225:14,
234:18, 277:23
doubt [56] - 76:24,
79:17, 80:6, 88:24,
89:13, 91:20, 91:21,
177:7, 180:2, 180:6,
286:18, 286:19,
301:11, 301:13,
301:15, 301:16,
302:4, 303:25, 304:7,
304:11, 304:19,
305:4, 317:4, 317:5,
317:7, 317:9, 323:14,
324:17, 324:21,
324:22, 325:3, 325:4,
325:7, 325:25, 331:5,
333:9, 333:15, 334:8,
335:11, 337:10,
337:16, 337:20,
338:4, 338:9, 338:15,
338:21, 338:24,
339:2, 339:6, 339:12,
341:3, 342:23
down [48] - 9:11,
15:20, 36:22, 43:1,
67:1, 87:18, 100:11,
101:2, 102:7, 103:20,
104:3, 104:6, 104:24,
112:18, 117:7,
117:13, 121:19,
148:2, 153:25,
156:20, 157:10,
157:12, 165:25,
208:8, 218:4, 223:25,
226:25, 233:11,
243:1, 253:2, 253:8,
253:9, 253:21, 254:4,
254:5, 276:11, 280:7,
284:13, 290:17,
300:23, 304:14,
307:19, 313:16,
314:24, 319:1, 319:2,
322:21
download [5] -
146:9, 146:14, 206:5,
206:12, 230:13
downloaded [1] -
230:20
downstairs [9] -
99:19, 100:8, 100:21,
112:1, 112:8, 151:6,
205:14, 208:8, 325:1
Dr [2] - 274:25, 275:3
drag [1] - 59:7
dragging [1] - 59:11
drain [1] - 253:2
drained [1] - 252:25
drank [1] - 239:12
draw [7] - 50:13,
63:3, 64:25, 216:13,
298:24, 299:12, 343:4
drawn [1] - 81:14
dresser [1] - 172:17
Drew [6] - 5:10, 77:5,
86:22, 149:9, 317:24,
325:16
drinker [2] - 162:13,
239:13
driver [1] - 253:20
driving [1] - 327:6
dude [1] - 239:24
due [3] - 65:4,
261:12, 272:18
duly [2] - 75:3,
346:16
dumb [1] - 46:17
during [25] - 62:11,
76:9, 78:12, 78:19,
80:8, 81:9, 84:24,
84:25, 89:2, 94:23,
113:3, 168:14,
169:22, 175:8,
175:12, 225:18,
242:18, 262:23,
281:1, 300:17, 329:4,
345:18, 346:6,
346:12, 350:15
duties [4] - 75:24,
76:9, 343:1, 349:15
duty [8] - 328:4,
339:8, 339:22,
343:25, 349:18,
349:23, 349:24, 350:3
dynamics [1] -
169:19
-
- E**
-
- e-mail** [33] - 173:22,
203:5, 212:9, 212:10,
212:11, 213:5,
213:16, 214:3,
214:11, 215:14,
216:2, 216:23,
216:25, 218:22,
219:16, 219:20,
232:10, 232:15,
255:22, 255:23,
256:1, 263:11,
263:13, 263:16,
263:17, 268:16,
268:17, 268:22,
268:25, 269:3,
313:23, 314:4
e-mailing [1] - 272:5
e-mails [2] - 219:13,
256:1
Eagle [5] - 97:9,
97:11, 97:17, 105:19,
205:9
early [6] - 113:7,
138:6, 195:4, 203:10,
270:22, 306:2
easier [1] - 223:19
easily [2] - 225:13,
344:16
east [1] - 94:20
easy [4] - 90:14,
303:1, 303:17, 305:9
eat [2] - 246:11,
246:21
education [1] -
169:16
effect [14] - 10:14,
38:12, 68:3, 72:10,
117:22, 142:14,
291:15, 292:12,
311:1, 327:14, 329:7,
330:21, 336:1, 344:11
effectively [1] - 21:3
effort [3] - 17:17,
19:14, 315:11
eight [3] - 5:5, 75:11,
314:3
eighteen [1] - 94:11
eighth [2] - 252:20,
254:9
either [35] - 19:24,
23:2, 28:12, 36:20,
40:4, 53:11, 54:12,
54:17, 65:1, 72:21,
81:11, 91:13, 100:13,
151:4, 167:25,
178:24, 182:11,
190:22, 194:1, 194:7,
197:14, 215:15,
232:6, 232:22, 253:7,
259:13, 263:16,
279:10, 312:11,
317:10, 333:13,
340:4, 345:11, 347:17
elaborate [1] -
192:14
electronic [4] -
84:22, 85:4, 168:23,
264:2
elects [1] - 77:1
element [5] - 292:13,
338:8, 339:5, 340:19,
342:1
elements [7] - 79:13,
79:16, 80:4, 340:14,
341:2, 341:11
elevator [17] -
100:23, 101:1,
112:11, 112:12,
112:19, 112:22,
112:25, 208:10,
208:11, 208:13,
211:12, 211:21,
211:22, 229:12,
229:17, 295:16
elevators [3] -
208:15, 314:19,
314:20
eluding [1] - 45:16

- emphasis** [1] - 340:19
- Empire** [3] - 96:23, 105:16, 206:18
- employed** [3] - 199:22, 199:23, 234:9
- employees** [1] - 209:18
- enclosed** [2] - 155:15, 164:4
- encountered** [1] - 16:8
- encouraged** [2] - 108:18, 159:24
- end** [40] - 16:17, 24:3, 28:19, 34:21, 45:23, 46:12, 46:18, 46:21, 46:22, 48:24, 58:23, 67:20, 79:3, 79:11, 82:21, 89:1, 89:9, 96:1, 105:14, 114:1, 133:21, 133:24, 139:2, 144:13, 147:4, 151:22, 159:3, 183:2, 221:8, 235:18, 235:24, 237:19, 250:3, 260:5, 264:9, 271:2, 277:11, 300:21, 304:16, 340:10
- ended** [7] - 34:20, 75:11, 83:4, 148:8, 168:7, 174:5, 199:9
- ending** [1] - 59:8
- ends** [1] - 28:23
- enforcement** [7] - 200:3, 289:9, 289:10, 334:11, 334:17, 334:21, 334:24
- engage** [1] - 16:24
- engaged** [1] - 285:8
- engines** [1] - 173:6
- ensued** [1] - 203:8
- ensues** [1] - 202:16
- enter** [1] - 208:12
- entered** [2] - 88:8, 229:16
- entering** [7] - 130:1, 211:21, 211:22, 224:7, 229:16, 295:15, 307:18
- entertain** [1] - 282:9
- entire** [7] - 118:10, 130:1, 183:16, 209:14, 210:18, 227:1, 322:14
- entirely** [2] - 17:20, 228:2
- entitled** [3] - 82:8, 82:11, 219:5
- entrance** [3] - 100:3, 208:8, 210:20
- entrances** [5] - 151:2, 210:22, 221:10, 221:16, 221:21
- entries** [1] - 259:20
- equally** [1] - 196:9
- equals** [2] - 303:19, 303:20
- Erich** [16] - 5:10, 8:8, 8:13, 11:17, 11:21, 11:25, 12:3, 41:3, 77:9, 89:23, 93:14, 169:7, 214:12, 284:22, 296:5, 300:5
- Erie** [6] - 149:24, 149:25, 160:6, 235:12, 283:5, 327:12
- erroneous** [1] - 344:10
- essentially** [13] - 15:20, 19:18, 20:5, 38:20, 179:7, 196:12, 230:13, 282:25, 284:3, 291:16, 305:11, 308:4, 310:9
- establish** [3] - 20:11, 64:2, 65:21
- established** [5] - 70:15, 232:15, 232:18, 232:21, 287:5
- establishes** [1] - 20:16
- establishing** [2] - 20:12, 20:13
- estimate** [1] - 114:9
- etc** [1] - 173:7
- evaluate** [1] - 79:4
- evaluated** [1] - 274:16
- evaluating** [1] - 334:18
- evaluations** [1] - 81:8
- evans** [1] - 74:4
- Evans** [2] - 24:22, 57:9
- evasive** [1] - 330:18
- evening** [7] - 125:13, 206:15, 227:25, 236:4, 247:13, 313:3, 313:7
- event** [1] - 44:18
- events** [2] - 90:16, 229:20
- eventually** [11] - 87:23, 107:16, 108:2, 157:20, 165:9, 237:7, 241:1, 264:24, 266:16, 308:21
- everyday** [2] - 343:5, 344:20
- evidence** [257] - 13:4, 13:12, 13:22, 14:4, 14:6, 14:7, 14:8, 14:12, 14:13, 15:5, 18:4, 18:12, 18:14, 18:17, 18:22, 19:5, 19:8, 20:10, 22:16, 23:10, 27:7, 33:11, 33:15, 47:3, 62:25, 63:1, 63:2, 63:7, 64:5, 67:3, 67:14, 67:15, 69:2, 69:16, 69:19, 69:23, 70:6, 70:9, 70:25, 71:5, 71:16, 71:19, 72:6, 75:9, 75:22, 76:25, 77:13, 77:16, 78:1, 78:3, 78:6, 79:4, 79:5, 80:19, 81:2, 81:7, 81:8, 81:13, 81:14, 81:17, 81:19, 81:22, 81:24, 82:3, 82:5, 82:6, 82:7, 82:9, 82:10, 82:12, 82:14, 82:16, 83:6, 83:10, 83:13, 86:16, 88:15, 88:17, 88:19, 89:8, 90:23, 91:13, 91:23, 91:24, 91:25, 148:17, 174:8, 186:13, 193:25, 200:12, 200:14, 200:23, 201:15, 201:22, 201:23, 202:2, 202:3, 202:4, 202:7, 203:18, 215:2, 215:21, 215:23, 216:3, 216:9, 217:5, 223:3, 223:20, 224:21, 229:19, 229:23, 231:2, 244:7, 249:12, 251:17, 258:16, 258:24, 259:5, 259:6, 259:25, 260:2, 268:1, 268:2, 268:13, 273:24, 274:4, 280:12, 280:15, 281:20, 282:13, 282:15, 282:21, 282:23, 283:1, 283:7, 283:12, 283:14, 284:16, 285:6, 286:13, 286:16, 287:9, 289:1, 289:17, 289:22, 289:24, 289:25, 290:3, 291:5, 291:11, 291:14, 291:16, 291:20, 291:24, 292:10, 292:16, 292:19, 295:7, 295:18, 295:21, 295:22, 295:25, 296:1, 296:2, 296:9, 296:12, 298:16, 298:20, 298:23, 298:25, 299:3, 299:4, 299:7, 299:9, 299:13, 301:9, 303:13, 304:5, 305:12, 313:11, 313:18, 314:1, 314:9, 314:12, 314:23, 314:24, 315:5, 315:14, 316:3, 316:25, 317:11, 317:13, 318:12, 318:18, 323:15, 323:18, 323:19, 324:1, 328:2, 330:24, 331:2, 331:15, 331:18, 331:22, 331:24, 332:4, 332:6, 332:9, 333:4, 333:6, 333:7, 333:12, 333:14, 333:18, 333:22, 333:25, 334:10, 334:21, 335:2, 335:8, 335:16, 335:18, 335:21, 336:9, 336:10, 336:14, 336:17, 336:21, 336:24, 337:5, 337:7, 337:12, 337:17, 337:19, 337:24, 338:3, 338:11, 338:12, 338:15, 339:3, 339:4, 339:18, 339:20, 339:23, 340:2, 340:6, 342:20, 343:2, 343:9, 344:12, 346:10, 346:11
- evidentiary** [1] - 225:8
- ex** [4] - 147:17, 147:19, 148:16, 218:12
- ex-boyfriend** [3] - 147:17, 147:19, 148:16
- ex-girlfriend's** [1] - 218:12
- exact** [3] - 37:1, 100:24, 180:7
- exactly** [6] - 48:25, 104:23, 118:22, 193:3, 307:12, 319:3
- EXAMINATION** [28] - 22:20, 27:13, 32:6, 34:2, 41:1, 43:18, 45:13, 47:20, 58:18, 61:9, 93:20, 110:17, 138:15, 145:13, 149:7, 161:10, 171:24, 172:24, 174:19, 186:15, 195:21, 198:2, 199:18, 221:6, 228:16, 233:2, 234:4, 269:10
- examination** [6] - 72:18, 72:20, 215:20, 215:21, 262:23, 308:22
- examine** [10] - 19:10, 19:19, 40:25, 72:15, 72:16, 77:21, 78:4, 110:15, 170:13, 271:2
- examining** [2] - 63:9, 72:14
- example** [4] - 77:19, 142:19, 325:5, 331:10
- except** [1] - 84:19
- exception** [2] - 211:7, 290:21
- exchange** [5] - 166:22, 255:19, 255:25, 256:1, 307:3
- exchanged** [6] - 173:15, 173:18, 176:18, 255:14, 256:3, 316:7
- excuse** [8] - 37:20, 62:19, 180:10, 188:20, 220:18, 251:4, 253:16
- excused** [4] - 168:7, 199:6, 199:10, 350:23
- excuses** [4] - 248:13, 248:18, 248:21, 297:18
- exhibit** [10] - 26:7, 26:9, 33:2, 33:14, 63:14, 63:15, 188:3, 266:1, 287:7, 345:23
- Exhibit** [23] - 27:5, 27:6, 33:7, 35:10, 37:17, 50:4, 186:3, 186:10, 186:12, 188:4, 244:2, 244:6, 249:8, 249:11, 251:13, 251:16, 257:22, 258:15, 259:18, 260:5, 260:7, 261:1, 265:9
- EXHIBIT** [2] - 4:1, 4:2
- exhibits** [4] - 77:18, 297:7, 345:17, 345:20

exist [1] - 206:8
existence [2] -
 336:15, 337:2
exists [2] - 145:16,
 293:14
exit [2] - 210:20,
 346:20
exits [3] - 210:22,
 221:10, 221:16
expands [1] - 66:16
expect [5] - 7:19,
 8:6, 8:16, 315:10,
 343:9
expected [4] - 86:15,
 306:22, 324:15,
 334:16
expecting [1] - 69:21
expedite [1] - 282:7
experience [15] -
 169:15, 169:25,
 177:19, 177:24,
 184:7, 184:18,
 184:23, 202:5, 222:4,
 226:9, 254:15,
 262:11, 263:8, 268:5,
 336:19
experienced [1] -
 343:6
experiments [1] -
 84:8
expert [7] - 169:9,
 169:12, 170:9,
 170:14, 170:18,
 170:20, 315:21
explain [12] - 13:25,
 52:4, 52:8, 214:17,
 215:4, 215:6, 216:5,
 216:10, 217:12,
 217:24, 219:1, 341:10
explained [3] -
 241:19, 241:24,
 267:20
explaining [2] -
 216:8, 216:15
explanation [7] -
 216:18, 217:15,
 219:5, 291:19, 293:4,
 331:9, 334:24
expose [1] - 84:16
exposed [7] - 83:16,
 84:14, 87:23, 103:2,
 104:20, 105:2, 166:24
exposes [2] - 105:9,
 120:18
express [1] - 81:11
extension [1] - 253:6
extent [5] - 187:19,
 215:18, 284:6,
 299:11, 340:1
exterior [1] - 208:9

external [1] - 210:12
extra [2] - 260:4,
 315:10
extracurricular [1] -
 184:1
eyes [2] - 241:22,
 321:12
eyewitnesses [1] -
 229:25

F

fabricate [10] -
 17:19, 19:5, 20:17,
 63:5, 65:3, 66:3,
 67:13, 68:3, 72:9,
 320:23
face [34] - 33:1,
 38:11, 50:20, 51:7,
 51:12, 51:14, 51:17,
 51:20, 62:3, 140:18,
 149:18, 155:25,
 181:13, 187:15,
 194:3, 203:3, 203:4,
 212:10, 239:14,
 240:11
face-to-face [14] -
 50:20, 51:12, 51:14,
 51:17, 51:20, 62:3,
 140:18, 149:18,
 181:13, 187:15,
 194:3, 203:3, 203:4,
 212:10
Facebook [35] -
 11:25, 23:13, 24:16,
 24:17, 26:1, 26:22,
 28:19, 31:8, 49:6,
 50:20, 51:1, 62:4,
 66:22, 131:9, 131:11,
 134:9, 175:20,
 175:21, 176:3, 176:7,
 177:9, 177:18,
 177:19, 186:2, 187:1,
 187:9, 255:23, 264:4,
 264:5, 264:7, 266:6,
 266:7, 266:14, 316:9,
 320:11
Facebooks [1] -
 255:25
faced [1] - 210:14
facing [3] - 210:13,
 210:18, 236:15
fact [23] - 17:9,
 19:16, 41:8, 41:9,
 45:21, 67:25, 81:25,
 102:16, 105:6, 125:9,
 142:8, 169:19,
 258:24, 259:6,
 259:24, 260:1,
 261:12, 270:21,

321:7, 322:1, 332:20,
 334:9, 337:23
factor [1] - 65:15
factors [11] - 14:1,
 17:23, 71:17, 200:20,
 242:13, 293:2, 293:4,
 305:19, 330:3,
 334:25, 336:6
facts [37] - 5:17,
 18:14, 18:16, 18:18,
 18:24, 22:1, 23:6,
 78:24, 78:25, 79:2,
 79:5, 79:7, 80:17,
 81:6, 81:13, 81:15,
 85:12, 87:9, 299:22,
 300:4, 320:24, 328:6,
 329:22, 331:20,
 332:25, 336:15,
 336:16, 336:17,
 336:24, 337:2, 337:4,
 342:16, 342:17,
 342:19, 342:21, 343:4
failed [2] - 291:22,
 295:21
fails [1] - 338:12
failure [6] - 288:22,
 291:5, 291:13,
 291:23, 334:23,
 334:25
fair [100] - 12:14,
 15:2, 25:17, 28:19,
 28:25, 31:8, 31:12,
 35:5, 46:15, 48:14,
 50:16, 52:7, 54:14,
 54:22, 56:18, 56:21,
 56:24, 59:4, 59:20,
 95:9, 96:14, 97:16,
 107:16, 109:13,
 110:1, 112:17,
 115:22, 116:3, 117:1,
 119:23, 123:10,
 123:24, 124:6, 124:9,
 125:12, 126:1,
 126:10, 129:5, 132:8,
 132:10, 133:9, 134:6,
 135:16, 135:22,
 136:8, 136:11,
 136:15, 138:5,
 138:18, 140:15,
 144:1, 159:25,
 162:12, 165:24,
 179:5, 179:9, 180:12,
 180:15, 182:20,
 183:1, 183:10,
 187:21, 188:7, 189:9,
 191:3, 191:10, 194:8,
 194:10, 195:23,
 195:24, 197:3, 201:3,
 202:1, 206:14,
 207:23, 213:19,

213:21, 214:22,
 217:15, 219:9,
 221:21, 222:14,
 222:17, 222:21,
 222:24, 223:3,
 223:10, 224:6, 225:2,
 227:24, 228:5, 243:9,
 247:13, 264:4, 275:7,
 277:2, 277:6, 278:9,
 312:23, 314:15
fairly [9] - 26:11,
 83:12, 100:14,
 111:14, 203:10,
 204:5, 222:5, 228:22,
 339:3
fake [1] - 218:11
Fall [1] - 94:15
fall [33] - 47:24, 48:4,
 48:13, 48:24, 49:20,
 49:25, 58:22, 58:23,
 67:20, 90:17, 94:8,
 94:12, 95:4, 114:24,
 128:25, 130:25,
 150:20, 150:23,
 175:6, 183:2, 186:23,
 195:4, 195:5, 211:10,
 234:16, 235:2, 237:7,
 237:9, 243:22,
 256:15, 258:19,
 259:1, 259:2
false [4] - 222:24,
 222:25, 281:18
falsehoods [1] -
 336:5
falsely [1] - 335:25
falsi [1] - 283:24
falsify [1] - 331:12
familiar [16] - 11:18,
 73:15, 98:8, 114:23,
 121:11, 135:13,
 172:3, 173:4, 173:6,
 179:2, 214:12, 220:8,
 241:8, 241:9, 242:19,
 265:12
families [1] - 349:25
family [5] - 83:22,
 109:11, 109:12,
 168:16, 196:8
family's [1] - 218:9
far [12] - 8:18, 8:25,
 20:15, 37:5, 44:2,
 53:18, 102:9, 105:21,
 141:14, 154:10,
 246:13, 319:10
fashion [1] - 25:13
fast [2] - 118:1,
 266:4
favorable [1] -
 339:24
features [1] - 207:21

February [19] -
 41:12, 42:3, 42:8,
 59:11, 126:12,
 126:16, 126:24,
 127:3, 127:5, 127:13,
 127:24, 128:13,
 128:19, 129:8,
 132:10, 133:3,
 138:21, 143:2, 326:22
Feeke [1] - 266:21
FEEKE [1] - 266:21
feet [2] - 155:17,
 167:12
fellow [7] - 76:1,
 304:15, 344:6,
 344:13, 344:18,
 350:15, 350:18
felony [5] - 160:10,
 160:16, 242:1, 242:3,
 242:7
felt [5] - 5:25,
 154:13, 155:21,
 216:11, 275:22
few [14] - 58:20,
 96:19, 97:13, 110:19,
 153:17, 153:18,
 154:15, 154:16,
 161:17, 179:2,
 210:25, 245:7, 248:2,
 342:10
fifth [6] - 99:25,
 100:23, 112:12,
 112:25, 226:3, 252:17
fighting [1] - 53:1
figure [2] - 267:21,
 267:25
figured [1] - 235:20
file [1] - 73:24
filed [16] - 6:24,
 76:16, 92:23, 121:22,
 212:15, 213:4,
 213:14, 220:22,
 231:3, 231:15,
 232:18, 284:8,
 294:20, 313:25,
 314:2, 314:3
files [4] - 200:10,
 200:13, 257:2, 257:5
filing [1] - 66:23
fill [3] - 109:4,
 204:13, 283:3
filled [2] - 204:14,
 267:9
film [1] - 224:4
final [7] - 78:20,
 79:11, 80:2, 188:16,
 258:4, 342:10, 344:22
finally [6] - 73:8,
 160:14, 253:1, 266:5,
 304:17, 330:22

- financing** [1] - 234:18
fine [7] - 49:4, 49:5, 72:12, 99:16, 289:6, 298:2, 298:6
finger [2] - 157:12, 275:9
fingers [5] - 252:7, 252:8, 252:9, 252:12, 275:16
finished [2] - 162:5, 343:21
first [80] - 5:12, 7:2, 15:16, 24:13, 25:25, 30:20, 34:6, 35:12, 39:3, 39:22, 41:21, 42:2, 42:21, 43:14, 46:11, 51:16, 51:24, 53:14, 53:16, 58:25, 59:24, 62:25, 77:4, 79:19, 87:11, 90:18, 90:23, 92:14, 92:16, 97:9, 102:21, 108:9, 115:12, 127:14, 134:15, 138:2, 143:15, 144:1, 144:8, 144:15, 149:17, 157:24, 159:19, 161:20, 170:24, 174:15, 176:24, 178:5, 180:16, 188:8, 192:16, 192:22, 206:18, 226:21, 240:5, 251:3, 252:18, 262:12, 267:14, 269:18, 276:15, 276:18, 276:24, 277:23, 279:17, 282:4, 294:4, 294:25, 295:20, 296:15, 297:24, 300:1, 303:24, 306:18, 306:24, 307:11, 321:23, 324:9, 336:25, 341:3
fit [2] - 136:14, 325:14
five [11] - 59:24, 163:17, 211:1, 211:2, 221:9, 242:8, 242:11, 242:15, 243:7, 277:14, 324:24
fix [2] - 85:24, 245:6
flesh [1] - 341:22
flex [1] - 253:7
flip [5] - 51:16, 52:2, 53:22, 53:25, 54:7
flipping [1] - 23:25
flood [2] - 214:16, 215:11
floor [17] - 99:25, 100:23, 106:16, 112:12, 112:25, 120:1, 155:24, 157:25, 208:4, 237:9, 238:12, 238:18, 240:7, 240:21, 240:22, 250:25
floors [1] - 224:15
fluid [1] - 251:25
fluids [1] - 297:3
focus [1] - 304:9
focusing [1] - 226:18
focussed [1] - 70:25
follow [13] - 16:11, 78:16, 78:23, 128:22, 128:24, 168:21, 203:21, 227:3, 227:15, 281:1, 332:15, 342:14, 346:18
follow-up [4] - 16:11, 128:22, 128:24, 227:3
followed [4] - 101:14, 243:15, 300:1
following [8] - 12:16, 75:2, 79:15, 85:8, 171:6, 190:16, 330:3, 341:1
follows [9] - 22:12, 34:1, 47:19, 93:19, 149:6, 171:23, 174:18, 199:17, 234:3
font [2] - 26:19, 136:13
footage [35] - 208:19, 208:20, 209:1, 209:23, 210:4, 211:11, 211:18, 211:20, 212:2, 212:22, 213:11, 218:17, 219:21, 220:3, 220:5, 220:11, 220:13, 221:9, 229:14, 229:15, 230:7, 230:8, 230:18, 231:11, 231:18, 232:11, 233:5, 269:4, 291:7, 293:10, 294:25, 314:4, 314:5, 314:17, 314:19
force [1] - 314:22
forced [3] - 308:12, 308:16, 327:1
forcibly [2] - 87:17, 318:25
foremost [1] - 90:18
forensic [1] - 206:5
FOREPERSON [2] - 347:3, 347:13
foreperson [8] - 329:10, 343:19, 343:20, 345:10, 345:13, 346:23, 346:25, 347:8
forever [2] - 220:14, 300:24
forget [2] - 36:24, 331:11
forgot [2] - 126:19, 126:20
forgotten [1] - 126:22
form [10] - 22:17, 88:24, 106:21, 106:22, 135:21, 173:18, 200:2, 204:14, 212:21, 264:2
formal [2] - 76:15, 294:19
formally [3] - 26:6, 212:15, 289:5
formed [1] - 245:7
former [1] - 193:1
formerly [1] - 213:13
forming [1] - 83:2
forms [2] - 204:13, 253:19
forth [10] - 66:1, 67:5, 73:7, 119:18, 191:14, 211:25, 246:7, 266:8, 286:1, 300:24
forward [4] - 168:25, 311:9, 312:6, 346:14
forwarded [2] - 312:19, 320:25
four [30] - 13:9, 41:24, 62:12, 68:18, 109:20, 126:13, 128:1, 130:9, 132:11, 139:18, 141:20, 143:9, 144:24, 152:21, 170:25, 188:10, 227:2, 248:2, 260:12, 260:25, 261:18, 277:14, 281:8, 303:20, 307:9, 321:19, 326:13, 326:23, 327:8
four-digit [2] - 260:25, 261:18
fourth [1] - 251:2
fracture [5] - 247:11, 274:14, 274:15, 274:18, 274:19
fractured [1] - 247:19
frankly [3] - 90:13, 316:2, 317:16
freak [1] - 239:13
free [10] - 28:2, 54:4, 117:13, 150:5, 168:4, 198:15, 244:17, 247:8, 307:23, 343:7
free-time [1] - 247:8
freedoms [1] - 350:8
frequency [1] - 55:25
frequently [1] - 55:22
freshman [10] - 48:15, 94:16, 95:5, 150:21, 150:23, 150:24, 277:3, 277:13, 277:25, 318:22
freshmen [1] - 48:14
friend [15] - 108:2, 108:13, 123:11, 130:11, 193:2, 218:13, 226:13, 309:7, 309:8, 309:10, 309:17, 322:19, 322:20, 322:22, 322:24
friend's [4] - 121:3, 121:9, 121:12, 122:14
friends [22] - 7:4, 8:2, 8:11, 10:17, 12:2, 24:9, 44:14, 83:22, 95:23, 96:19, 112:21, 112:24, 120:11, 124:21, 124:24, 140:3, 155:3, 161:21, 168:16, 183:11, 191:13, 193:1
front [11] - 20:21, 72:3, 92:8, 144:5, 154:1, 157:10, 167:10, 216:24, 236:15, 246:14, 257:13
frustrated [1] - 325:20
fulfill [1] - 86:9
fulfilled [1] - 349:18
full [14] - 36:19, 47:22, 54:11, 162:11, 190:21, 194:6, 207:6, 207:10, 207:11, 260:13, 260:15, 260:16, 271:15
function [2] - 254:17, 254:18
fundamental [1] - 337:21
fundamentally [1] - 90:19
furnishing [2] - 6:8, 8:16
furthermore [1] - 337:25
future [1] - 343:13
-
- G**
-
- G-e-a-l-y** [1] - 149:14
gain [2] - 84:4, 168:19
gained [1] - 224:7
Gannon [7] - 88:5, 149:21, 149:23, 150:7, 152:11, 154:18, 238:8
gaps [2] - 317:12, 317:14
gas [1] - 234:13
gate [1] - 218:5
gates [3] - 214:16, 215:11, 216:17
gathering [15] - 44:14, 95:22, 96:5, 96:17, 96:18, 96:22, 97:13, 98:3, 140:4, 154:2, 154:4, 161:25, 162:2, 162:15, 191:13
GEALY [1] - 149:4
Gealy [27] - 88:4, 149:3, 149:12, 172:1, 172:10, 172:12, 235:6, 236:12, 237:9, 238:4, 241:13, 241:25, 268:9, 278:20, 279:9, 279:12, 283:6, 285:5, 318:4, 318:12, 318:14, 322:9, 323:23, 326:11, 327:12, 332:3
Gealy's [5] - 171:7, 316:16, 316:18, 316:20, 319:11
gears [1] - 206:25
general [9] - 53:19, 56:12, 57:4, 68:17, 77:3, 86:16, 122:22, 162:19, 332:15
generalities [1] - 50:14
generally [8] - 48:11, 52:25, 53:3, 53:20, 183:6, 183:7, 189:8, 309:18
gentlemen [14] - 75:23, 80:16, 86:21, 89:22, 300:10, 305:6, 311:4, 312:9, 313:8, 315:7, 316:4, 317:20, 318:3, 323:4
gently [1] - 120:16

- Georgia** [1] - 256:16
get-go [1] - 305:7
girl [5] - 24:10, 120:3, 152:13, 161:23, 238:7
girlfriend [9] - 30:12, 74:6, 87:22, 96:20, 105:6, 119:18, 189:16, 194:20, 276:19
girlfriend's [1] - 218:12
girls [5] - 150:16, 153:13, 153:21, 153:24, 278:14
girls' [2] - 120:4, 120:5
given [25] - 63:24, 91:10, 98:2, 109:23, 114:9, 138:18, 168:22, 200:19, 215:8, 217:11, 222:24, 223:23, 224:2, 233:15, 242:13, 262:22, 281:2, 285:25, 288:16, 310:5, 312:25, 316:23, 316:25, 317:12, 333:24
Given [1] - 15:13
goal [1] - 58:9
going-ons [1] - 222:5
Google [1] - 173:7
grab [12] - 117:1, 252:2, 252:3, 252:10, 255:1, 275:9, 275:11, 275:14, 275:15, 275:16, 275:18
grabbed [6] - 87:18, 116:14, 118:2, 155:25, 156:23, 307:20
grabbing [2] - 117:2, 307:20
graces [1] - 321:11
grade [1] - 248:12
grades [5] - 244:23, 244:25, 245:1, 245:2
graduated [2] - 183:19, 325:10
granted [1] - 93:3
grapefruit [1] - 251:24
gratifying [1] - 341:19
great [4] - 29:7, 86:9, 322:25, 325:18
greater [1] - 340:19
green [2] - 98:16, 98:20
grip [4] - 252:1, 252:12, 252:15, 275:17
gripper [1] - 275:12
grossly [1] - 342:7
ground [2] - 155:4, 186:20
groups [1] - 245:8
grow [1] - 48:20
guarantee [1] - 51:15
guess [35] - 11:2, 28:22, 35:9, 39:18, 48:13, 53:17, 55:17, 64:20, 65:15, 68:7, 81:25, 82:23, 104:25, 106:17, 107:6, 108:6, 112:7, 135:10, 163:20, 166:6, 189:25, 193:18, 225:22, 253:6, 253:16, 262:12, 265:23, 270:15, 270:22, 278:20, 283:10, 283:19, 293:8, 305:1, 310:4
guessing [1] - 212:4
guidance [3] - 78:11, 90:10, 329:19
guide [1] - 299:5
guided [2] - 81:18, 339:25
guilt [17] - 81:11, 83:2, 85:22, 282:15, 282:16, 282:24, 283:17, 286:18, 332:12, 333:15, 333:16, 337:6, 337:9, 337:15, 337:20, 339:10, 343:16
guilty [47] - 76:2, 76:19, 76:21, 79:9, 83:8, 85:21, 85:23, 89:3, 89:13, 92:10, 241:11, 241:20, 241:22, 241:23, 286:20, 314:11, 317:19, 317:21, 324:18, 326:8, 327:22, 327:23, 333:17, 334:6, 335:6, 335:10, 335:12, 337:11, 337:14, 337:17, 338:4, 338:6, 338:9, 338:14, 338:16, 338:17, 338:19, 339:10, 339:12, 339:14, 339:16, 340:25, 342:23, 343:16, 345:11, 345:12, 347:15
gun [3] - 313:17, 323:2, 323:20
guru [1] - 315:23
gut [1] - 115:20
guy [11] - 155:2, 165:19, 187:4, 197:15, 197:16, 214:14, 236:21, 237:1, 240:23, 308:16, 312:15
guys [7] - 41:6, 59:7, 112:25, 116:7, 178:21, 238:14, 276:11
guys' [1] - 120:5
-
- ## H
-
- H-o-s-i-e-r** [1] - 34:7
habit [2] - 202:24, 246:19
hair [1] - 318:9
half [24] - 39:17, 94:19, 109:20, 114:13, 114:16, 122:9, 141:20, 144:24, 151:4, 152:25, 159:10, 164:1, 188:10, 188:12, 188:16, 200:1, 214:6, 245:20, 267:22, 326:13, 326:24, 326:25, 327:6, 327:8
halfway [1] - 303:22
Hall [17] - 95:12, 96:8, 96:9, 96:12, 99:22, 100:1, 100:6, 100:7, 112:1, 208:2, 210:23, 220:3, 220:6, 221:10, 221:22, 232:12, 269:4
hall [6] - 101:2, 108:13, 121:3, 121:10, 122:15, 150:10
Halloween [19] - 34:21, 44:10, 44:12, 44:15, 44:17, 49:23, 67:18, 67:21, 140:1, 140:5, 140:21, 178:22, 191:9, 191:13, 191:19, 195:12, 196:14, 321:15
hallway [7] - 30:6, 32:23, 264:18, 266:13, 309:8, 309:9, 322:19
hallways [1] - 224:16
hand [43] - 75:1, 82:9, 87:18, 102:18, 103:19, 103:20, 104:3, 104:6, 104:8, 104:14, 117:6, 117:9, 117:10, 117:11, 117:12, 117:13, 127:9, 127:12, 128:25, 157:9, 157:10, 157:12, 162:7, 204:20, 231:7, 249:22, 250:2, 250:14, 251:24, 253:5, 254:12, 307:22, 307:23, 307:24, 314:21, 319:1, 319:2, 320:3, 329:12, 336:10, 338:14, 339:15, 350:21
handed [2] - 127:18, 250:12
handle [1] - 156:5
handling [2] - 222:4, 275:4
hands [4] - 118:25, 120:16, 130:2, 155:6
hang [8] - 106:11, 163:23, 166:8, 166:20, 187:22, 254:24, 302:18, 302:20
hanging [2] - 140:9, 156:8
happy [2] - 119:9, 183:7
harassment [2] - 6:7, 214:21
Hard [1] - 162:3
hard [1] - 118:20
harping [1] - 296:6
hash [1] - 297:23
hate [1] - 207:7
he-said [1] - 305:11
head [9] - 24:4, 29:12, 31:22, 32:25, 38:10, 51:6, 146:3, 161:16, 268:18
heads [2] - 73:1, 137:3
Health [2] - 253:15, 272:1
health [5] - 247:9, 249:1, 249:15, 271:19, 272:5
hear [32] - 11:10, 58:2, 62:22, 75:20, 75:21, 82:8, 82:11, 82:13, 87:5, 87:6, 87:8, 88:3, 88:15, 89:5, 89:8, 90:6, 90:8, 90:12, 91:2, 91:23, 93:24, 93:25, 192:3, 192:25, 235:19, 240:4, 269:14, 282:7, 312:24, 330:7, 330:11
heard [44] - 5:22, 52:13, 62:10, 72:2, 73:5, 80:12, 158:5, 170:24, 174:8, 196:19, 234:22, 235:9, 235:16, 236:13, 237:13, 237:15, 241:7, 241:25, 255:12, 261:22, 268:16, 268:22, 280:15, 283:1, 284:16, 298:15, 305:11, 306:7, 307:15, 309:16, 309:17, 309:18, 314:18, 319:13, 321:14, 322:23, 324:14, 326:13, 326:21, 331:24, 333:18, 336:13
Hearing [1] - 74:12
hearing [56] - 9:10, 13:3, 13:14, 13:20, 13:24, 14:2, 15:17, 15:19, 16:2, 16:3, 16:5, 16:22, 18:8, 18:11, 21:7, 21:10, 21:15, 21:18, 22:4, 22:14, 22:23, 23:2, 23:9, 26:4, 34:9, 41:11, 44:20, 47:4, 57:17, 69:19, 73:23, 74:1, 80:11, 126:8, 126:24, 127:22, 129:17, 132:11, 132:19, 132:22, 133:23, 143:2, 144:11, 146:17, 156:9, 189:22, 192:1, 213:3, 213:10, 232:13, 233:5, 275:1, 275:20, 306:24, 307:9, 314:7
hearings [4] - 91:11, 113:11, 305:25, 320:6
hears [1] - 240:13
heavy [2] - 239:12, 243:2
held [5] - 22:23, 102:22, 118:19,

- 118:20, 164:16
hell [1] - 311:24
hello [3] - 97:2,
 101:4, 161:13
help [8] - 7:14,
 79:12, 81:2, 121:18,
 282:18, 293:22,
 309:24, 333:22
helpful [4] - 85:16,
 301:20, 301:23, 304:8
helps [1] - 350:7
herself [4] - 321:5,
 321:12, 336:13, 344:5
hesitate [6] - 301:17,
 304:11, 304:12,
 305:17, 339:1, 344:8
hesitated [1] -
 324:23
hesitation [8] -
 304:24, 305:1, 305:2,
 305:3, 305:5, 324:17,
 325:6, 326:6
hi [3] - 121:5, 122:22,
 161:12
high [3] - 70:19,
 96:14, 152:12
higher [1] - 277:11
higher-end [1] -
 277:11
highlighting [1] -
 66:11
himself [17] - 18:2,
 78:3, 87:23, 103:2,
 104:21, 105:2, 105:9,
 120:18, 166:24,
 215:18, 308:13,
 308:16, 311:13,
 311:21, 333:10,
 336:13, 344:4
history [1] - 162:12
hit [2] - 27:25, 221:1
hitting [2] - 232:22,
 296:6
hm [1] - 37:8
HMB [2] - 27:24, 54:3
hmm [50] - 35:1,
 37:14, 40:2, 44:19,
 46:16, 96:6, 96:13,
 99:11, 103:10, 104:2,
 104:5, 104:10,
 104:16, 104:22,
 105:20, 108:20,
 109:19, 110:25,
 119:13, 119:19,
 126:15, 128:12,
 128:23, 129:20,
 130:12, 134:7,
 134:10, 134:12,
 163:13, 165:4, 178:4,
 191:25, 201:8, 202:6,
 203:9, 206:10,
 212:19, 213:12,
 220:10, 228:20,
 229:18, 230:19,
 231:17, 231:20,
 232:9, 265:24,
 267:11, 270:7,
 273:16, 275:6
hold [6] - 77:1,
 117:13, 233:15,
 274:11, 308:9, 350:8
holding [4] - 115:6,
 117:17, 120:16, 130:2
holds [2] - 164:12,
 164:14
home [10] - 94:25,
 95:2, 153:13, 153:18,
 153:24, 154:15,
 162:6, 164:19,
 164:22, 272:7
honest [9] - 7:22,
 28:5, 36:13, 37:18,
 38:19, 190:16,
 235:19, 331:10,
 344:11
honestly [4] - 49:3,
 58:10, 113:15, 187:5
Honor [48] - 15:12,
 18:9, 21:21, 22:8,
 22:19, 26:5, 27:10,
 32:4, 33:5, 33:10,
 43:17, 46:25, 65:7,
 89:17, 89:20, 110:16,
 113:19, 145:12,
 148:4, 168:3, 170:5,
 174:14, 185:9,
 195:20, 198:10,
 198:14, 199:13,
 200:19, 228:15,
 257:21, 258:17,
 259:8, 259:19,
 270:10, 280:5, 280:9,
 280:13, 292:3,
 296:22, 300:8, 318:1,
 344:25, 345:1,
 347:19, 348:11,
 348:17, 348:20, 351:1
hoodie [22] - 52:4,
 52:12, 52:15, 53:4,
 53:8, 53:10, 54:20,
 54:21, 54:24, 56:19,
 56:21, 56:25, 57:13,
 57:14, 57:17, 57:19,
 57:20, 57:24, 58:2,
 58:3, 58:9
hope [2] - 168:24,
 171:15
hopefully [3] - 93:25,
 315:10, 329:16
hopped [1] - 102:20
HOSLER [3] - 33:24,
 93:17, 171:21
Hosler [82] - 5:17,
 6:4, 7:1, 15:24, 16:6,
 16:24, 17:18, 19:7,
 19:10, 20:8, 24:4,
 24:20, 32:14, 32:24,
 33:17, 34:5, 38:17,
 48:6, 58:22, 60:7,
 61:14, 63:4, 63:10,
 67:17, 67:24, 69:12,
 69:16, 71:1, 71:11,
 72:8, 72:15, 74:7,
 87:12, 92:17, 94:3,
 110:19, 138:10,
 148:2, 148:5, 148:13,
 148:19, 148:25,
 160:22, 160:24,
 171:5, 171:20, 173:1,
 175:11, 178:17,
 179:8, 182:21,
 196:19, 203:25,
 204:19, 228:19,
 229:17, 234:25,
 264:13, 278:3, 288:3,
 289:21, 289:24,
 290:5, 295:16,
 311:17, 312:25,
 315:15, 316:6, 318:4,
 321:14, 324:2,
 326:11, 327:20,
 333:19, 335:4,
 335:10, 335:15,
 335:18, 335:22,
 341:4, 341:7
Hosler's [15] - 15:21,
 37:21, 60:13, 68:15,
 254:22, 258:19,
 259:3, 263:22,
 305:16, 310:16,
 334:10, 334:20,
 334:23, 341:9
hospital [6] - 247:23,
 247:24, 253:18,
 253:23, 253:25, 254:2
hostile [3] - 200:21,
 200:24, 201:1
hour [4] - 168:10,
 178:12, 245:20
hours [17] - 29:3,
 94:20, 154:16, 224:1,
 225:7, 225:10,
 225:12, 227:3, 230:6,
 232:23, 266:25,
 267:23, 313:3, 313:5,
 314:23, 326:25, 327:6
house [4] - 272:9,
 272:12, 272:13, 302:9
housed [1] - 209:15
housing [5] - 154:18,
 154:20, 277:6, 277:9,
 277:10
hovering [1] - 158:14
human [3] - 80:24,
 324:19, 336:19
hundred [5] - 61:21,
 302:3, 302:4, 303:23,
 304:1
hundreds [1] - 318:5
hurt [2] - 254:19,
 275:22
hustle [1] - 207:15
hypothetically [5] -
 145:22, 145:23,
 189:10, 224:3, 323:17
-
- I**
-
- iAccount** [1] -
 263:22
Ibuprofen [2] -
 249:19, 249:21
ice [2] - 249:18,
 250:6
ID [6] - 100:4, 115:2,
 221:25, 222:7,
 248:10, 273:12
idea [10] - 12:3,
 31:19, 49:20, 120:25,
 121:1, 123:23,
 156:20, 302:11,
 309:14, 310:21
ideals [1] - 317:17
identified [1] -
 110:12
identify [9] - 23:18,
 176:11, 212:5, 214:4,
 223:4, 243:19,
 248:14, 257:6, 265:6
identity [1] - 223:7
ignored [1] - 254:20
II [1] - 238:9
imagine [1] - 196:6
imagined [1] - 339:7
iMessage [3] - 98:21,
 98:24, 262:11
iMessages [3] -
 98:16, 98:17, 316:9
iMessaging [2] -
 261:23, 323:25
immediate [1] -
 291:18
immediately [9] -
 85:17, 106:8, 108:23,
 159:7, 181:5, 222:18,
 304:24, 308:18,
 311:23
immobilized [2] -
 254:7, 254:12
immobilizing [2] -
 249:24, 253:8
impact [1] - 169:21
impartial [2] - 338:2,
 344:5
impeachment [3] -
 64:5, 70:9, 287:24
implications [1] -
 315:18
importance [3] -
 70:17, 339:1, 342:25
important [17] -
 20:13, 66:4, 66:11,
 75:14, 75:24, 76:4,
 80:23, 90:2, 91:1,
 91:15, 272:18,
 299:10, 300:15,
 301:18, 331:8, 334:4,
 349:17
impossibility [1] -
 338:22
impression [1] -
 30:22
improper [2] - 69:22,
 84:14
impune [1] - 335:17
impute [1] - 289:23
in-camera [3] -
 74:17, 171:13, 298:10
In-camera [2] - 5:2,
 281:7
in-person [2] -
 64:14, 264:22
inaccuracy [1] -
 331:5
inaccurate [2] -
 331:4, 331:8
inadmissibility [2] -
 70:14, 186:7
inadmissible [2] -
 7:8, 82:10
inappropriate [1] -
 293:25
incarcerated [1] -
 270:21
incident [25] - 6:8,
 16:7, 17:6, 71:3,
 107:14, 113:23,
 114:5, 114:21, 116:5,
 125:16, 126:14,
 130:21, 132:11,
 138:19, 152:16,
 160:7, 204:10,
 204:11, 204:17,
 205:8, 213:22, 227:2,
 268:8, 307:10, 307:13
inclined [2] - 283:17,
 332:12
include [5] - 20:21,
 26:16, 78:10, 178:10,
 216:18

- included** [3] - 20:23, 59:24, 163:8
includes [2] - 16:21, 85:7
including [6] - 84:19, 168:16, 327:5, 330:24, 340:13, 343:14
inconsistencies [4] - 313:13, 316:24, 317:15, 319:23
inconsistent [5] - 197:1, 287:25, 288:7, 333:20, 333:25
incorrect [1] - 282:23
indecent [39] - 6:8, 8:17, 40:20, 44:24, 73:11, 76:14, 79:18, 79:19, 79:21, 80:5, 88:9, 88:13, 89:3, 160:6, 160:10, 160:11, 160:19, 172:9, 226:19, 241:4, 242:1, 242:3, 242:4, 281:25, 283:4, 284:18, 284:20, 285:3, 318:15, 332:1, 340:24, 341:3, 341:5, 341:11, 341:13, 341:14, 341:20, 345:8, 347:15
indecently [4] - 35:6, 87:15, 88:6, 321:2
independent [3] - 68:13, 154:10, 189:25
independently [1] - 55:15
INDEX [1] - 4:1
indicate [9] - 66:24, 88:22, 106:18, 178:13, 179:23, 197:21, 228:4, 259:20, 260:22
indicated [19] - 27:16, 64:12, 74:4, 74:5, 74:8, 103:9, 109:8, 109:18, 144:22, 171:4, 193:7, 212:6, 221:9, 222:12, 260:25, 272:19, 276:21, 278:2, 306:19
indicates [5] - 29:25, 66:20, 67:1, 257:14, 271:5
indicating [5] - 18:4, 179:7, 257:23, 271:14, 278:22
indication [2] - 137:4, 306:14
individual [17] - 8:20, 110:6, 137:6, 179:9, 183:8, 184:20, 185:4, 188:25, 200:10, 211:11, 223:4, 224:5, 224:19, 233:4, 344:3, 350:4, 350:6
individually [1] - 189:2
individuals [7] - 9:10, 170:1, 185:17, 201:11, 201:14, 201:24, 310:8
infer [5] - 69:19, 282:16, 283:17, 296:3, 332:12
inference [9] - 63:4, 68:24, 69:22, 74:10, 144:20, 287:5, 291:6, 298:24, 315:17
inferences [2] - 81:14, 299:11
infidelity [9] - 19:17, 136:25, 137:5, 140:14, 140:22, 141:3, 148:14, 191:20, 197:8
inflammation [2] - 249:21, 253:4
influence [4] - 73:22, 74:11, 83:17, 84:15
inform [8] - 85:17, 112:14, 127:11, 130:9, 202:15, 264:12, 266:13, 277:17
information [69] - 16:21, 20:2, 20:6, 30:25, 31:3, 59:14, 59:23, 60:1, 62:6, 64:16, 64:19, 65:3, 65:4, 76:17, 76:18, 83:17, 84:5, 84:9, 84:15, 85:1, 85:6, 85:7, 85:8, 85:10, 85:13, 89:4, 146:9, 168:20, 170:11, 180:17, 181:22, 182:3, 182:11, 184:12, 201:14, 201:25, 205:25, 206:5, 206:12, 209:6, 210:8, 214:19, 216:19, 217:16, 218:7, 218:12, 231:4, 231:23, 255:20, 256:2, 257:10, 259:22, 263:5, 263:8, 263:20, 263:21, 263:23, 264:22, 267:4, 267:10, 268:6, 274:5, 295:14, 310:11, 311:19, 311:22, 315:25, 320:8, 328:20
informed [7] - 30:21, 61:24, 71:14, 126:24, 127:8, 205:18, 266:16
informing [1] - 31:17
ingested [1] - 162:8
initial [6] - 23:22, 24:25, 25:2, 39:16, 178:3, 213:22
initiated [3] - 30:10, 237:20
injured [1] - 251:20
injury [16] - 126:25, 127:9, 127:12, 128:25, 129:13, 204:20, 249:25, 272:19, 306:14, 306:20, 307:6, 307:11, 307:14, 307:17, 307:25, 308:2
innocence [4] - 81:12, 83:3, 281:21, 338:23
innocent [4] - 76:20, 337:23, 337:25, 339:14
inquiry [1] - 13:9
inside [4] - 99:19, 100:12, 112:10, 210:16
insight [1] - 90:10
insofar [2] - 20:14, 340:2
instance [2] - 196:2, 255:9
instead [9] - 17:18, 72:6, 148:22, 241:15, 304:24, 308:17, 315:4, 337:10, 338:6
instruct [9] - 88:16, 300:3, 316:17, 318:11, 323:12, 328:5, 328:21, 329:2, 340:12
instructed [2] - 84:20, 299:21
instruction [19] - 70:22, 71:22, 71:23, 73:18, 88:21, 281:15, 282:1, 283:19, 284:2, 284:9, 285:23, 286:2, 286:8, 290:10, 290:17, 291:14, 292:9, 296:10, 298:3
instructions [35] - 73:5, 75:19, 78:10, 78:17, 78:19, 78:20, 78:21, 79:10, 80:2, 83:14, 85:19, 86:12, 168:21, 233:14, 280:19, 281:2, 281:10, 281:11, 281:25, 282:2, 282:6, 282:10, 291:1, 304:10, 328:9, 329:9, 332:15, 340:7, 340:16, 340:17, 340:21, 340:22, 342:10, 342:15, 344:22
insufficient [1] - 71:4
intellectual [1] - 330:14
intelligently [1] - 83:11
intend [3] - 18:23, 73:24, 169:23
intended [4] - 47:6, 93:7, 293:13, 294:3
intending [1] - 285:7
intention [2] - 65:20, 65:24
intentionally [1] - 254:13
interaction [1] - 97:1
interest [15] - 29:11, 31:7, 31:9, 31:13, 31:22, 31:24, 32:1, 32:8, 32:12, 278:19, 330:19, 332:21, 332:22, 332:23
interested [1] - 32:13
internet [5] - 98:22, 172:6, 173:2, 173:4, 324:3
interrupt [1] - 290:14
interview [10] - 204:2, 204:4, 204:8, 205:19, 206:15, 226:11, 226:24, 228:23, 229:11, 325:12
interviewed [11] - 9:12, 201:21, 201:25, 203:25, 213:20, 223:16, 226:15, 278:15, 306:4, 306:18, 325:11
interviews [4] - 202:2, 228:4, 228:5, 278:13
intimate [3] - 137:5, 179:8, 341:16
intoxicated [3] - 236:17, 237:1, 237:18
intramurals [1] - 184:4
introduce [2] - 14:9, 15:4
introduction [1] - 13:11
investigated [1] - 7:23
investigating [4] - 8:5, 87:2, 227:17, 313:23
investigation [22] - 6:5, 88:1, 111:5, 200:10, 201:9, 201:12, 202:16, 203:8, 203:11, 203:24, 205:21, 205:24, 210:3, 211:12, 217:8, 222:14, 231:1, 233:18, 242:18, 256:20, 266:25, 268:21
investigations [5] - 84:7, 202:9, 203:18, 222:4, 226:18
investigator [2] - 200:5, 211:23
invited [1] - 237:22
invites [1] - 238:20
inviting [1] - 237:25
involved [21] - 28:14, 28:16, 35:19, 36:21, 38:21, 39:10, 54:13, 61:18, 134:19, 136:23, 137:5, 184:1, 187:24, 187:25, 190:23, 245:9, 299:11, 312:14, 315:1, 349:17, 349:21
involvement [3] - 68:6, 68:9, 141:6
involving [8] - 34:9, 40:19, 45:2, 88:13, 141:1, 148:14, 226:19, 320:14
iPhone [12] - 98:11, 98:13, 98:18, 262:4, 262:6, 262:7, 263:2, 273:2, 273:17, 273:18, 324:1, 324:2
irreconcilable [1] - 331:16
irrelevant [1] - 216:1
ish [2] - 261:9, 264:19
issue [17] - 13:15, 14:18, 14:20, 62:25, 66:16, 70:22, 73:11, 82:21, 216:7, 216:9,

223:22, 223:25,
282:25, 292:7,
292:20, 292:21,
312:25
issues [17] - 14:13,
14:17, 15:10, 75:10,
111:19, 139:1,
145:24, 148:14,
169:17, 185:21,
216:16, 247:9,
299:10, 312:22,
313:12, 313:14,
316:12
item [7] - 14:11,
14:14, 292:15,
293:11, 294:10,
296:15
items [2] - 246:15,
294:5
itself [2] - 23:3,
333:13

J

jacket [5] - 24:10,
25:5, 25:14, 38:11,
51:7
jail [1] - 242:12
JARRET [1] - 174:24
Jarrett [49] - 15:22,
23:16, 34:19, 35:16,
35:18, 35:21, 36:5,
38:17, 38:12, 39:19,
40:3, 40:15, 41:6,
42:9, 43:4, 43:11,
44:9, 44:23, 45:2,
45:25, 46:14, 47:23,
58:20, 67:16, 107:11,
131:1, 132:23,
133:19, 134:18,
134:23, 135:7,
135:17, 136:19,
137:10, 141:2, 146:2,
147:10, 174:15,
174:24, 181:6, 193:7,
264:10, 276:6, 311:2,
312:18, 320:13,
322:3, 322:15
JARRETT [3] -
47:17, 47:23, 174:16
jarrett [1] - 34:18
Jarrett's [1] - 39:2
Jasmine [6] - 24:11,
108:16, 130:11,
228:9, 322:20, 322:22
jasmine [1] - 108:15
job [10] - 76:4, 76:6,
82:4, 90:14, 305:9,
325:8, 325:12,
325:14, 325:17, 326:1

jobs [1] - 76:7
jog [7] - 41:18, 42:3,
43:3, 46:2, 60:8,
60:17, 113:16
jotted [1] - 290:17
judge [25] - 76:6,
78:24, 80:17, 80:20,
81:3, 85:9, 85:24,
88:11, 88:16, 88:21,
91:16, 282:18,
288:10, 288:12,
300:13, 301:5,
316:17, 317:4,
317:10, 318:11,
323:12, 329:25,
333:22, 334:2, 342:16
judge's [1] - 329:22
Judge's [2] - 5:8,
281:9
judgement [1] -
81:20
judges [6] - 79:2,
81:5, 328:10, 329:23,
331:19, 342:19
judging [4] - 330:4,
331:13, 331:14,
332:16
judgment [2] -
299:14, 344:3
judicial [12] - 15:16,
213:1, 213:3, 213:10,
216:20, 231:6,
231:23, 232:1, 232:3,
233:4, 268:18, 268:20
Julie [3] - 239:5,
240:5, 240:13
Julie's [1] - 240:14
July [1] - 206:22
jump [1] - 116:4
jumping [1] - 288:20
June [7] - 5:5, 5:19,
12:16, 12:21, 281:8,
345:6, 347:13
junior [1] - 48:3
juries [1] - 324:13
Juror [4] - 347:25,
348:3, 348:15, 349:5
juror [22] - 85:11,
85:14, 85:15, 168:15,
304:13, 304:16,
304:23, 305:2, 344:7,
344:10, 346:3, 348:6,
348:9, 348:12,
348:18, 348:21,
348:24, 349:2, 349:8,
349:21, 350:21
JUROR [12] - 348:2,
348:5, 348:8, 348:11,
348:14, 348:17,
348:20, 348:23,

349:1, 349:4, 349:7,
349:10
jurors [27] - 20:18,
20:20, 74:25, 75:1,
75:3, 76:4, 79:1,
82:19, 84:19, 86:11,
281:24, 288:25,
304:15, 331:20,
342:18, 343:1, 344:6,
344:13, 344:18,
345:6, 346:4, 346:20,
346:22, 347:14,
347:18, 350:15,
350:18
jury [61] - 9:17, 63:4,
64:24, 66:6, 69:12,
69:18, 70:7, 71:22,
72:13, 74:21, 75:18,
78:9, 78:13, 82:24,
83:9, 83:21, 84:10,
86:4, 86:19, 89:16,
92:12, 131:12,
148:12, 168:10,
170:7, 174:7, 196:19,
233:14, 251:21,
258:22, 259:24,
260:6, 278:21,
280:14, 281:9, 282:3,
284:2, 292:18,
292:22, 298:15,
300:7, 300:11, 305:6,
317:25, 324:23,
324:24, 328:1, 328:9,
329:10, 343:19,
345:2, 345:10,
345:13, 346:6,
346:17, 346:24,
347:1, 347:5, 347:20,
349:12, 349:24
jury's [2] - 20:24,
346:8
justice [3] - 76:5,
90:4, 169:16
justify [1] - 225:11
JW [1] - 29:13

K

kahle [1] - 277:22
kahle-Bell [1] -
277:22
Katelyn [50] - 15:21,
32:14, 34:5, 48:6,
49:23, 50:17, 59:1,
61:14, 67:17, 71:1,
87:11, 87:12, 92:17,
94:3, 148:12, 148:19,
148:25, 160:22,
160:24, 171:20,
189:18, 226:11,
234:25, 254:23,
259:2, 263:22, 288:3,
289:21, 289:23,
290:4, 318:4, 323:13,
323:21, 326:10,
326:12, 327:15,
327:20, 333:18,
334:9, 334:10,
334:20, 334:22,
335:4, 335:10,
335:15, 335:18,
335:22, 341:4, 341:7,
341:9
KATELYN [4] -
33:24, 34:7, 93:17,
171:21
Katelyn's [1] -
196:13
Katie [19] - 28:6,
36:14, 51:17, 54:8,
54:18, 55:7, 55:9,
55:14, 56:3, 56:24,
175:11, 189:16,
189:18, 190:11,
190:17, 191:2, 191:9,
192:1, 198:20
Katy [4] - 194:8,
194:11, 195:1, 198:6
keep [10] - 29:17,
82:25, 87:3, 101:25,
189:22, 220:13,
254:7, 299:1, 308:6,
343:6
keeping [3] - 207:13,
272:18, 284:4
kept [2] - 157:10,
162:7
key [4] - 151:4,
151:8, 154:1, 211:7
keys [1] - 236:20
Kim [4] - 158:5,
161:5, 161:12
Kimberly [12] - 88:4,
149:2, 149:9, 149:12,
172:1, 283:6, 285:5,
318:4, 322:9, 326:11,
332:3
KIMBERLY [1] -
149:4
Kimberly's [1] -
240:14
kind [32] - 56:15,
71:23, 84:8, 98:9,
102:22, 116:14,
116:23, 117:24,
118:18, 136:11,
142:12, 155:22,
164:4, 170:10,
193:17, 194:20,
218:8, 237:16, 239:9,

239:13, 244:10,
251:21, 252:1,
254:14, 301:15,
304:11, 306:20,
306:21, 308:23, 309:2
kinds [2] - 201:11,
201:23
kiss [2] - 101:24,
116:22
kissed [3] - 87:17,
155:25, 308:12
kisses [1] - 318:25
kissing [10] - 102:2,
102:3, 102:17,
102:18, 116:12,
117:5, 237:19, 239:7,
239:8, 307:21
kitchenette [3] -
151:10, 163:12,
163:14
knowing [3] - 39:11,
62:13, 180:24
knowingly [3] -
79:24, 341:8, 342:1
knowledge [20] -
48:18, 51:22, 56:14,
68:5, 68:7, 68:14,
96:21, 98:24, 141:1,
152:6, 160:18,
160:24, 169:13,
169:25, 176:22,
187:19, 195:2, 199:3,
336:12, 343:5
known [8] - 55:14,
110:6, 115:16,
124:24, 184:9,
184:10, 185:20,
194:16
knows [2] - 7:22,
310:8
Kyle [3] - 24:22,
57:9, 179:15

L

label [1] - 216:11
lack [7] - 70:25,
73:12, 91:12, 91:24,
316:25, 317:11, 339:4
ladies [14] - 75:23,
80:16, 86:20, 89:22,
300:10, 305:6, 311:4,
312:9, 313:7, 315:7,
316:4, 317:20, 318:3,
323:4
laid [5] - 65:21,
90:15, 102:7, 156:19,
172:13
language [1] -
285:10

- large** [2] - 230:13, 265:21
- last** [25] - 10:12, 34:6, 40:14, 54:21, 122:8, 126:2, 149:13, 167:17, 190:12, 194:5, 211:15, 260:6, 260:16, 266:22, 269:17, 271:15, 271:24, 277:23, 284:21, 285:24, 288:16, 289:16, 291:10, 326:9
- lastly** [1] - 91:8
- late** [10] - 73:9, 75:6, 75:16, 153:22, 195:4, 235:14, 235:15, 245:25, 247:15, 250:21
- law** [38] - 13:9, 69:23, 78:10, 78:16, 78:17, 78:23, 79:6, 79:11, 83:11, 83:13, 93:4, 200:2, 280:19, 289:9, 289:10, 299:17, 299:19, 299:20, 299:21, 300:3, 328:5, 328:12, 328:20, 329:2, 329:3, 329:7, 334:11, 334:17, 334:21, 334:23, 337:22, 340:12, 340:17, 342:13, 342:15, 342:21, 343:10, 346:11
- Law** [1] - 22:14
- laying** [2] - 155:2, 158:1
- layout** [2] - 167:4, 172:13
- layperson** [1] - 169:14
- lead** [3] - 200:5, 211:23, 337:13
- leader** [1] - 276:10
- leads** [1] - 337:3
- leaned** [1] - 116:15
- leaning** [1] - 192:13
- leans** [1] - 116:22
- least** [13] - 19:4, 19:13, 20:20, 79:25, 136:2, 136:18, 213:9, 227:25, 305:14, 308:6, 313:25, 341:8, 342:2
- leave** [18] - 32:2, 87:22, 87:24, 103:5, 105:11, 120:21, 123:16, 156:13, 158:17, 158:20, 158:23, 159:2, 198:15, 218:7, 266:24, 267:22, 281:16, 319:6
- Leave** [2] - 238:24, 238:25
- leaves** [2] - 120:22, 319:7
- leaving** [3] - 124:10, 130:3, 211:20
- led** [6] - 6:2, 97:7, 107:25, 111:5, 152:19, 237:19
- left** [13] - 57:25, 58:3, 103:6, 105:12, 117:10, 130:5, 139:2, 156:8, 159:2, 163:20, 218:5, 239:24, 250:12
- leg** [3] - 158:8, 156:11, 156:23
- legal** [2] - 241:9, 301:14
- legs** [2] - 157:5, 157:11
- Leheighton** [1] - 94:19
- Lemonade** [1] - 162:3
- length** [2] - 48:11, 238:4
- lengths** [1] - 327:11
- less** [5] - 67:14, 96:19, 162:10, 266:11, 310:22
- lesser** [1] - 69:13
- letter** [9] - 5:18, 7:24, 11:17, 12:21, 203:3, 212:8, 266:21, 266:24, 267:4
- letters** [1] - 231:12
- letting** [2] - 20:18, 229:1
- level** [5] - 151:7, 238:14, 241:5, 301:13, 350:16
- levels** [1] - 151:5
- liaison** [1] - 268:20
- liar** [2] - 279:17, 319:19
- library** [2] - 245:22, 246:14
- lie** [6] - 279:19, 279:21, 322:1, 327:7, 327:15, 327:17
- life** [6] - 109:9, 242:11, 244:11, 277:9, 325:5, 343:5
- lifestyles** [1] - 195:25
- lift** [1] - 252:11
- lifted** [2] - 156:11, 350:12
- light** [6] - 237:23, 237:25, 238:21, 335:2, 339:20, 340:23
- likely** [18] - 59:20, 64:13, 65:1, 67:11, 78:18, 115:20, 123:25, 124:4, 136:13, 197:7, 201:23, 272:14, 294:22, 303:1, 310:3, 310:6, 312:18, 331:14
- Limine** [3] - 12:18, 12:22, 12:24
- limine** [3] - 5:13, 92:23, 284:7
- limit** [1] - 216:17
- limitation** [1] - 271:9
- limitations** [2] - 251:21, 254:12
- limited** [6] - 85:8, 283:7, 285:6, 290:1, 332:4, 335:19
- Lincoln** [1] - 87:7
- line** [13] - 7:18, 41:24, 206:8, 215:7, 216:13, 259:10, 266:1, 292:15, 295:20, 345:9, 345:10, 345:12
- Line** [7] - 41:20, 42:25, 43:1, 46:6, 46:7, 60:11, 128:8
- Lines** [1] - 60:11
- lines** [5] - 7:3, 35:17, 99:16, 134:16, 282:20
- list** [1] - 135:3
- listed** [7] - 23:22, 127:24, 248:21, 260:7, 260:11, 260:12, 260:23
- listen** [5] - 52:15, 80:10, 83:19, 84:20, 90:1
- listening** [3] - 90:11, 234:19, 301:3
- lists** [1] - 170:9
- literally** [7] - 120:11, 167:13, 170:23, 224:2, 254:16, 307:4, 311:1
- live** [3] - 151:3, 267:22, 277:25
- lived** [17] - 95:7, 95:16, 96:9, 108:13, 120:1, 120:11, 150:9, 150:13, 152:10, 153:8, 153:25, 158:25, 238:16, 238:17, 309:7, 309:8, 325:9
- lives** [8] - 100:6, 156:16, 158:9, 162:23, 165:3, 166:16, 326:25, 344:20
- living** [15] - 100:7, 150:8, 151:10, 151:11, 151:24, 155:11, 155:16, 159:1, 162:19, 163:8, 163:11, 163:16, 163:25, 164:1, 167:5
- load** [3] - 242:22, 243:2, 246:17
- lobby** [18] - 100:21, 112:9, 112:18, 208:11, 208:12, 210:10, 210:16, 210:17, 222:6, 225:4, 225:13, 295:15, 314:20, 323:3, 323:5, 323:20
- local** [1] - 315:23
- located** [3] - 149:23, 209:6, 209:10
- location** [3] - 272:16, 286:11, 287:14
- lock** [4] - 101:12, 156:5, 157:18
- locked** [7] - 157:23, 158:3, 211:3, 211:5, 221:18, 221:19, 221:22
- logical** [1] - 317:16
- LOL** [1] - 29:7
- look** [36] - 30:7, 35:24, 41:20, 46:5, 50:5, 115:5, 115:7, 121:16, 127:21, 135:15, 135:19, 138:1, 146:19, 151:3, 168:24, 170:22, 176:13, 177:1, 188:3, 190:12, 214:6, 222:15, 223:20, 248:16, 257:8, 290:7, 292:25, 306:17, 315:3, 315:11, 318:21, 318:23, 326:12, 330:16
- Look** [2] - 28:15, 310:10
- looked** [5] - 30:7, 30:8, 50:8, 144:5, 254:2
- looking** [21] - 7:25, 37:3, 50:13, 69:3, 70:9, 115:13, 136:10, 163:22, 167:9, 181:24, 182:2, 202:2, 242:8, 242:15, 261:18, 271:1, 276:23, 284:1, 292:6, 304:6, 305:21
- looks** [6] - 62:12, 135:13, 181:21, 239:10, 256:24, 306:6
- loosen** [1] - 161:21
- lose** [1] - 242:8
- loud** [4] - 93:23, 93:24, 142:20, 236:14
- louder** [1] - 142:23
- lounge** [1] - 172:19
- low** [2] - 67:3, 70:15
- luck** [3] - 28:14, 36:21, 190:23
- lunch** [9] - 168:11, 168:14, 168:24, 169:6, 171:16, 246:11, 246:19, 246:25, 255:1
- lying** [2] - 279:16, 327:7

M

- M.O** [1] - 318:20
- mad** [8] - 67:12, 105:10, 119:11, 119:12, 142:16, 321:4
- mail** [33] - 173:22, 203:5, 212:9, 212:10, 212:11, 213:5, 213:16, 214:3, 214:11, 215:14, 216:2, 216:23, 216:25, 218:22, 219:16, 219:20, 232:10, 232:15, 255:22, 255:23, 256:1, 263:11, 263:13, 263:16, 263:17, 268:16, 268:17, 268:22, 268:25, 269:3, 313:23, 314:4
- mailing** [1] - 272:5
- mails** [2] - 219:13, 256:1
- main** [6] - 100:3, 151:7, 208:8, 210:13, 210:14, 210:16
- major** [2] - 150:22, 234:18
- mall** [1] - 207:7
- man** [10] - 27:24, 28:4, 54:3, 54:6, 69:20, 190:13, 225:7,

- 225:10, 230:6, 326:17
managed [1] - 157:23
manager [1] - 159:12
mandatory [1] - 99:5
manipulated [1] - 251:10
manner [5] - 102:5, 102:9, 308:7, 330:15, 339:23
manufactured [2] - 317:8, 339:7
March [1] - 59:11
mark [5] - 220:19, 220:23, 220:25, 232:22, 294:21
marked [6] - 35:24, 186:3, 188:4, 244:1, 249:7, 257:22
material [8] - 291:5, 291:14, 292:7, 292:12, 292:21, 292:23, 298:23, 335:25
materiality [1] - 292:8
math [5] - 245:17, 245:20, 245:21, 245:23
mathematical [2] - 303:19, 338:21
matt [1] - 268:17
Matt [3] - 212:25, 232:4, 232:5
matter [13] - 5:12, 6:20, 13:5, 17:21, 23:22, 73:24, 83:7, 105:7, 315:9, 331:8, 336:1, 339:1, 342:24
matters [10] - 75:8, 75:14, 78:17, 82:18, 82:20, 282:7, 309:25, 342:15, 344:23, 350:24
maximum [1] - 195:8
meal [2] - 246:23, 247:1
meals [1] - 247:3
mean [30] - 9:14, 10:4, 10:6, 18:22, 30:16, 32:8, 80:19, 97:25, 98:17, 104:23, 129:7, 131:6, 137:14, 145:16, 162:11, 183:13, 207:14, 210:1, 216:23, 231:9, 254:18, 255:21, 255:22, 255:25, 304:25, 305:3, 305:9, 338:20, 341:11, 341:25
meaning [1] - 80:3
means [9] - 21:25, 52:8, 82:8, 131:14, 262:20, 305:4, 315:12, 329:24, 343:23
meant [4] - 51:17, 172:14, 214:18, 241:18
meanwhile [1] - 307:23
media [6] - 84:4, 168:19, 173:20, 173:22, 230:20, 233:17
medical [3] - 88:19, 247:24, 274:21
medicine [1] - 249:18
meer [3] - 337:23, 339:10, 344:13
meet [16] - 153:14, 153:17, 154:3, 161:22, 205:14, 245:11, 245:13, 245:17, 245:19, 246:6, 255:3, 280:21, 317:3, 338:13, 339:15
meeting [7] - 92:25, 93:15, 153:22, 159:18, 173:14, 205:7, 206:18
meets [1] - 339:13
members [17] - 75:18, 82:24, 83:22, 92:12, 148:12, 168:9, 168:16, 174:7, 233:14, 258:22, 259:24, 280:14, 298:15, 328:1, 345:2, 346:17, 349:12
memorable [1] - 306:13
memories [1] - 80:9
memory [10] - 11:4, 35:14, 41:18, 42:3, 46:3, 60:8, 60:17, 191:10, 198:20, 221:16
mental [1] - 330:13
mentality [1] - 341:23
mention [8] - 8:11, 104:3, 125:24, 126:18, 306:19, 322:12
mentioned [21] - 31:23, 31:25, 50:7, 53:19, 65:20, 96:17, 101:17, 105:13, 105:14, 126:2, 127:1, 127:16, 127:17, 137:14, 140:12, 161:20, 187:24, 282:11, 299:19, 319:25, 328:14
mentions [2] - 31:6, 321:17
mere [2] - 13:12, 13:22
merely [6] - 14:7, 14:12, 65:21, 66:2, 292:16, 332:18
mess [1] - 159:11
message [86] - 16:21, 20:19, 24:16, 28:22, 31:2, 36:12, 37:6, 37:13, 37:17, 38:6, 39:1, 39:4, 44:3, 49:1, 50:20, 50:22, 51:9, 51:24, 61:14, 66:22, 67:24, 68:6, 69:18, 98:12, 99:10, 101:5, 115:24, 131:16, 131:18, 131:21, 131:24, 132:1, 134:15, 134:22, 135:24, 136:3, 136:6, 136:17, 136:23, 138:2, 143:7, 144:8, 144:16, 147:20, 176:24, 177:20, 177:25, 178:3, 178:5, 178:6, 179:6, 179:17, 179:24, 180:2, 180:13, 181:15, 182:9, 188:16, 189:7, 189:11, 190:12, 194:2, 215:7, 216:11, 256:7, 256:11, 258:4, 262:14, 263:4, 264:4, 264:5, 264:6, 264:24, 270:17, 271:24, 273:8, 273:9, 273:17, 278:7, 310:24, 311:3, 312:4, 320:19, 321:17, 321:18, 321:19
messaged [12] - 16:14, 16:16, 16:19, 26:1, 42:10, 98:3, 99:14, 147:1, 147:9, 147:10, 147:12, 324:10
messages [172] - 11:25, 15:21, 15:23, 17:13, 18:1, 19:12, 20:10, 20:14, 20:24, 23:10, 23:12, 23:13, 23:14, 23:17, 23:20, 24:1, 24:2, 24:17, 24:23, 25:18, 26:3, 26:11, 26:12, 26:15, 26:18, 26:22, 27:15, 27:16, 27:21, 28:23, 29:3, 31:8, 35:3, 35:10, 35:11, 35:21, 35:25, 36:4, 36:10, 37:3, 38:8, 39:16, 39:19, 39:23, 41:5, 43:11, 44:16, 45:18, 46:10, 46:11, 49:9, 49:13, 49:14, 49:17, 49:19, 50:3, 50:5, 50:7, 51:3, 55:7, 55:13, 55:18, 59:24, 61:2, 63:10, 63:12, 63:21, 63:23, 64:1, 64:7, 64:22, 65:21, 65:23, 66:7, 66:9, 66:25, 67:9, 67:10, 68:7, 68:8, 68:9, 68:11, 68:20, 68:21, 68:23, 98:19, 112:4, 131:8, 131:13, 131:18, 132:13, 132:17, 132:24, 133:5, 133:11, 133:24, 134:13, 134:15, 134:20, 135:2, 135:3, 135:4, 135:6, 135:12, 135:16, 135:19, 136:10, 139:4, 139:6, 140:17, 143:13, 143:16, 143:17, 143:19, 143:22, 143:24, 144:2, 144:6, 144:13, 144:15, 176:17, 178:10, 179:1, 179:6, 181:8, 186:3, 187:1, 187:9, 187:11, 187:18, 188:8, 188:25, 189:1, 189:2, 189:15, 190:4, 190:25, 191:2, 191:15, 192:17, 192:21, 193:15, 194:4, 205:22, 255:13, 258:9, 259:14, 261:10, 261:12, 261:20, 265:6, 265:14, 265:18, 266:11, 266:14, 270:9, 273:6, 297:9, 311:9, 312:19, 313:3, 313:15, 315:15, 316:9, 316:10, 320:11, 320:20, 320:25, 324:3, 324:5, 324:7
messaging [9] - 98:6, 98:15, 139:12, 140:19, 146:2, 258:9, 266:8, 315:13, 323:25
messenger [6] - 131:9, 131:11, 134:9, 177:9, 177:18, 264:4
messy [1] - 59:6
met [13] - 95:21, 95:22, 111:12, 112:18, 152:13, 154:14, 155:3, 159:19, 172:5, 205:9, 245:14, 286:15, 333:8
method [2] - 85:5, 173:19
methods [1] - 212:6
microwave [1] - 163:18
midafternoon [1] - 138:6
middle [3] - 240:3, 279:23, 279:24
midterms [4] - 244:20, 244:24, 245:1
might [29] - 7:14, 9:21, 36:22, 45:20, 72:17, 81:2, 81:11, 81:23, 83:15, 85:15, 85:20, 121:4, 142:4, 146:5, 161:6, 182:6, 182:12, 192:1, 203:22, 223:13, 240:5, 283:17, 302:12, 302:13, 303:18, 320:18, 330:21, 332:11, 343:15
Mike's [1] - 162:3
miles [1] - 318:5
mind [7] - 8:21, 29:17, 82:25, 86:6, 242:5, 299:1, 304:17
minds [1] - 333:1
mine [4] - 52:17, 81:9, 193:16, 238:18
minimum [1] - 242:8
minor [2] - 6:9, 331:8
minute [7] - 35:13, 155:24, 157:13, 224:2, 266:11, 266:12
minutes [10] - 5:4, 89:7, 153:7, 170:25, 210:25, 227:2, 233:13, 233:19, 280:24, 324:24
misdemeanor [3] - 160:11, 241:5, 242:4

- miss** [1] - 248:11
missing [1] - 248:8
mistake [2] - 279:15, 331:11
modified [5] - 176:21, 243:24, 251:10, 287:23, 290:19
moment [13] - 28:13, 36:20, 54:12, 111:17, 111:19, 111:21, 118:24, 119:3, 138:1, 190:23, 194:7, 308:15, 313:6
momentarily [2] - 16:2, 70:1
monday [1] - 153:11
Monday [6] - 114:14, 152:1, 152:7, 153:10, 243:10, 243:11
Mondays [1] - 245:19
money [2] - 247:1, 261:16
month [4] - 49:20, 107:21, 244:22, 270:5
month's [1] - 231:7
months [13] - 125:1, 126:13, 128:2, 132:11, 195:5, 195:7, 195:9, 195:14, 270:5, 270:8, 270:24, 307:9, 313:22
moral [2] - 69:13, 72:4
morning [18] - 5:13, 7:10, 14:17, 30:2, 31:4, 31:15, 75:11, 86:20, 89:21, 89:22, 93:22, 110:19, 154:9, 243:12, 245:24, 272:1, 310:3, 325:20
most [13] - 8:23, 15:15, 72:17, 75:24, 112:23, 201:23, 223:21, 224:6, 244:22, 272:14, 300:15, 317:17, 339:24
mostly [4] - 154:21, 162:5, 208:8, 277:2
motion [11] - 5:13, 5:14, 5:20, 6:24, 12:10, 92:23, 93:2, 93:6, 118:6, 253:9, 284:7
Motion [3] - 12:18, 12:22, 12:24
motioned [1] - 103:19
motions [1] - 275:9
motivation [3] - 311:6, 312:21, 313:14
motive [27] - 17:15, 17:19, 19:5, 20:16, 63:5, 65:3, 65:8, 66:3, 66:13, 67:12, 68:1, 68:3, 70:12, 72:8, 91:6, 185:10, 290:15, 305:19, 309:23, 313:9, 320:22, 321:3, 321:10, 322:3, 327:7, 330:21
mouth [5] - 102:4, 124:8, 135:1, 185:22, 300:21
mouths [1] - 90:7
move [17] - 26:21, 157:4, 158:7, 186:4, 244:2, 249:8, 251:13, 252:12, 253:5, 254:22, 257:22, 277:5, 280:25, 324:22, 325:3, 325:6, 326:6
moved [10] - 104:7, 123:12, 124:1, 124:3, 151:25, 152:2, 166:3, 256:16, 319:14, 319:15
movement [2] - 118:5, 254:14
movie [2] - 303:6, 303:8
movies [5] - 44:15, 140:4, 140:5, 191:13, 191:14
moving [4] - 118:5, 152:14, 316:18, 325:23
MR [2] - 10:9, 149:8
MRI [1] - 274:20
muddy [1] - 197:11
multiple [6] - 29:12, 119:16, 135:4, 150:25, 228:8, 307:17
must [52] - 13:10, 13:13, 14:3, 76:25, 78:16, 78:23, 79:15, 80:5, 81:7, 82:15, 82:24, 83:15, 86:8, 91:19, 251:4, 282:16, 283:12, 283:14, 286:19, 293:19, 296:3, 296:12, 299:5, 299:9, 299:20, 301:7, 306:6, 329:25, 332:6, 332:8, 333:16, 334:7, 334:19, 335:1, 336:25, 337:13, 337:14, 338:13, 338:20, 338:22, 339:2, 339:6, 339:16, 341:1, 341:15, 341:17, 341:23, 342:7, 342:14, 343:23, 343:24, 344:4
-
- N**
-
- Nair** [4] - 95:11, 96:8, 96:12, 99:22
naive [1] - 162:13
name [29] - 34:4, 34:6, 34:17, 47:22, 86:22, 89:23, 94:2, 108:14, 115:2, 121:12, 121:24, 131:1, 149:11, 149:13, 152:15, 174:22, 181:21, 192:16, 199:20, 211:15, 222:24, 234:6, 234:7, 236:8, 266:22, 277:23, 322:13
named [3] - 24:10, 95:19, 187:4
names [3] - 165:23, 218:11, 345:4
narrow [1] - 223:18
naturally [1] - 337:13
nature [15] - 37:7, 71:19, 80:25, 90:24, 136:18, 136:19, 162:17, 207:1, 220:11, 237:2, 242:18, 272:18, 275:2, 292:14, 334:24
ne [1] - 349:6
near [10] - 46:12, 46:14, 58:23, 91:5, 113:25, 133:21, 133:24, 179:17, 179:20, 261:8
necessarily [8] - 139:15, 187:25, 196:4, 252:15, 292:20, 302:20, 309:3, 334:12
necessary [5] - 80:15, 329:16, 336:20, 337:8, 341:12
neck [1] - 103:20
need [47] - 10:7, 11:9, 28:7, 35:17, 36:15, 39:4, 45:5, 54:8, 66:6, 66:8, 73:18, 78:11, 88:17, 97:15, 98:25, 99:12, 112:5, 134:17, 145:3, 151:19, 161:7, 161:15, 161:21, 162:11, 188:3, 190:18, 197:10, 198:5, 230:18, 231:7, 263:8, 263:11, 263:19, 280:21, 281:3, 283:19, 310:10, 314:5, 314:10, 315:5, 315:6, 323:14, 323:15, 328:22, 329:19, 335:7, 346:1
needed [6] - 29:16, 103:5, 105:11, 153:14, 209:25, 231:13
needs [3] - 15:9, 79:13, 290:19
neglected [1] - 91:15
nervous [1] - 153:23
network [1] - 258:10
never [43] - 28:5, 31:9, 32:11, 35:12, 36:13, 39:21, 52:20, 74:5, 74:7, 74:8, 85:1, 136:25, 137:3, 137:9, 137:10, 137:13, 165:19, 166:24, 185:24, 190:17, 199:1, 235:5, 239:11, 239:12, 242:10, 269:22, 269:23, 269:24, 276:2, 276:4, 278:5, 278:6, 278:7, 278:23, 278:25, 279:1, 302:8, 306:1, 306:5, 319:25, 320:2, 321:25, 323:22
new [11] - 152:13, 152:15, 154:3, 161:23, 178:10, 178:11, 178:13, 186:20, 209:12, 238:7, 325:24
New [1] - 200:4
news [5] - 84:3, 84:21, 85:10, 168:18, 168:19
next [33] - 41:21, 50:22, 52:2, 55:17, 77:9, 78:6, 86:13, 86:24, 96:15, 101:22, 124:18, 149:1, 149:2, 154:24, 155:20, 156:14, 156:24, 158:24, 159:18, 162:21, 171:18, 188:12, 190:20, 199:12, 233:23, 237:12, 239:6, 260:15, 280:17, 289:4, 298:17, 307:19, 309:23
nice [1] - 156:12
night [13] - 52:5, 125:16, 151:25, 153:9, 153:10, 153:11, 156:3, 159:20, 213:22, 236:13, 240:3, 279:11, 279:12
nine [3] - 47:6, 153:5, 243:11
NO [12] - 348:2, 348:5, 348:8, 348:11, 348:14, 348:17, 348:20, 348:23, 349:1, 349:4, 349:7, 349:10
nobody [3] - 233:9, 288:18, 310:12
noise [1] - 237:14
noises [1] - 236:14
nonconsent [2] - 341:9, 342:3
none [2] - 259:20, 330:2
nonetheless [1] - 308:5
nonexistent [1] - 276:8
noon [5] - 114:7, 114:8, 115:25, 116:1, 168:10
normal [2] - 155:1, 267:19
normally [3] - 30:7, 142:21, 153:6
notable [1] - 306:20
notarized [1] - 257:17
note [2] - 271:21, 345:21
noted [1] - 124:7
notes [7] - 80:7, 80:9, 204:8, 204:11, 204:12, 204:18, 328:19
nothing [24] - 30:9, 68:22, 93:8, 93:11, 137:8, 137:22, 137:23, 173:23, 176:22, 180:1, 192:19, 196:16, 204:24, 214:25, 215:24, 217:5, 218:18, 231:14, 232:1, 237:6, 289:3,

306:20, 316:7
notice [7] - 15:16,
 176:23, 177:15,
 219:9, 257:13,
 304:20, 309:24
noticed [3] - 155:4,
 239:3, 316:14
November [100] -
 15:23, 15:25, 17:4,
 17:9, 20:7, 23:24,
 25:6, 25:8, 25:11,
 25:15, 25:22, 26:2,
 27:15, 27:16, 27:21,
 28:22, 28:23, 29:2,
 29:4, 30:2, 40:1,
 42:13, 43:6, 43:20,
 44:1, 44:4, 46:18,
 46:19, 46:21, 46:22,
 49:15, 49:16, 53:23,
 54:1, 54:16, 59:1,
 61:5, 64:22, 64:23,
 65:24, 67:10, 67:17,
 68:18, 68:21, 94:9,
 107:19, 111:7, 122:1,
 125:10, 125:13,
 130:13, 130:18,
 133:14, 133:25,
 138:3, 138:4, 138:5,
 138:8, 139:17,
 139:22, 144:10,
 144:17, 176:25,
 177:3, 178:15,
 179:21, 179:24,
 180:3, 187:7, 188:9,
 188:14, 188:18,
 188:19, 188:20,
 189:1, 189:6, 206:15,
 213:23, 226:3, 264:9,
 264:18, 265:25,
 266:14, 266:19,
 267:2, 267:12,
 267:15, 272:4, 272:7,
 276:15, 306:2,
 309:24, 310:3, 310:5,
 310:7, 313:3, 313:7,
 320:15, 321:1, 321:19
NOW [1] - 12:16
number [48] - 23:6,
 27:2, 51:25, 58:9,
 67:15, 98:2, 109:7,
 115:2, 124:21,
 207:22, 207:23,
 222:25, 228:5, 230:6,
 241:3, 256:15,
 258:19, 259:3,
 259:11, 259:13,
 259:14, 259:21,
 260:9, 260:13,
 260:15, 260:16,
 260:18, 260:23,

262:9, 262:13,
 262:14, 263:3, 263:7,
 263:10, 269:25,
 270:1, 270:3, 273:11,
 274:3, 291:10, 293:3,
 313:12, 316:8,
 316:10, 316:11,
 316:23, 319:22
numbered [1] -
 32:20
numbers [5] -
 166:22, 173:16,
 255:14, 255:17,
 271:16
nurse [1] - 252:22
nurses [1] - 248:1
nursing [2] - 150:22,
 150:24

O

o'clock [11] - 47:6,
 75:11, 113:14, 114:8,
 152:22, 153:6,
 168:12, 246:1,
 246:22, 265:4, 281:8
oath [7] - 74:25,
 75:2, 83:1, 145:1,
 310:22, 327:15,
 327:16
object [7] - 12:11,
 170:6, 184:25, 185:7,
 200:22, 284:23,
 289:15
objecting [2] - 12:25,
 217:22
objection [22] - 8:14,
 9:18, 20:18, 26:25,
 70:25, 82:4, 82:7,
 82:11, 82:14, 171:2,
 185:2, 185:11, 186:5,
 200:25, 219:6, 244:4,
 249:9, 251:14,
 258:13, 270:10,
 270:14, 271:10
obligation [1] - 78:2
obligations [1] -
 350:1
observed [2] - 6:15,
 74:2
observing [1] - 224:7
obtain [3] - 85:1,
 85:5, 224:25
obtained [3] -
 222:12, 223:3, 224:21
obvious [2] - 269:2,
 312:17
obviously [16] - 42:5,
 90:1, 90:6, 90:15,
 105:10, 109:7,

136:10, 141:11,
 159:3, 196:21, 220:8,
 234:19, 235:9,
 235:16, 323:5, 327:13
occasion [2] -
 289:20, 335:15
occasions [1] -
 333:20
occupation [1] -
 95:17
occur [3] - 334:9,
 334:22
occurred [8] - 23:7,
 64:23, 114:5, 189:3,
 189:6, 223:24, 334:9,
 334:19
occurring [2] - 6:6,
 92:25
October [76] - 15:18,
 21:16, 22:23, 34:14,
 34:21, 42:14, 42:17,
 42:22, 43:7, 43:24,
 44:24, 45:24, 46:12,
 46:18, 46:22, 48:5,
 96:2, 105:15, 106:5,
 112:2, 114:10, 116:5,
 126:8, 127:17, 128:2,
 129:17, 132:19,
 133:4, 133:21,
 133:23, 133:25,
 138:22, 140:9,
 140:25, 144:13,
 144:16, 209:1,
 220:18, 244:12,
 244:18, 245:3,
 247:10, 247:17,
 248:22, 248:24,
 250:20, 250:22,
 251:4, 251:5, 252:20,
 253:12, 258:4, 258:6,
 261:9, 261:11, 264:9,
 269:18, 269:19,
 270:6, 271:15,
 271:21, 271:24,
 272:15, 272:20,
 272:21, 275:4, 282:5,
 283:9, 284:11,
 284:12, 310:19,
 322:6, 326:22
odd [2] - 102:6,
 306:11
off-the-record [3] -
 5:3, 14:16, 148:11
offender [1] - 277:24
offense [6] - 88:8,
 277:18, 292:14,
 340:14, 340:19, 341:1
offenses [1] - 282:24
offer [20] - 9:15,
 15:16, 17:25, 19:4,

20:4, 20:9, 26:6,
 33:15, 33:17, 65:25,
 77:18, 78:2, 91:23,
 146:4, 255:22, 258:8,
 258:18, 259:10,
 301:9, 325:17
offered [12] - 6:18,
 20:5, 23:10, 26:3,
 26:9, 72:6, 80:12,
 85:13, 148:17,
 148:22, 290:11,
 291:19
offering [9] - 6:14,
 17:17, 18:14, 18:16,
 19:9, 19:21, 214:23,
 215:21, 314:16
offhand [1] - 206:19
office [20] - 74:3,
 82:22, 159:16, 160:2,
 200:15, 202:10,
 202:15, 202:19,
 203:17, 204:15,
 210:5, 212:3, 212:7,
 217:2, 226:24,
 230:14, 267:17,
 271:19, 272:5, 295:25
Office [2] - 76:12,
 200:4
officer [7] - 85:9,
 86:25, 87:2, 207:2,
 207:5, 266:19, 313:23
officers [1] - 220:16
official [3] - 52:20,
 59:13, 301:14
officially [1] - 111:7
often [3] - 178:10,
 178:13, 346:1
old [9] - 94:4, 94:9,
 95:8, 204:3, 209:12,
 210:15, 242:10,
 277:15, 350:8
older [1] - 276:13
on-campus [1] -
 247:23
once [9] - 49:11,
 72:20, 72:21, 73:4,
 152:13, 236:22,
 267:24, 268:11,
 300:22
one [138] - 14:4,
 21:20, 36:7, 37:12,
 42:24, 43:8, 45:4,
 52:2, 58:9, 61:21,
 67:15, 68:5, 68:7,
 70:16, 73:20, 75:24,
 76:13, 82:1, 82:20,
 89:3, 92:20, 94:5,
 96:11, 102:22, 113:7,
 113:8, 114:17,
 114:20, 117:6,

117:12, 117:16,
 118:6, 120:10,
 127:14, 135:6, 135:7,
 136:24, 145:16,
 150:16, 153:24,
 155:2, 156:16, 158:9,
 160:13, 162:4,
 162:10, 163:3,
 164:11, 164:12,
 164:16, 165:11,
 165:13, 167:17,
 168:12, 169:1, 170:2,
 172:16, 173:11,
 179:6, 185:19, 188:9,
 192:19, 193:1,
 196:25, 197:20,
 197:21, 198:9,
 198:16, 208:10,
 208:11, 210:13,
 210:18, 212:6,
 213:22, 215:7, 217:7,
 234:14, 236:4, 236:8,
 237:19, 239:9,
 240:24, 243:7,
 246:22, 247:13,
 266:16, 272:24,
 272:25, 274:22,
 275:9, 276:2, 276:3,
 276:10, 281:18,
 282:12, 282:17,
 285:24, 288:11,
 288:13, 291:4,
 291:10, 291:17,
 293:7, 297:4, 297:12,
 300:17, 302:2, 302:3,
 304:9, 307:22,
 307:23, 310:25,
 312:4, 314:21,
 315:24, 317:16,
 318:8, 319:4, 321:21,
 324:10, 325:18,
 326:9, 327:23,
 329:13, 333:22,
 336:10, 339:7,
 341:14, 341:16,
 343:19, 343:20,
 345:8, 346:7
one-hundred [1] -
 61:21
ones [5] - 26:15,
 36:11, 210:16,
 291:10, 303:24
ongoing [2] - 261:15,
 312:11
online [1] - 243:7
ons [1] - 222:5
op [1] - 349:6
open [25] - 82:25,
 121:4, 122:19, 123:3,
 123:16, 123:24,

124:11, 155:11,
214:16, 215:11,
216:17, 237:13,
309:9, 347:22, 348:1,
348:4, 348:7, 348:10,
348:13, 348:16,
348:19, 348:22,
348:25, 349:3, 349:9
opened [4] - 120:20,
158:2, 225:14, 236:19
opening [18] - 75:18,
75:20, 77:6, 77:10,
77:13, 77:15, 85:19,
86:12, 86:14, 86:15,
87:3, 89:18, 90:21,
91:16, 158:4, 165:14,
218:5, 305:17
opens [1] - 263:14
opinion [13] - 13:6,
13:9, 15:7, 15:14,
17:21, 49:16, 66:19,
81:10, 170:21,
268:10, 279:12,
344:9, 344:12
opinions [3] - 83:2,
346:10, 350:14
opportunity [13] -
19:10, 19:18, 70:13,
78:8, 170:11, 214:17,
215:3, 215:5, 216:5,
217:12, 256:21,
257:2, 300:13
option [1] - 77:12
oral [11] - 6:16,
30:12, 32:24, 39:20,
40:5, 40:9, 40:18,
50:18, 61:15, 74:3,
93:1
order [16] - 12:15,
68:2, 77:22, 82:12,
82:14, 98:24, 207:13,
211:12, 221:24,
253:18, 261:13,
263:20, 266:25,
294:17, 328:22,
343:24
ordinarily [1] -
334:15
ordinary [1] - 209:18
organizations [2] -
187:25, 188:1
original [8] - 8:10,
20:21, 29:3, 69:10,
74:1, 192:18, 285:1,
285:10
originally [3] - 7:19,
94:17, 223:15
otherwise [6] - 14:7,
32:9, 216:18, 251:9,
278:19, 298:4

outcome [4] - 73:23,
330:20, 332:21, 336:1
outcry [1] - 334:14
outline [2] - 86:16,
167:10
outlined [1] - 343:11
outlines [2] - 77:7,
77:11
outpouring [1] -
185:17
outreach [1] - 215:16
outside [15] - 41:14,
83:16, 84:15, 97:9,
97:11, 97:17, 104:12,
104:13, 155:15,
210:18, 236:14,
240:21, 240:22,
323:15, 329:12
outweighs [1] - 67:6
overcome [1] - 308:6
overdue [1] - 296:11
overheard [1] - 6:11
overrule [1] - 82:7
overruled [2] -
185:11, 271:11
owed [1] - 350:17
own [27] - 69:14,
81:1, 81:7, 81:20,
84:5, 84:6, 84:7, 86:6,
90:8, 99:4, 99:6,
150:5, 151:7, 157:14,
164:6, 168:20,
170:13, 233:18,
299:8, 320:9, 336:11,
338:11, 339:2, 340:2,
341:19, 343:5, 344:8

P

P-a-l-m-o-r-e [1] -
234:8
p.m [25] - 23:24,
27:22, 29:2, 138:3,
138:5, 144:10, 169:5,
171:13, 177:3,
188:14, 214:10,
226:6, 226:7, 226:8,
227:6, 227:25, 260:8,
270:13, 272:4,
272:15, 281:7,
298:10, 346:20,
346:22, 351:3
packs [2] - 249:18,
250:6
Page [26] - 13:8,
14:2, 15:7, 16:5,
16:13, 17:5, 32:20,
32:22, 35:11, 37:16,
42:24, 46:5, 46:6,
60:10, 60:11, 66:19,

114:1, 128:8, 135:21,
136:19, 182:15,
188:12, 188:13,
188:17, 284:1
page [25] - 8:15,
20:21, 35:12, 41:20,
41:21, 41:22, 50:22,
51:16, 52:2, 54:7,
111:3, 122:4, 122:6,
122:9, 135:20,
139:12, 143:16,
144:5, 177:16,
190:20, 194:5,
257:13, 284:2, 284:10
Pages [1] - 39:17
pages [11] - 7:3,
23:25, 24:1, 53:22,
59:25, 139:10,
139:11, 176:14,
188:9, 189:1, 190:12
paid [3] - 253:22,
261:13, 269:23
pain [4] - 217:17,
253:4, 275:19, 307:16
palm [2] - 252:8,
275:16
Palmore [160] - 5:6,
8:3, 8:12, 8:13, 9:2,
9:4, 15:20, 16:8,
19:23, 20:4, 22:6,
22:17, 22:22, 26:23,
33:9, 33:19, 35:3,
35:6, 39:19, 40:5,
40:19, 45:3, 49:7,
51:4, 51:18, 51:21,
54:3, 55:4, 55:8,
56:12, 57:7, 57:8,
59:23, 61:15, 61:25,
62:21, 64:17, 69:15,
69:17, 73:25, 74:5,
74:23, 76:1, 76:13,
87:15, 88:7, 88:8,
88:12, 89:24, 90:3,
92:9, 92:24, 95:19,
97:1, 97:4, 97:20,
99:10, 107:7, 110:6,
110:12, 112:4, 112:8,
115:24, 116:11,
122:14, 124:10,
126:25, 127:9,
128:14, 131:19,
131:22, 131:24,
132:13, 132:25,
133:5, 137:4, 137:18,
137:22, 141:2, 141:9,
142:11, 142:15,
146:24, 152:4, 152:9,
152:17, 154:3,
155:22, 156:23,
158:5, 160:5, 165:10,

166:2, 166:7, 172:9,
173:15, 175:14,
176:18, 179:7,
186:23, 187:4,
187:20, 191:23,
192:10, 192:12,
192:23, 198:4,
200:17, 204:19,
205:3, 205:7, 205:14,
212:22, 213:21,
214:20, 215:15,
218:10, 219:13,
224:7, 225:3, 228:6,
229:1, 229:9, 229:15,
231:10, 232:11,
233:25, 234:6, 234:8,
260:4, 262:20,
294:17, 295:1,
295:15, 300:6, 307:4,
307:5, 307:15, 310:1,
310:8, 310:24, 311:3,
311:12, 312:8, 313:4,
313:22, 313:24,
315:15, 316:7,
317:21, 318:10,
318:13, 319:8,
319:16, 319:17,
320:15, 321:2, 321:9,
323:20, 324:2
PALMORE [2] -
22:10, 234:1
Palmore's [15] -
18:1, 19:7, 40:18,
64:18, 68:6, 68:8,
72:21, 124:12,
125:17, 141:5,
179:11, 182:3, 233:8,
316:15, 318:18
pants [11] - 87:19,
102:19, 104:4, 104:6,
104:24, 118:3, 118:6,
118:9, 157:10,
157:12, 319:3
paper [1] - 329:11
paperwork [4] -
230:16, 231:3, 231:8,
232:5
Paragraph [3] -
281:14, 285:21,
289:24
paragraph [3] -
282:12, 289:18, 293:7
paragraphs [1] -
282:12
parents [1] - 218:12
Park [1] - 218:25
part [38] - 13:9, 22:3,
24:12, 66:19, 71:12,
80:22, 82:4, 91:6,
102:21, 111:5,

112:14, 147:4,
154:18, 185:10,
191:21, 202:9,
203:24, 205:21,
205:24, 207:12,
207:21, 208:19,
210:3, 223:4, 237:4,
246:18, 256:20,
259:6, 260:1, 281:25,
282:2, 292:17, 311:6,
330:2, 331:3, 336:18,
339:17, 340:16
participation [1] -
350:6
particular [8] - 27:2,
114:15, 115:2,
135:12, 201:24,
236:11, 255:10, 298:4
particularly [7] -
91:12, 119:9, 196:7,
268:6, 304:8, 305:8,
336:22
parties [3] - 345:4,
347:17, 349:21
parts [4] - 279:20,
297:1, 336:7, 341:16
party [8] - 16:12,
85:9, 146:24, 291:17,
291:21, 293:12,
295:2, 296:16
Passages [1] -
169:23
passed [2] - 240:9,
275:11
passes [1] - 239:10
passing [2] - 30:6,
315:17
past [5] - 13:12,
270:23, 293:9, 294:9,
306:17
patently [1] - 215:1
patience [3] - 75:16,
298:13, 340:10
pay [10] - 76:7, 84:3,
168:18, 233:17,
261:13, 261:15,
273:1, 277:13,
328:16, 328:24
paying [1] - 300:12
payment [1] - 253:17
payments [1] -
261:14
PDA [2] - 30:14,
30:16
peers [2] - 184:14,
349:21
penalty [4] - 85:20,
85:25, 343:15, 343:17
pencil [2] - 252:3,
274:12

- pending** [4] - 9:22, 219:7, 233:5, 242:18
- penetrated** [1] - 104:11
- Pennsylvania** [9] - 74:22, 76:3, 149:24, 149:25, 235:12, 299:24, 315:9, 318:23, 349:20
- people** [41] - 6:10, 83:23, 83:25, 96:18, 98:8, 99:21, 105:5, 106:9, 108:8, 109:9, 118:23, 120:1, 124:22, 127:2, 142:4, 152:15, 153:14, 153:17, 153:18, 153:20, 153:21, 154:3, 154:15, 161:22, 163:8, 164:12, 164:14, 164:16, 172:14, 183:25, 184:11, 196:3, 201:21, 210:16, 222:6, 224:16, 228:8, 228:10, 242:25, 268:10, 302:16
- People** [1] - 9:1
- people's** [1] - 90:7
- pep** [1] - 157:22
- per** [1] - 178:11
- percent** [12] - 61:21, 248:11, 302:3, 302:4, 302:6, 302:13, 302:24, 302:25, 303:4, 303:16, 303:23, 304:1
- perfectly** [1] - 53:6
- perform** [8] - 30:12, 40:9, 75:23, 76:9, 84:7, 343:1, 349:23, 350:3
- performed** [3] - 40:18, 349:15, 350:10
- performing** [5] - 30:14, 39:20, 40:4, 50:17, 74:2
- perhaps** [3] - 11:3, 91:4, 91:9
- period** [4] - 94:12, 130:25, 178:9, 242:12
- perjury** [1] - 73:24
- permissible** [1] - 64:24
- permission** [1] - 200:20
- permit** [2] - 71:15, 171:2
- permitted** [1] - 209:17
- permitting** [1] - 70:17
- person** [38] - 9:7, 24:16, 24:18, 24:19, 64:14, 72:4, 76:1, 106:15, 108:10, 130:24, 140:20, 142:20, 148:20, 156:16, 176:2, 178:8, 182:10, 184:10, 184:23, 192:20, 223:7, 241:9, 263:3, 264:20, 264:22, 272:3, 277:21, 283:15, 301:17, 301:22, 304:12, 314:11, 315:8, 315:23, 332:10, 338:10, 338:25
- person's** [2] - 34:17, 330:12
- personal** [4] - 255:23, 301:18, 325:5, 336:12
- personally** [2] - 28:10, 190:20
- personnel** [1] - 83:23
- persons** [1] - 344:19
- perspective** [3] - 107:2, 238:2, 238:3
- pertain** [1] - 82:19
- pertaining** [1] - 282:1
- petite** [1] - 236:18
- phase** [1] - 308:22
- phone** [67] - 10:12, 84:22, 85:3, 98:2, 98:9, 98:25, 135:5, 136:15, 146:9, 149:15, 166:22, 172:5, 173:15, 181:15, 191:3, 194:2, 203:3, 203:4, 206:2, 206:4, 206:6, 212:8, 212:10, 222:25, 255:14, 255:17, 256:14, 258:19, 259:3, 260:22, 260:23, 261:12, 262:13, 262:14, 269:12, 269:13, 269:15, 269:17, 269:20, 269:22, 269:24, 270:4, 270:9, 270:17, 271:4, 271:16, 272:9, 272:10, 272:12, 272:13, 272:23, 272:24, 272:25, 273:11, 273:12, 273:21, 274:2, 276:1, 276:4, 277:19, 297:20, 316:7, 325:15, 327:2
- phones** [1] - 275:25
- phonetically** [2] - 211:16, 277:22
- photo** [6] - 181:21, 182:12, 182:17, 182:18, 251:5, 297:19
- photograph** [2] - 26:16, 250:18
- photographs** [1] - 77:18
- phrase** [2] - 241:7, 301:11
- physical** [13] - 88:17, 88:19, 201:22, 202:3, 229:23, 247:9, 295:17, 295:18, 315:5, 318:8, 330:13
- pick** [4] - 44:6, 240:20, 246:15, 246:16
- picked** [1] - 158:13
- picture** [8] - 9:16, 50:23, 131:13, 131:18, 146:6, 182:6, 182:12, 251:1
- piece** [7] - 235:22, 263:8, 313:18, 314:12, 321:22, 337:8
- pieces** [3] - 303:13, 337:7, 337:11
- Pittsburgh** [3] - 242:6, 325:10, 325:11
- place** [19] - 6:1, 28:11, 37:10, 54:10, 77:4, 116:5, 164:22, 190:21, 194:5, 202:16, 210:15, 222:19, 246:21, 286:12, 287:11, 287:21, 294:25, 333:6, 340:18
- placed** [1] - 350:11
- places** [3] - 99:9, 196:3, 219:21
- plain** [1] - 145:17
- plan** [12] - 88:13, 98:25, 246:23, 247:1, 283:11, 283:21, 285:8, 285:12, 285:14, 285:16, 318:19, 332:6
- planned** [2] - 75:9, 75:12
- play** [1] - 230:8
- playing** [1] - 303:6
- plea** [11] - 88:9, 160:6, 160:12, 160:16, 241:22, 242:14, 283:4, 284:17, 284:25, 285:2, 331:25
- plead** [2] - 241:11, 241:15
- pleading** [1] - 241:20
- pleasure** [3] - 102:23, 102:24, 120:17
- pleasured** [1] - 105:8
- pleasuring** [2] - 105:5, 118:22
- plus** [2] - 163:8, 303:19
- point** [129] - 10:5, 10:8, 11:1, 12:12, 14:18, 30:8, 34:19, 48:2, 48:22, 50:4, 52:18, 53:10, 54:17, 55:24, 57:4, 57:7, 58:15, 68:2, 70:18, 87:4, 88:2, 90:23, 94:10, 97:4, 101:5, 101:16, 101:18, 102:22, 103:4, 104:1, 104:17, 104:20, 105:1, 105:11, 107:1, 107:6, 107:25, 116:11, 117:14, 117:16, 118:18, 120:17, 120:19, 123:13, 123:22, 124:22, 125:23, 126:5, 127:9, 127:10, 127:11, 130:17, 131:4, 151:22, 152:9, 154:2, 156:21, 157:1, 158:20, 162:13, 166:2, 166:6, 173:14, 179:2, 179:6, 182:21, 187:15, 187:17, 191:8, 191:15, 191:18, 194:8, 195:14, 195:25, 205:8, 208:25, 209:22, 213:14, 215:20, 216:2, 218:2, 225:4, 225:16, 234:14, 234:24, 237:24, 239:9, 239:21, 240:1, 240:8, 240:13, 242:5, 242:6, 252:23, 252:24, 255:13, 262:4, 262:7, 267:21, 270:2, 273:14, 274:22, 286:6, 287:16, 294:22, 305:13, 306:10, 307:2, 308:24, 314:14, 314:15, 314:16, 320:13, 324:10, 324:21, 329:5, 335:25, 336:15, 340:9
- pointed** [1] - 141:25
- pointing** [1] - 290:15
- points** [1] - 90:22
- Police** [4] - 87:1, 199:23, 230:12, 322:22
- police** [82] - 6:2, 8:1, 9:11, 11:3, 11:6, 15:25, 17:3, 17:7, 39:25, 40:16, 43:22, 64:23, 66:23, 71:7, 86:25, 88:1, 91:4, 91:5, 91:10, 106:19, 106:22, 107:3, 107:13, 107:18, 107:24, 108:1, 108:19, 108:21, 108:22, 109:1, 109:3, 111:6, 111:7, 121:7, 121:9, 121:17, 122:14, 124:16, 125:6, 125:9, 130:9, 130:11, 133:14, 139:19, 141:8, 146:4, 146:8, 159:4, 159:21, 159:24, 172:2, 172:8, 194:12, 194:15, 199:24, 207:2, 207:4, 207:6, 207:18, 209:20, 225:18, 289:1, 289:5, 306:4, 306:18, 310:20, 313:1, 313:2, 313:5, 314:22, 320:16, 320:18, 321:1, 321:20, 322:8, 322:9, 322:10, 322:18, 322:21, 326:14
- policy** [3] - 202:13, 202:17, 202:19
- poll** [1] - 347:20
- polled** [1] - 347:18
- Pollock** [1] - 274:17
- pollock** [1] - 275:3
- Pollock's** [1] - 274:25
- ponderosa** [1] - 152:24
- Ponderosa** [1] - 153:2
- poor** [2] - 244:23, 245:2
- portion** [2] - 64:1,

- 68:21
position [7] - 7:11, 200:3, 201:6, 207:12, 208:20, 253:8, 350:14
possession [3] - 52:12, 52:13, 169:13
possibility [3] - 181:10, 191:6, 193:25
possible [18] - 51:11, 60:2, 142:7, 144:16, 148:14, 181:7, 187:9, 197:18, 198:5, 198:8, 224:3, 274:18, 282:6, 310:4, 310:21, 311:22, 331:9, 343:13
possibly [4] - 60:9, 64:16, 148:15, 184:10
potential [3] - 69:11, 91:6, 225:3
potentially [10] - 11:23, 19:21, 61:2, 136:14, 170:14, 170:15, 170:17, 223:14, 223:19, 224:10
power [1] - 294:24
powerful [1] - 91:12
powers [2] - 207:6
practical [1] - 343:5
prayed [1] - 157:6
pre [1] - 247:3
pre-purchased [1] - 247:3
precedent [1] - 65:17
precise [1] - 286:11
preclude [2] - 5:15, 6:25
precluded [1] - 12:25
prejudice [7] - 66:10, 67:6, 69:4, 69:12, 270:18, 330:20, 343:7
prejudice/probative [1] - 14:25
prejudicial [9] - 14:10, 14:15, 17:16, 65:18, 70:19, 70:21, 71:21, 216:1, 217:16
preliminary [12] - 18:2, 18:3, 16:5, 21:18, 41:11, 44:20, 78:20, 127:14, 127:22, 128:13, 143:1, 146:16
premier [1] - 96:24
prepared [2] - 170:10, 328:10
presence [3] - 84:11, 295:18, 295:19
present [31] - 5:8, 6:3, 18:24, 19:21, 22:16, 22:22, 76:25, 77:16, 78:1, 87:10, 89:6, 89:18, 166:1, 174:9, 286:10, 286:17, 287:10, 287:20, 291:18, 291:22, 293:2, 293:4, 296:1, 296:2, 300:6, 317:1, 317:24, 333:5, 333:13, 333:21, 338:11
presented [27] - 18:5, 18:13, 18:21, 69:8, 77:13, 77:25, 78:7, 83:14, 90:23, 223:22, 280:16, 286:9, 286:23, 287:2, 287:9, 298:17, 305:22, 317:11, 317:12, 317:13, 327:24, 328:2, 333:3, 339:3, 339:4, 340:6, 343:3
presenting [2] - 170:12, 259:5
presents [1] - 339:22
preservation [1] - 294:18
president [3] - 266:22, 266:23, 267:16
President [1] - 183:24
pressure [1] - 275:15
presumably [1] - 307:24
presume [1] - 111:12
presumed [3] - 76:20, 337:25, 339:14
presumption [1] - 281:21
pretty [17] - 99:9, 99:17, 106:11, 118:2, 126:18, 127:16, 135:20, 162:16, 171:10, 183:7, 268:19, 296:24, 303:4, 303:14, 304:2, 310:14, 310:15
prevent [2] - 249:24, 317:8
prevents [1] - 341:21
preview [1] - 79:12
previous [11] - 15:6, 18:15, 18:24, 92:22, 138:17, 144:11, 238:12, 275:1, 275:20, 284:5, 288:21
previously [20] - 41:4, 45:22, 50:11, 52:9, 66:5, 113:10, 114:5, 115:16, 115:25, 124:15, 125:23, 166:7, 168:21, 171:22, 183:1, 186:7, 196:23, 220:2, 263:18, 277:18
prime [2] - 25:18, 313:17
principle [2] - 299:19, 337:21
principles [1] - 299:16
print [1] - 115:7
priority [1] - 197:24
privilege [1] - 349:23
proactive [1] - 215:18
probative [10] - 14:10, 14:15, 17:16, 17:22, 66:11, 67:3, 67:5, 70:18, 71:21, 292:11
problem [7] - 9:16, 53:7, 70:5, 72:23, 270:18, 305:10, 346:3
problems [2] - 92:2, 92:6
procedural [1] - 12:9
Procedure [1] - 299:23
proceed [5] - 22:18, 219:10, 265:3, 271:12, 298:13
proceeding [4] - 169:8, 169:11, 216:21, 216:23
proceedings [4] - 74:19, 149:19, 169:10, 351:3
process [3] - 52:23, 201:10, 267:20
produce [6] - 291:5, 291:13, 291:23, 293:17, 295:21, 295:24
produced [2] - 274:21, 323:19
product [1] - 263:14
profession [1] - 241:10
professor [2] - 30:9, 244:21
proffered [1] - 13:11
profile [2] - 182:6, 182:12
profiles [1] - 255:23
program [1] - 263:15
promiscuous [1] - 148:21
prompt [2] - 288:23, 289:1
prompted [1] - 10:21
promptly [2] - 84:13, 334:23
proof [16] - 9:15, 15:19, 66:21, 76:19, 91:17, 181:9, 248:5, 281:22, 282:24, 288:9, 301:6, 301:11, 334:1, 335:5, 336:17, 336:24
proper [4] - 230:16, 231:3, 232:4, 259:5
properly [5] - 18:12, 83:14, 328:22, 342:12, 343:4
proposal [4] - 6:23, 15:8, 284:15, 290:6
proposals [1] - 282:9
propose [3] - 283:3, 283:10, 284:4
proposed [3] - 13:22, 73:18, 282:10
proposing [3] - 21:4, 21:11, 71:23
prosecutor [1] - 296:2
protect [10] - 28:7, 36:15, 39:5, 54:8, 190:18, 197:6, 267:13, 311:11, 311:13, 312:7
protein [1] - 246:15
protracted [1] - 67:23
prove [26] - 69:1, 79:14, 79:15, 80:5, 225:12, 268:1, 268:3, 268:13, 282:13, 283:2, 284:16, 301:7, 303:25, 304:18, 304:19, 304:22, 315:3, 316:1, 317:3, 331:24, 337:6, 338:4, 338:5, 338:11, 338:15, 338:20
proved [1] - 316:23
proven [9] - 76:21, 79:8, 79:16, 81:13, 83:8, 86:15, 323:7, 341:2, 342:23
proves [1] - 248:10
provide [16] - 73:17, 81:24, 82:2, 90:9, 206:4, 216:15, 216:22, 217:13, 217:24, 218:2, 218:6, 230:14, 232:5, 280:19, 301:2, 315:14
provided [11] - 64:16, 215:14, 225:21, 230:21, 231:8, 256:21, 256:25, 296:23, 340:20, 340:21, 349:15
provider [1] - 146:11
provides [1] - 200:14
providing [5] - 196:7, 196:9, 216:8, 328:13, 328:21
proving [5] - 76:23, 333:9, 338:7, 338:19, 339:11
public [4] - 30:14, 30:16, 111:12, 207:12
pull [6] - 59:8, 119:1, 206:5, 210:8, 212:5, 253:7
pulled [5] - 102:7, 104:24, 116:19, 159:12, 252:1
punishment [2] - 85:22, 241:21
purchase [1] - 263:14
purchased [2] - 247:3, 276:2
purely [1] - 209:20
purple [1] - 110:10
purpose [29] - 6:12, 6:22, 18:11, 72:7, 148:20, 148:22, 148:24, 282:17, 283:7, 283:8, 283:10, 283:13, 283:20, 285:6, 285:7, 285:11, 285:13, 285:15, 288:12, 288:13, 290:1, 332:4, 332:5, 332:8, 333:22, 335:19, 341:18, 344:13
purposes [5] - 21:6, 21:10, 65:11, 148:18, 213:9
pursues [1] - 201:12
purview [1] - 291:17
push [4] - 157:10, 157:24, 254:14, 319:10
pushed [4] - 116:16, 118:4, 157:25, 172:15
pushes [1] - 308:13
pushing [3] - 116:24, 117:5, 117:6
put [22] - 25:13, 73:21, 74:12, 81:21, 90:7, 102:18, 104:3,

104:6, 117:6, 124:8,
134:25, 156:24,
157:9, 157:12,
184:18, 185:22,
187:7, 187:14,
275:15, 300:20,
301:12
puts [1] - 296:10
putting [2] - 258:23,
295:23

Q

qualified [1] - 169:12
quality [1] - 337:18
quarter [1] - 41:21
questionable [1] -
92:3
questioned [1] -
306:9
questioning [2] -
148:18, 262:22
questions [52] -
14:23, 27:8, 27:11,
29:19, 30:5, 33:4,
40:12, 41:3, 43:17,
45:11, 46:24, 58:20,
60:14, 61:8, 62:15,
78:15, 81:21, 81:23,
85:23, 91:1, 110:20,
111:1, 138:11,
142:12, 145:8,
145:10, 148:13,
161:5, 161:6, 161:14,
167:23, 171:6,
172:22, 186:14,
188:5, 195:17, 198:1,
221:4, 227:4, 227:16,
228:13, 269:7, 280:1,
280:4, 280:6, 305:18,
311:6, 312:22,
319:25, 329:11,
329:18, 342:13
quick [14] - 114:2,
115:5, 116:4, 121:5,
127:21, 167:4, 171:6,
177:1, 205:11,
228:18, 238:19,
257:8, 265:23, 290:9
quickly [1] - 280:25
quite [1] - 236:18
quote [4] - 8:3,
16:17, 33:2, 287:2

R

raise [6] - 8:13, 9:18,
75:1, 286:17, 333:14,
344:24
raised [2] - 85:12,

191:18
ramble [1] - 110:23
ran [1] - 119:4
random [2] - 312:6,
312:15
randomly [1] -
166:15
range [1] - 303:5
Rape [2] - 22:14,
74:12
rape [5] - 13:2,
69:23, 73:22, 282:21,
289:17
rather [13] - 26:13,
36:21, 54:12, 80:9,
90:7, 90:9, 190:23,
259:9, 286:10,
289:24, 289:25,
309:19, 335:18
rational [1] - 67:2
ray [2] - 271:22,
271:23
reach [5] - 118:7,
264:10, 343:2
reached [8] - 62:2,
62:3, 62:6, 64:9,
64:11, 87:17, 245:7,
347:1
reaches [1] - 266:5
reaching [2] - 328:6,
344:1
reacted [1] - 144:22
reaction [1] - 184:22
read [36] - 38:8,
39:17, 41:20, 43:1,
44:21, 60:7, 60:10,
66:6, 84:20, 88:21,
114:1, 122:8, 122:13,
128:8, 128:11,
146:17, 146:19,
146:21, 178:8, 229:4,
303:8, 312:20,
347:12, 347:22,
348:1, 348:4, 348:7,
348:10, 348:13,
348:16, 348:19,
348:22, 348:25,
349:3, 349:6, 349:9
reading [9] - 36:23,
154:8, 154:11,
219:20, 328:8,
328:11, 328:14,
328:17, 328:25
reads [4] - 42:18,
283:1, 286:8, 345:5
ready [5] - 75:17,
92:13, 155:6, 171:16,
298:13
real [16] - 28:5, 30:9,
36:13, 37:18, 38:19,

114:1, 116:4, 121:5,
167:4, 190:16,
228:18, 238:19,
257:8, 290:8, 331:16,
339:6
realities [1] - 314:22
reality [1] - 145:17
realized [2] - 7:25,
156:11
really [25] - 9:20,
10:22, 42:5, 43:5,
68:24, 87:4, 97:3,
107:5, 108:4, 152:11,
157:13, 162:5, 166:2,
167:8, 239:12,
241:21, 246:12,
246:17, 249:20,
254:19, 286:4, 286:6,
301:19, 306:1, 309:5
reason [22] - 11:9,
11:16, 13:11, 32:15,
81:20, 91:15, 102:13,
114:15, 114:19,
177:7, 198:12,
236:11, 250:23,
251:3, 293:25,
299:14, 313:1,
327:10, 328:10,
328:14, 336:2, 340:2
reasonable [49] -
16:20, 76:24, 79:17,
80:6, 88:24, 89:12,
91:20, 91:21, 286:18,
286:19, 301:11,
301:13, 301:15,
302:4, 303:21, 304:7,
304:19, 305:4, 315:8,
317:4, 317:5, 317:7,
317:9, 317:16,
323:14, 324:16,
324:21, 324:22,
325:3, 325:4, 325:7,
325:25, 333:9,
333:14, 333:15,
334:8, 335:11,
337:10, 337:16,
337:20, 338:4, 338:9,
338:15, 338:24,
339:2, 339:5, 339:12,
341:2, 342:23
reasonably [3] -
301:16, 337:13,
338:25
reasoned [1] - 69:4
reasoning [3] -
65:11, 67:8, 159:7
reasons [2] - 67:4,
339:21
rebut [1] - 170:15
rebuttal [3] - 69:25,

280:12, 300:23
recalled [1] - 171:22
receipt [1] - 19:12
receive [4] - 71:11,
112:4, 212:20, 271:18
received [29] - 16:19,
34:10, 37:2, 41:6,
42:8, 44:3, 59:14,
63:20, 67:9, 99:10,
131:18, 132:1,
132:12, 132:24,
136:23, 137:3, 139:4,
189:11, 219:17,
254:5, 259:13,
259:22, 261:10,
261:11, 267:14,
269:4, 310:17, 316:8,
318:13
receiving [8] - 35:2,
35:20, 38:11, 45:2,
71:9, 180:13, 256:11,
311:22
recently [5] - 204:22,
311:18, 312:12,
312:14, 325:10
recess [13] - 168:11,
168:14, 169:2, 169:3,
171:4, 233:12,
233:20, 233:21,
280:23, 281:1, 281:5,
281:6, 346:19
recesses [1] - 84:25
reciting [1] - 204:5
recklessly [4] -
79:25, 341:8, 342:2
recognition [1] -
295:5
recognize [4] -
35:25, 36:9, 92:5,
336:20
recognized [3] -
30:6, 144:6, 153:21
recognizes [1] - 36:3
recollection [24] -
43:3, 58:15, 68:13,
113:17, 114:4, 115:3,
115:19, 122:17,
127:19, 134:20,
154:10, 177:5,
179:16, 180:5, 190:1,
266:2, 266:4, 299:2,
299:3, 299:4, 299:6,
299:7, 299:8, 324:8
recollections [1] -
81:8
recommendations
[1] - 160:14
record [27] - 5:3,
14:16, 15:9, 15:14,
17:2, 18:5, 18:15,

18:25, 20:10, 21:5,
21:12, 21:19, 21:21,
22:3, 66:17, 66:24,
67:4, 73:21, 74:13,
82:13, 82:15, 110:11,
148:11, 174:23,
199:20, 234:7, 260:6
records [10] -
256:21, 257:15,
257:24, 258:1, 258:3,
259:13, 259:17,
260:22, 272:5, 297:20
RE CROSS [4] -
45:13, 145:13, 198:2,
233:2
recross [1] - 33:6
red [1] - 202:21
redirect [3] - 148:1,
167:24, 173:25
REDIRECT [5] -
32:6, 43:18, 138:15,
195:21, 228:16
reexamine [1] -
344:8
refer [4] - 29:8,
216:16, 300:18,
345:20
reference [32] - 7:5,
16:1, 17:3, 19:16,
20:23, 24:1, 24:5,
24:6, 25:5, 25:10,
25:14, 27:1, 30:1,
31:14, 32:22, 45:17,
64:15, 64:25, 93:10,
135:24, 137:18,
143:16, 204:19,
205:7, 205:13,
214:24, 218:14,
222:9, 230:6, 265:18,
294:4, 315:17
referenced [4] -
13:8, 15:6, 24:2,
146:1
references [10] - 7:3,
16:23, 20:15, 25:20,
31:9, 138:17, 179:11,
229:1, 306:10, 311:11
referencing [2] -
14:3, 42:24
referring [9] - 6:5,
16:7, 37:15, 143:11,
146:23, 147:5, 214:3,
282:23, 293:6
reflect [3] - 26:12,
72:5, 110:11
reflects [1] - 66:25
reflex [1] - 303:18
refresh [4] - 114:4,
115:3, 122:17, 127:18
refreshed [1] - 11:4

- refused** [1] - 217:12
regard [7] - 71:17, 79:17, 283:14, 332:9, 333:25, 335:20, 342:3
regarding [70] - 6:7, 7:20, 16:23, 17:18, 18:1, 19:6, 19:11, 19:19, 19:24, 20:2, 20:4, 23:2, 23:6, 24:1, 24:5, 24:20, 25:5, 25:12, 25:19, 32:22, 32:23, 51:13, 59:14, 59:21, 64:19, 65:2, 66:12, 70:18, 70:23, 72:2, 73:5, 75:15, 79:25, 90:17, 92:23, 113:11, 113:23, 115:19, 124:12, 126:17, 131:5, 134:22, 140:14, 145:23, 146:1, 180:17, 186:6, 205:3, 206:16, 214:19, 215:23, 265:22, 266:17, 268:6, 274:5, 281:15, 286:1, 288:25, 291:6, 306:19, 311:19, 312:13, 313:13, 313:14, 315:14, 318:12, 319:23, 321:16, 322:3, 341:9
regardless [1] - 73:23
regards [1] - 290:2
regular [6] - 98:20, 123:15, 159:15, 162:13, 177:9, 222:5
regularly [7] - 210:3, 245:11, 246:10, 246:19, 254:24, 255:3, 294:16
relate [1] - 185:12
related [11] - 5:23, 20:8, 35:3, 38:8, 64:20, 91:11, 169:17, 169:24, 184:21, 226:25, 262:21
relates [2] - 74:10, 292:9
relating [1] - 83:7
relation [1] - 228:6
relations [1] - 137:5
relationship [12] - 34:20, 48:12, 53:7, 67:16, 131:5, 148:16, 184:9, 186:23, 194:9, 254:23, 276:6, 279:2
relative [2] - 35:21, 84:5
relatively [1] - 136:3
relayed [3] - 10:13, 16:22, 64:19
released [2] - 146:13, 270:23
relevance [3] - 185:8, 262:15, 270:16
relevancy [4] - 14:18, 14:20, 14:24, 71:16
relevant [12] - 14:5, 14:13, 17:12, 17:14, 17:22, 18:17, 19:15, 20:24, 21:1, 65:6, 71:18, 312:23
reliability [1] - 334:13
relief [1] - 158:1
rely [4] - 80:9, 81:7, 294:24, 336:20
remain [6] - 62:21, 76:25, 148:3, 168:1, 174:1, 198:12
remarkable [1] - 125:16
remarks [1] - 91:16
remember [122] - 10:22, 10:24, 31:16, 34:19, 35:9, 35:20, 36:23, 37:22, 38:11, 39:3, 42:5, 45:2, 45:4, 46:1, 48:22, 49:1, 49:2, 49:3, 49:4, 49:5, 49:6, 49:12, 50:19, 50:21, 51:9, 51:23, 55:3, 55:11, 55:17, 56:5, 56:9, 58:10, 58:17, 59:10, 60:23, 61:13, 61:19, 61:22, 61:24, 62:8, 68:16, 71:15, 97:12, 99:24, 100:24, 102:21, 103:11, 103:16, 105:1, 105:25, 107:24, 108:13, 112:16, 113:15, 114:17, 117:9, 120:24, 121:5, 121:7, 127:10, 133:11, 134:3, 139:25, 140:2, 140:3, 140:8, 140:17, 142:9, 146:5, 146:6, 146:7, 152:14, 152:23, 154:6, 154:8, 155:21, 156:8, 156:9, 157:2, 157:4, 157:13, 157:14, 157:15, 162:4, 175:16, 176:6, 176:21, 181:12, 181:17, 187:16, 191:4, 193:10, 193:12, 196:21, 206:17, 210:13, 226:12, 237:12, 242:22, 250:23, 254:8, 256:9, 256:11, 267:17, 271:25, 272:22, 274:24, 274:25, 277:23, 288:18, 291:9, 299:18, 303:11, 307:2, 307:10, 325:8, 330:9, 330:11, 342:25
remembers [3] - 9:7, 67:19, 321:15
remind [1] - 229:5
remove [1] - 334:13
removed [1] - 104:14
repeat [3] - 56:16, 185:14, 197:10
repeated [1] - 80:14
rephrase [1] - 175:25
report [37] - 8:1, 11:3, 11:6, 15:25, 17:6, 17:10, 19:11, 64:23, 66:24, 84:13, 91:5, 91:7, 106:22, 107:1, 107:2, 107:16, 124:15, 125:6, 125:9, 125:12, 141:9, 141:17, 159:22, 159:24, 170:9, 201:12, 204:10, 204:12, 204:17, 222:18, 227:8, 228:3, 253:15, 321:2, 321:23, 322:17, 322:24
reported [35] - 6:17, 10:16, 11:24, 16:25, 39:25, 40:16, 43:6, 43:20, 43:22, 65:23, 68:19, 71:7, 87:25, 91:3, 106:19, 106:23, 107:18, 107:24, 111:6, 111:7, 137:4, 139:18, 139:22, 141:8, 144:20, 159:6, 194:11, 194:15, 311:2, 320:18, 321:20, 321:23, 322:5, 322:6, 322:16
reporting [10] - 17:3, 17:14, 40:7, 67:11, 107:12, 159:3, 159:8, 172:2, 201:15, 320:16
reports [4] - 84:21, 85:10, 124:7, 194:21
representation [1] - 289:23
representative [1] - 263:19
represented [1] - 76:11
representing [4] - 77:5, 86:18, 89:24, 307:3
represents [1] - 339:24
reputation [6] - 17:17, 66:1, 72:5, 184:13, 313:10, 335:17
request [13] - 200:20, 203:22, 205:24, 206:2, 212:3, 212:24, 213:6, 219:21, 233:6, 258:5, 286:2, 291:4, 296:20
requested [5] - 210:4, 215:23, 218:6, 232:11, 294:18
requesting [10] - 19:9, 203:17, 212:22, 213:2, 213:10, 231:10, 231:23, 285:23, 292:2, 345:23
requests [2] - 291:1, 296:21
require [1] - 346:6
required [9] - 85:16, 109:24, 211:11, 211:20, 225:7, 336:4, 338:10, 340:3, 350:20
requirement [1] - 341:25
requires [1] - 13:10
research [4] - 84:7, 85:11, 85:14, 233:18
reserve [2] - 9:22, 12:10
residence [4] - 95:1, 150:10, 277:9, 277:17
resident [1] - 277:8
resisting [5] - 116:24, 119:14, 307:21, 308:2, 308:4
respect [5] - 339:5, 344:19, 350:9, 350:14, 350:17
respond [4] - 29:9, 29:22, 329:14, 347:23
responded [1] - 29:6
responds [2] - 28:10, 136:7
response [19] - 6:24, 7:10, 21:23, 28:25, 37:9, 37:11, 37:21, 38:18, 38:20, 38:23, 39:2, 39:7, 54:10, 71:20, 112:7, 146:22, 170:2, 170:4, 270:25
responses [4] - 29:7, 31:17, 169:20, 170:19
responsibility [8] - 78:15, 79:3, 85:24, 86:7, 86:9, 342:13, 342:20, 343:1
responsible [2] - 331:20, 349:19
rest [5] - 171:8, 180:24, 285:17, 331:6, 336:3
restate [1] - 262:24
restaurant [2] - 152:24, 246:14
restrict [1] - 219:3
restrictions [1] - 350:11
rests [2] - 174:6, 280:10
result [3] - 83:15, 83:16, 318:14
results [2] - 271:22, 271:23
resume [3] - 171:16, 233:13, 233:19
resumed [1] - 337:22
retire [2] - 78:12, 342:9
retiring [1] - 343:18
return [6] - 168:12, 174:3, 272:3, 343:24, 346:22, 347:7
returned [1] - 345:15
returning [1] - 344:14
revelation [1] - 320:7
review [17] - 11:7, 15:13, 25:18, 26:6, 92:8, 132:7, 179:5, 204:22, 219:12, 223:20, 225:7, 230:7, 256:21, 257:2, 265:10, 282:4, 314:24
reviewed [8] - 11:3, 49:9, 49:14, 49:17, 50:10, 73:13, 176:16, 293:16
reviewing [6] - 115:11, 115:18, 179:1, 225:11, 225:17
reviews [1] - 303:8
ride [2] - 112:22, 272:17
rights [1] - 350:8
ring [1] - 211:18
rises [1] - 96:15
risk [4] - 67:6, 342:5, 342:6, 342:7

road [2] - 153:25, 218:4
Robin [1] - 169:23
Rock [2] - 150:19, 150:22
rode [3] - 112:11, 112:19, 229:12
role [1] - 230:8
rolled [3] - 117:24, 118:1, 118:13
room [91] - 33:20, 44:15, 69:18, 69:20, 78:13, 83:9, 86:4, 87:16, 95:22, 96:8, 97:5, 97:8, 97:14, 97:21, 97:23, 99:17, 99:21, 99:24, 100:24, 101:6, 101:9, 105:25, 106:3, 108:3, 112:12, 112:19, 113:1, 115:24, 116:7, 120:7, 120:8, 120:11, 121:9, 122:15, 123:1, 124:10, 124:11, 130:2, 130:3, 141:12, 142:1, 142:5, 142:8, 150:16, 151:10, 151:12, 155:11, 155:15, 155:16, 156:17, 156:19, 158:17, 159:1, 159:2, 163:11, 163:14, 163:16, 163:25, 164:1, 164:23, 165:6, 165:11, 165:13, 167:5, 172:13, 224:19, 224:23, 230:2, 237:22, 237:25, 239:4, 239:5, 240:19, 240:20, 278:5, 278:6, 302:11, 304:14, 307:19, 308:17, 323:6, 323:8, 323:10, 329:13
Room [1] - 100:25
roommate [57] - 6:17, 16:25, 19:7, 24:6, 24:21, 25:19, 30:12, 32:24, 32:25, 38:10, 39:20, 40:5, 40:9, 40:18, 50:18, 51:6, 57:9, 57:11, 61:15, 71:3, 74:4, 95:17, 95:18, 96:20, 123:8, 123:11, 123:12, 123:14, 123:19, 123:21, 123:25, 124:3, 124:4, 155:2, 156:10, 156:15, 158:9,

158:18, 162:23, 164:17, 164:18, 164:19, 164:23, 164:25, 165:2, 165:6, 165:9, 165:18, 166:1, 179:12, 179:15, 192:17, 228:9, 239:3, 264:15, 309:12
roommates [7] - 150:12, 150:14, 150:25, 156:16, 166:3, 236:8, 238:11
rooms [2] - 120:8, 224:13
rough [1] - 114:9
router [1] - 99:4
routinely [1] - 209:23
rule [4] - 18:12, 82:4, 85:18, 282:2
rules [5] - 78:10, 79:6, 82:6, 299:23, 346:5
ruling [4] - 9:22, 10:7, 11:24, 283:9
rulings [2] - 78:16, 342:14
rumor [5] - 57:2, 57:4, 57:13, 57:14, 192:25
rumors [20] - 53:13, 53:14, 53:16, 53:18, 53:20, 56:3, 56:12, 56:14, 58:7, 58:11, 59:14, 59:21, 64:15, 140:14, 191:20, 192:1, 192:8, 192:11, 192:18, 312:2
running [1] - 165:15
runs [1] - 270:18

S

sacrifice [1] - 350:2
safe [2] - 117:12, 157:19
safety [2] - 111:12, 207:12
saintly [1] - 184:12
sake [2] - 90:4, 131:12
salad [1] - 246:15
sat [5] - 101:14, 304:14, 307:19, 324:13
satisfied [1] - 336:25
Saturday [2] - 151:25, 166:4
save [3] - 14:21, 313:10, 350:7
saw [46] - 23:17,

30:11, 35:12, 37:11, 37:12, 38:24, 39:21, 49:11, 49:19, 66:22, 66:25, 68:22, 97:9, 97:11, 109:16, 122:21, 124:10, 134:15, 134:22, 135:2, 135:6, 135:11, 136:3, 136:6, 136:24, 142:6, 144:3, 155:22, 176:10, 229:3, 230:1, 237:16, 243:18, 248:1, 248:13, 252:22, 264:18, 265:6, 277:19, 279:18, 287:1, 293:21, 312:20, 323:4, 336:13
scale [4] - 301:25, 302:2, 302:5, 303:22
scales [1] - 303:2
scared [3] - 157:2, 158:7, 239:11
scary [1] - 191:13
scene [4] - 286:10, 287:10, 287:20, 333:5
schedule [17] - 114:23, 115:12, 115:13, 115:16, 171:9, 242:19, 243:18, 243:21, 244:14, 246:20, 247:8, 255:7, 286:24, 287:7, 297:17, 305:22, 306:6
schedules [1] - 255:5
scheme [9] - 88:13, 283:11, 283:21, 285:9, 285:12, 285:14, 285:16, 318:19, 332:6
school [8] - 94:13, 152:11, 152:12, 153:15, 238:9, 242:16
school's [1] - 268:20
sciences [1] - 169:17
screenshot [62] - 16:15, 16:19, 35:2, 36:1, 36:5, 37:2, 37:24, 38:2, 38:11, 38:23, 39:2, 39:14, 41:5, 42:8, 42:11, 42:12, 43:11, 44:4, 45:18, 55:2, 55:6, 55:7, 55:13, 55:19, 61:14, 62:4, 62:11, 63:10, 63:17, 63:20, 63:23, 71:10, 71:12, 131:8, 131:11,

131:12, 132:14, 132:24, 133:17, 134:8, 134:14, 135:2, 135:3, 135:5, 136:4, 136:13, 136:15, 147:2, 147:13, 181:14, 181:18, 182:9, 189:21, 191:3, 194:3, 197:13, 197:14, 198:6, 310:18, 311:10, 311:11, 321:18
screenshots [19] - 34:10, 35:14, 35:20, 45:1, 61:18, 61:23, 67:9, 68:11, 68:12, 68:16, 68:17, 135:4, 137:15, 137:23, 139:7, 181:8, 189:15, 196:20, 196:24
screenshotted [1] - 136:19
search [3] - 173:6, 206:2, 231:14
season [1] - 96:24
seat [1] - 33:23
seated [5] - 75:4, 148:6, 174:4, 347:21, 347:24
secluded [1] - 164:4
second [25] - 43:24, 65:16, 79:22, 106:5, 112:1, 114:10, 116:4, 122:6, 122:8, 122:9, 128:2, 151:19, 161:15, 178:6, 188:12, 198:9, 209:1, 261:9, 321:5, 322:6, 325:12, 337:2, 341:5, 341:17
second-ish [1] - 261:9
secondly [2] - 68:2, 292:15
seconds [3] - 118:9, 308:8, 308:9
secret [2] - 279:2, 336:23
Section [4] - 13:4, 14:3, 73:12, 169:8
section [5] - 36:4, 38:6, 164:3, 169:11, 291:11
sections [1] - 163:2
security [5] - 207:1, 207:21, 207:22, 208:2, 208:6, 220:8
see [54] - 19:1, 19:23, 20:18, 26:24, 30:9, 35:9, 35:11,

36:11, 39:7, 47:12, 54:2, 66:7, 112:21, 112:24, 135:9, 142:4, 143:24, 144:5, 149:17, 154:24, 155:2, 155:16, 165:17, 167:5, 167:8, 167:10, 167:12, 171:12, 183:10, 185:17, 190:14, 190:25, 208:12, 208:17, 236:11, 237:14, 253:1, 253:18, 256:24, 265:9, 268:12, 270:1, 274:4, 276:11, 281:3, 282:22, 290:8, 297:21, 298:4, 306:22, 320:3, 327:13, 330:7, 330:11
seeing [10] - 20:20, 35:15, 36:4, 37:22, 39:22, 68:16, 80:11, 137:4, 168:25, 222:5
seek [2] - 166:19, 247:20
seeking [3] - 5:15, 6:25, 202:4
seem [7] - 12:11, 49:24, 112:17, 115:15, 239:22, 251:9, 319:15
sees [1] - 319:9
select [1] - 343:18
selection [1] - 170:7
self [1] - 330:18
self-contradictory [1] - 330:18
semen [1] - 24:6
semester [15] - 48:13, 48:24, 49:21, 50:1, 58:22, 58:23, 67:20, 130:25, 150:21, 183:2, 195:4, 195:5, 247:5, 277:13, 277:14
Senate [2] - 183:24
send [20] - 38:22, 83:8, 98:12, 98:18, 98:24, 112:7, 137:15, 177:25, 182:9, 262:13, 270:9, 273:6, 273:8, 273:17, 297:8, 297:22, 320:20, 324:3, 345:20
sending [9] - 51:9, 131:17, 181:8, 181:17, 187:11, 197:5, 197:8, 345:3, 345:17

- sends** [2] - 31:2, 314:4
- sense** [18] - 9:23, 80:25, 110:22, 165:21, 201:6, 251:1, 295:10, 302:14, 312:10, 312:11, 312:21, 314:11, 321:13, 327:9, 331:2, 336:19, 340:3, 343:4
- sensible** [2] - 301:17, 338:25
- sent** [77] - 11:6, 15:21, 15:23, 16:15, 17:13, 26:12, 26:18, 35:15, 41:6, 42:11, 45:19, 46:10, 46:12, 55:7, 55:8, 55:14, 59:23, 61:2, 61:23, 64:22, 68:10, 68:12, 69:17, 101:5, 131:8, 131:13, 131:22, 132:14, 132:23, 133:12, 133:17, 133:24, 138:2, 139:7, 139:14, 143:7, 143:12, 144:9, 144:16, 147:2, 147:13, 147:19, 147:20, 176:24, 179:17, 179:20, 179:23, 180:3, 182:10, 182:15, 187:1, 189:16, 189:21, 190:4, 190:5, 191:3, 196:20, 196:24, 197:2, 197:14, 198:4, 198:6, 212:25, 213:7, 213:16, 219:13, 258:9, 266:14, 268:22, 269:3, 310:23, 311:8, 313:4, 315:20, 320:19
- separate** [13] - 6:7, 63:16, 85:22, 118:7, 155:9, 155:13, 155:15, 163:1, 164:3, 164:9, 188:7, 191:23, 192:12
- separated** [2] - 318:5, 318:7
- separately** [3] - 252:11, 337:8, 343:17
- separating** [1] - 163:25
- September** [10] - 13:6, 48:5, 96:1, 105:15, 195:6, 195:13, 247:14, 247:15, 250:21, 258:3
- sequestered** [4] - 148:3, 168:1, 174:1, 198:13
- sergeant** [2] - 160:1, 266:20
- series** [2] - 35:10, 78:22
- serious** [2] - 242:10, 350:5
- seriously** [1] - 324:15
- serve** [1] - 346:2
- served** [1] - 162:2
- service** [13] - 169:17, 261:13, 261:15, 269:13, 269:16, 273:1, 273:19, 273:20, 273:22, 274:2, 349:14, 349:16, 350:10
- services** [3] - 263:15, 263:20, 263:21
- serving** [1] - 349:20
- set** [6] - 23:9, 67:5, 159:18, 162:17, 271:19, 273:12
- sets** [1] - 100:4
- seven** [2] - 155:17, 270:24
- several** [7] - 75:8, 95:9, 138:19, 188:25, 248:1, 318:7, 337:6
- sex** [15] - 6:16, 30:12, 32:24, 39:20, 40:5, 40:9, 40:18, 50:18, 61:15, 66:4, 74:3, 93:1, 277:18, 277:24, 319:21
- sexual** [28] - 13:4, 13:12, 16:23, 20:15, 24:2, 24:20, 24:21, 25:10, 32:13, 65:22, 69:21, 72:2, 169:18, 169:19, 169:20, 169:21, 170:2, 185:19, 202:13, 202:14, 211:13, 226:20, 237:2, 289:21, 326:16, 335:16, 341:15, 341:19
- sexually** [5] - 184:21, 185:6, 194:21, 226:25, 278:19
- shade** [1] - 29:16
- Shaffer** [4] - 213:1, 232:4, 232:6, 268:17
- shall** [1] - 85:3
- SHANE** [1] - 199:15
- Shane** [6] - 86:25, 199:14, 199:21, 214:16, 214:17, 268:25
- sharing** [1] - 215:7
- she-said** [1] - 305:11
- sheets** [1] - 249:5
- sheriff's** [2] - 159:16, 160:2
- Sheriff's** [1] - 200:4
- shield** [5] - 13:3, 69:23, 73:22, 282:21, 289:17
- Shield** [2] - 22:14, 74:12
- shift** [1] - 152:20
- shifting** [1] - 316:24
- Shipperville** [2] - 41:15, 127:6
- shirt** [8] - 87:17, 103:18, 103:23, 110:10, 117:7, 117:13, 157:9, 319:2
- shit** [2] - 52:4, 52:8
- shops** [1] - 315:24
- short** [2] - 87:4, 222:15
- shorter** [1] - 39:3
- shortly** [1] - 105:18
- shot** [1] - 314:20
- show** [32] - 17:12, 35:13, 35:23, 69:16, 88:12, 88:18, 92:1, 96:23, 98:19, 113:16, 115:1, 139:10, 144:4, 188:17, 206:18, 214:4, 224:18, 225:22, 253:20, 272:3, 283:8, 285:7, 285:11, 285:16, 289:2, 293:13, 293:18, 295:12, 301:8, 332:5
- showed** [16] - 41:17, 45:8, 46:2, 49:14, 133:19, 143:15, 144:4, 253:19, 257:5, 274:22, 295:11, 307:2, 314:19, 314:20, 323:18, 323:20
- shower** [1] - 151:16
- showered** [1] - 153:19
- showing** [6] - 35:11, 224:16, 283:11, 283:15, 285:13, 332:9
- shown** [8] - 68:20, 139:6, 144:1, 146:5, 224:22, 224:24, 229:15, 229:16
- shows** [4] - 21:12, 67:8, 98:20, 324:1
- shut** [6] - 101:12, 156:4, 157:23, 158:16, 165:16, 237:15
- shutting** [1] - 101:17
- shy** [1] - 313:21
- side** [14] - 120:3, 120:4, 120:5, 163:5, 163:7, 164:11, 165:3, 172:17, 302:2, 302:3, 302:8, 302:10, 339:24
- sidebar** [3] - 92:19, 214:10, 270:13
- sides** [3] - 78:7, 84:1, 328:3
- sidewalk** [1] - 210:14
- sign** [3] - 263:12, 263:15, 345:13
- signal** [3] - 98:25, 273:8, 273:15
- signature** [3] - 122:3, 122:6, 345:14
- signed** [2] - 266:21, 266:24
- signing** [1] - 231:13
- silent** [1] - 76:25
- silver** [2] - 313:17, 323:2
- similar** [6] - 8:7, 69:4, 136:2, 136:18, 170:19
- similarities** [2] - 88:11, 318:21
- simple** [1] - 102:16
- simply** [6] - 91:14, 308:6, 314:23, 317:2, 331:11, 340:20
- single** [4] - 95:17, 130:20, 177:19, 320:12
- sink** [1] - 151:12
- sinks** [1] - 151:12
- sipped** [1] - 162:7
- sit** [4] - 224:4, 226:25, 300:23, 314:24
- sits** [1] - 101:23
- sitting** [9] - 86:24, 92:21, 101:23, 116:17, 116:21, 118:4, 186:17, 223:25, 225:12
- situated** [1] - 151:1
- situation** [10] - 181:3, 183:11, 184:16, 186:24, 187:6, 192:18, 196:8, 211:8, 294:3, 319:3
- six** [8] - 155:17, 167:12, 211:2, 221:9, 243:4, 243:5, 270:23, 277:16
- sixteen** [1] - 200:1
- size** [1] - 152:12
- skimming** [1] - 50:8
- skin** [3] - 103:25, 251:25
- skin-to-skin** [1] - 103:25
- slamming** [1] - 165:16
- sleep** [3] - 325:19, 325:24, 326:2
- sleeping** [5] - 155:4, 155:23, 156:18, 164:17, 164:20
- slide** [1] - 100:4
- slip** [4] - 42:16, 297:5, 345:3, 347:5
- Slippery** [2] - 150:19, 150:22
- smack** [1] - 239:13
- small** [11] - 38:4, 38:6, 41:14, 115:8, 116:9, 116:10, 127:5, 152:11, 238:9, 246:15, 314:22
- smaller** [1] - 136:14
- smart** [1] - 29:16
- smoking** [3] - 313:17, 323:2, 323:20
- snippet** [1] - 135:4
- so-and-so** [1] - 166:15
- so-called** [1] - 7:6
- social** [2] - 173:20, 173:22
- soft** [1] - 309:19
- soft-spoken** [1] - 309:19
- sole** [5] - 79:2, 81:5, 329:23, 331:19, 342:19
- solely** [2] - 291:16, 344:12
- solved** [1] - 323:3
- someone** [31] - 52:25, 68:12, 84:15, 98:18, 98:21, 99:18, 100:12, 100:14, 100:17, 102:24, 105:8, 148:15, 155:4, 155:21, 156:9, 159:13, 159:14, 159:23, 166:5, 178:21, 184:8, 189:24, 208:12,

- 212:21, 237:25,
272:23, 303:6,
315:22, 319:9,
319:15, 320:21
sometime [9] -
51:12, 56:7, 105:18,
112:1, 113:7, 125:13,
179:20, 223:13,
227:25
sometimes [7] -
82:12, 100:18, 203:6,
212:8, 298:3, 312:23,
336:20
somewhat [1] -
195:4
somewhere [17] -
43:25, 50:2, 133:15,
167:19, 195:5, 195:6,
196:13, 213:23,
244:20, 244:21,
246:22, 247:4,
276:12, 279:23,
279:24, 280:24, 302:5
son [1] - 325:23
sophomore [4] -
242:17, 276:22,
276:23
sophomores [1] -
154:21
sorry [16] - 18:7,
18:9, 58:16, 60:22,
60:23, 131:2, 131:7,
151:18, 165:22,
166:18, 175:25,
180:10, 197:10,
197:11, 224:14,
290:14
sort [60] - 19:17,
20:2, 24:6, 65:22,
69:21, 84:16, 96:17,
96:25, 101:2, 101:10,
112:7, 116:12, 117:5,
117:7, 118:20, 126:9,
126:25, 128:15,
131:17, 136:7,
136:23, 137:3, 137:5,
137:21, 139:3,
162:20, 170:2,
175:13, 181:18,
184:9, 184:20, 185:5,
191:20, 196:20,
202:13, 204:20,
206:4, 211:13,
230:20, 242:1,
246:18, 256:2,
261:10, 262:19,
264:13, 267:13,
270:16, 301:22,
306:12, 306:14,
307:11, 307:25,
308:2, 308:3, 309:24,
310:2, 312:4, 313:9,
321:17, 342:7
sorts [1] - 218:13
sought [2] - 14:4,
14:6
sound [6] - 107:19,
177:5, 213:17,
243:16, 268:23,
319:20
sounds [4] - 67:21,
121:11, 243:13, 308:8
space [1] - 151:15
speaking [11] -
27:18, 30:10, 53:3,
96:3, 183:6, 230:1,
283:6, 285:4, 309:2,
309:3, 332:2
special [2] - 72:7,
295:13
specialist [5] -
248:3, 249:2, 253:14,
253:19, 254:6
specialized [2] -
169:13, 169:15
specific [37] - 9:7,
9:8, 15:19, 19:8,
19:14, 20:19, 25:10,
32:23, 33:14, 36:24,
37:1, 44:2, 45:15,
45:17, 63:19, 66:4,
67:10, 90:16, 93:12,
106:4, 111:19,
146:19, 166:17,
180:17, 182:23,
203:18, 205:5,
206:19, 223:10,
223:18, 230:17,
250:23, 286:6, 287:1,
307:11, 314:15, 316:8
specifically [76] -
10:20, 10:23, 13:16,
16:4, 16:18, 16:23,
17:2, 17:5, 19:6, 20:3,
21:14, 28:7, 32:17,
36:14, 38:9, 39:1,
42:9, 43:9, 43:21,
55:18, 56:12, 58:6,
58:7, 59:18, 59:24,
60:11, 63:8, 64:21,
65:13, 65:24, 66:7,
83:18, 84:18, 97:15,
98:13, 125:5, 125:10,
126:21, 129:4,
131:10, 166:19,
169:24, 176:21,
179:11, 179:24,
181:17, 183:2, 184:7,
184:21, 187:16,
189:7, 190:18, 195:2,
203:25, 207:16,
212:24, 213:11,
215:22, 218:24,
219:24, 226:19,
232:11, 256:24,
257:23, 258:8,
264:15, 268:15,
270:15, 271:1,
287:14, 290:2,
290:15, 291:6,
292:10, 296:14,
335:20
specification [1] -
288:25
specificity [2] -
223:15, 286:4
specifics [10] - 7:20,
9:6, 10:10, 19:15,
67:19, 109:14,
111:24, 206:16,
206:19, 217:20
specify [1] - 257:25
speculation [5] -
13:12, 13:16, 13:17,
13:23, 185:1
speeches [1] -
339:17
spell [7] - 34:6,
47:22, 149:13,
174:22, 234:6,
245:15, 245:16
spelled [3] - 121:14,
211:15, 277:22
spend [2] - 183:16,
322:25
SPESSARD [165] -
7:12, 8:18, 9:14, 9:21,
10:3, 12:5, 12:13,
14:24, 15:2, 15:12,
18:7, 19:1, 21:6, 21:9,
21:13, 21:17, 21:20,
22:8, 22:19, 22:21,
26:5, 26:10, 26:21,
27:3, 27:10, 32:3,
32:7, 33:4, 33:10,
33:12, 33:21, 41:2,
41:23, 41:25, 42:1,
43:16, 45:14, 46:24,
47:11, 47:16, 58:19,
60:25, 61:7, 62:17,
63:2, 63:8, 63:13,
63:15, 63:18, 63:24,
65:7, 65:10, 65:14,
65:19, 69:25, 70:3,
71:25, 72:16, 72:25,
73:3, 73:16, 89:17,
89:20, 93:8, 93:10,
110:16, 110:18,
113:19, 113:21,
138:10, 145:12,
145:14, 147:24,
161:11, 167:23,
168:3, 170:5, 170:23,
171:11, 172:25,
174:14, 174:20,
185:3, 185:9, 185:15,
186:2, 186:9, 186:14,
195:19, 195:22,
198:1, 198:14,
199:13, 199:19,
200:19, 201:2,
214:23, 215:13,
216:7, 216:25, 217:9,
217:14, 218:16,
218:24, 219:11,
221:3, 228:15,
228:17, 233:24,
234:5, 244:1, 244:8,
249:7, 249:13,
249:14, 251:12,
251:18, 257:21,
258:3, 258:11,
258:17, 259:1, 259:8,
259:19, 260:3,
262:17, 263:1, 269:6,
270:10, 270:15,
271:8, 280:5, 280:9,
284:6, 284:24,
285:25, 287:4,
287:12, 287:15,
287:18, 288:2, 288:5,
288:24, 289:15,
290:8, 290:12,
290:22, 291:4, 291:9,
291:13, 291:25,
292:3, 292:25, 293:8,
293:14, 294:8,
294:14, 295:13,
296:22, 297:10,
297:15, 297:19,
298:2, 300:8, 345:1
spessard [1] - 6:24
Spessard [46] - 5:11,
5:14, 5:19, 7:2, 7:7,
15:8, 22:2, 22:15,
40:25, 45:12, 69:5,
71:24, 77:9, 77:11,
77:20, 89:15, 89:23,
92:18, 93:5, 110:14,
139:2, 141:25,
142:12, 143:15,
144:4, 145:11, 161:6,
161:9, 174:12,
188:24, 233:22,
262:15, 280:4, 291:3,
296:21, 298:1, 300:5,
318:2, 319:12,
319:22, 320:23,
322:12, 322:25,
323:18, 324:6, 324:16
Spessard's [1] -
320:9
spiel [1] - 324:14
split [1] - 238:14
spoken [4] - 73:25,
74:3, 149:15, 309:19
spongy [1] - 286:7
spot [1] - 209:15
sprain [3] - 274:17,
274:23, 275:1
sprint [1] - 256:19
Sprint [8] - 256:22,
256:25, 257:19,
259:14, 260:17,
261:3, 261:12, 261:20
square [2] - 172:18,
330:23
squeeze [2] - 252:1,
275:17
squishy [1] - 304:3
stability [1] - 250:5
stacked [1] - 238:18
staff [1] - 346:18
stains [11] - 24:10,
25:5, 25:14, 52:14,
56:21, 56:25, 57:8,
57:14, 57:18, 57:21,
58:2
stake [1] - 30:22
stand [11] - 87:9,
89:9, 172:1, 176:20,
302:1, 305:23,
306:25, 332:13,
340:6, 346:24, 347:23
standard [11] -
73:13, 281:10,
281:15, 282:1,
282:12, 282:21,
285:17, 286:21,
290:10, 291:8, 292:18
standing [8] - 93:23,
119:5, 119:8, 149:9,
167:9, 237:16, 335:4,
337:8
standpoint [1] - 12:9
stands [2] - 93:4,
308:14
start [13] - 23:23,
42:25, 75:16, 75:21,
139:2, 146:21,
150:23, 201:9, 221:8,
239:7, 239:8, 280:22,
347:11
started [17] - 24:25,
25:2, 53:14, 53:15,
73:9, 74:15, 75:7,
75:10, 116:12,
149:18, 179:18,
195:13, 227:10,
237:18, 267:21,
267:25, 298:8

- starting** [4] - 37:18,
46:6, 153:15, 155:5
starts [7] - 9:16,
10:1, 101:24, 116:22,
120:16, 284:13, 295:5
state [7] - 8:21,
47:22, 94:2, 174:22,
199:20, 205:9, 234:6
statement [53] -
16:18, 24:3, 24:9,
38:18, 77:6, 77:10,
77:14, 89:19, 90:21,
109:5, 121:17,
121:22, 122:25,
141:23, 147:8,
147:15, 147:20,
154:8, 191:10,
204:14, 204:18,
204:23, 205:2,
214:24, 215:1,
215:22, 218:18,
225:20, 225:24,
226:2, 226:16,
226:21, 227:5, 227:9,
227:11, 227:19,
227:22, 228:19,
228:25, 229:5, 229:7,
229:8, 278:17,
287:25, 306:3, 311:1,
312:5, 312:7, 326:14,
326:21, 327:4, 334:1,
334:2
statements [18] -
24:20, 25:18, 75:21,
77:15, 81:15, 81:18,
86:14, 86:15, 87:3,
91:9, 120:17, 167:2,
288:7, 311:13,
317:15, 319:23,
328:12, 333:19
States [3] - 315:9,
349:20, 350:9
stating [1] - 206:18
station [10] - 159:21,
204:3, 209:7, 209:12,
227:7, 227:22,
227:25, 232:4, 322:24
status [1] - 244:25
stay [15] - 33:19,
94:23, 117:2, 132:10,
153:23, 157:21,
168:5, 199:7, 236:6,
236:7, 236:25, 237:5,
240:24, 277:10, 346:6
stayed [2] - 165:13,
237:5
step [11] - 55:2,
62:24, 86:13, 148:2,
186:19, 233:11,
268:16, 280:7,
280:17, 298:17, 346:2
steps [4] - 151:5,
236:22, 245:6, 267:12
stern [1] - 309:20
sternly [6] - 119:21,
142:15, 142:18,
309:2, 309:4, 309:5
Steven [1] - 245:14
stick [2] - 162:7,
186:7
sticks [2] - 319:1,
319:2
Stiffler [2] - 92:23,
93:2
stigmatized [1] -
161:23
still [46] - 14:18,
18:17, 30:15, 41:7,
42:9, 43:10, 54:24,
59:13, 59:15, 60:17,
60:18, 60:19, 60:22,
61:1, 61:4, 64:12,
94:21, 109:9, 118:4,
118:16, 123:13,
132:23, 133:4,
145:19, 158:24,
159:1, 178:16,
194:23, 196:24,
197:2, 197:4, 197:9,
197:13, 203:10,
233:15, 240:23,
245:3, 269:24, 274:2,
293:14, 311:2,
311:17, 313:15,
323:9, 325:4, 326:5
stipulate [4] - 21:24,
217:10, 258:21,
259:16
stipulated [2] - 22:2,
23:5
stipulation [7] - 21:4,
22:5, 33:13, 258:18,
259:4, 259:10, 259:25
stipulations [1] -
21:11
stood [5] - 96:15,
117:25, 118:4,
308:17, 309:21
Stop [1] - 142:24
stop [9] - 102:2,
102:17, 117:2,
117:21, 142:11,
142:17, 151:19,
302:17, 303:7
stopped [2] - 102:18,
121:4
stops [1] - 117:4
stories [1] - 316:24
story [11] - 28:11,
36:19, 54:11, 112:15,
190:21, 194:6, 227:1,
227:15, 268:12,
279:5, 279:22
stove [1] - 163:18
straight [3] - 142:6,
151:15, 155:5
straightforward [1] -
296:25
street [1] - 276:11
Street [1] - 209:11
strength [1] - 308:5
stressed [1] - 272:17
stretched [2] - 250:2,
251:25
stretching [1] -
223:13
stricken [2] - 82:12,
82:14
strictly [3] - 207:18,
207:19, 283:20
strike [3] - 111:24,
136:2, 167:2
strikes [1] - 110:24
string [1] - 29:3
stringent [1] - 30:9
striving [1] - 317:18
strong [2] - 249:21,
300:21
strong-end [1] -
300:21
stronger [1] - 249:19
strongly [1] - 296:7
stuck [4] - 87:18,
306:12, 323:9, 325:4
Student [1] - 183:24
student [28] - 47:25,
87:14, 88:5, 94:21,
95:4, 100:4, 115:2,
149:21, 154:20,
175:3, 175:6, 183:21,
183:24, 184:6, 184:8,
184:19, 184:22,
185:16, 185:18,
187:24, 188:1,
221:24, 222:7,
266:22, 267:16,
268:18, 276:10, 277:6
students [1] - 267:9
study [2] - 245:8,
246:7
studying [1] - 234:17
stuff [15] - 52:13,
52:16, 52:19, 53:2,
103:3, 109:16, 140:4,
165:5, 193:17, 216:1,
218:13, 268:20,
300:15, 312:16,
322:15
subject [3] - 19:5,
169:11, 284:8
submit [10] - 306:21,
312:9, 312:17,
312:18, 313:7,
313:10, 314:13,
315:7, 319:7, 322:13
submitted [2] -
287:7, 289:5
subpoena [5] -
109:23, 231:13,
231:21, 294:24, 327:1
subpoenaed [2] -
19:20, 150:3
subsequent [2] -
31:2, 132:19
substantial [1] -
342:4
substantive [1] -
282:24
successful [1] -
276:14
sudden [2] - 311:7,
324:25
suddenly [1] -
309:19
sufficient [5] - 88:24,
286:17, 333:14,
335:5, 337:5
suggest [9] - 9:21,
59:5, 64:5, 91:1,
184:20, 217:16,
303:13, 314:1, 344:15
suggesting [4] -
112:17, 215:17,
294:9, 329:15
suggestion [1] -
304:9
suggests [1] -
215:15
sum [1] - 57:8
summarize [1] -
339:9
summer [2] - 94:23,
94:25
Sunday [1] - 153:9
Superior [12] - 6:21,
13:6, 13:8, 13:15,
13:25, 15:5, 15:13,
17:20, 65:12, 66:18,
67:8, 69:4
supplement [3] -
7:13, 17:25, 20:22
support [4] - 69:2,
185:17, 194:24,
196:17
supported [5] -
81:19, 299:13, 331:1,
335:8, 340:1
supports [1] -
273:24
supposed [5] -
47:11, 82:18, 90:20,
231:21, 317:17
Supreme [2] -
299:24, 346:5
surely [2] - 64:9,
64:11
surprise [1] - 320:4
surprised [2] -
155:23, 237:17
surrender [1] -
344:10
surrounded [2] -
120:7, 120:8
surrounding [1] -
312:1
surveillance [2] -
222:12, 223:20
survivor [2] - 184:24,
185:5
survivors [2] -
185:19, 185:20
suspect [2] - 84:14,
280:23
suspicion [1] -
339:10
sustain [4] - 82:10,
82:14, 171:1, 335:8
sustained [2] -
185:2, 200:25
swelling [6] - 251:23,
252:24, 253:4, 253:5,
253:9, 254:4
swwhite@clarion.
edu [1] - 212:11
swipe [2] - 100:16,
248:10
swiping [1] - 211:7
switch [1] - 206:25
swollen [1] - 251:24
swore [1] - 83:1
sworn [12] - 22:11,
33:25, 47:18, 75:3,
93:18, 149:5, 171:22,
174:17, 199:16,
234:2, 346:15, 346:16
symptoms [3] -
251:19, 253:11, 254:3
system [4] - 209:5,
209:14, 209:17,
337:21
systems [2] - 220:9,
252:22

T

- table** [2] - 160:17,
252:11
take-away [1] - 16:20
talks [4] - 38:10,
169:10, 277:8, 321:18

- tan** [1] - 250:1
tangible [2] - 291:24, 305:12
tap [1] - 254:14
tapped [1] - 240:11
tapping [1] - 239:15
tarnish [3] - 17:17, 65:25, 184:13
teachers [2] - 248:9, 253:17
technically [2] - 246:13, 288:6
technological [1] - 131:14
technology [1] - 315:23
teeth [1] - 155:6
ten [17] - 5:4, 43:1, 75:6, 96:19, 153:20, 227:2, 233:13, 237:21, 242:9, 242:11, 242:15, 260:13, 260:15, 260:16, 264:19, 265:4
ten-digit [3] - 260:13, 260:15, 260:16
ten-ish [1] - 264:19
tend [3] - 87:5, 184:13, 310:2
tendencies [2] - 283:16, 332:11
tendency [1] - 110:23
tending [8] - 282:13, 283:1, 283:8, 284:16, 285:11, 285:15, 331:24, 332:5
tennis [1] - 209:13
tense [2] - 293:9, 294:9
terms [19] - 19:8, 19:13, 80:4, 90:10, 90:25, 118:5, 184:23, 216:14, 219:4, 244:9, 244:12, 244:25, 245:1, 249:23, 250:4, 254:11, 341:10, 350:2, 350:18
terrified [1] - 158:2
test [1] - 77:22
testified [78] - 7:2, 7:18, 9:9, 35:2, 41:4, 42:3, 42:21, 45:15, 45:22, 49:22, 58:17, 58:25, 63:25, 67:18, 74:1, 91:23, 111:6, 111:20, 113:10, 113:23, 114:5, 115:25, 116:8, 117:19, 117:21, 118:18, 119:16, 120:10, 124:15, 125:23, 126:9, 126:16, 128:5, 130:8, 130:15, 131:2, 132:12, 132:20, 132:22, 138:19, 144:11, 161:18, 173:12, 173:14, 173:15, 182:23, 183:1, 190:11, 196:12, 196:20, 196:21, 196:23, 204:6, 213:13, 223:14, 224:12, 228:21, 229:22, 235:6, 239:1, 255:13, 255:19, 275:2, 275:22, 279:19, 294:21, 305:21, 307:12, 310:23, 320:5, 320:12, 322:2, 326:21, 326:22, 327:5, 330:8, 330:10, 335:25
testifies [11] - 22:11, 33:25, 47:18, 72:22, 93:18, 149:5, 171:23, 174:17, 199:16, 234:2, 337:3
testify [27] - 5:17, 5:21, 7:20, 9:25, 10:6, 12:20, 22:7, 77:2, 77:17, 78:3, 87:13, 110:2, 125:15, 133:24, 150:2, 152:17, 160:13, 160:17, 169:24, 170:18, 279:18, 309:13, 315:22, 320:20, 322:23, 327:3, 330:15
testifying [7] - 41:11, 109:13, 113:13, 133:20, 138:24, 279:7, 330:17
testimony [216] - 6:4, 6:23, 7:17, 8:6, 9:23, 13:1, 15:6, 18:1, 20:4, 20:22, 21:15, 22:17, 23:6, 33:8, 33:14, 33:17, 34:9, 37:21, 38:22, 39:13, 41:4, 42:7, 43:13, 44:20, 46:2, 46:9, 47:1, 55:6, 58:20, 58:21, 59:5, 60:7, 60:13, 61:13, 63:6, 63:9, 63:22, 64:3, 64:8, 64:18, 67:7, 68:15, 70:8, 71:8, 71:9, 72:1, 73:5, 77:23, 80:7, 80:18, 80:21, 80:23, 80:24, 81:1, 81:4, 85:12, 87:11, 88:3, 88:22, 89:11, 90:12, 90:25, 91:2, 91:8, 92:4, 92:24, 100:10, 110:20, 111:25, 112:8, 113:16, 115:11, 115:23, 116:7, 116:14, 116:23, 117:4, 117:6, 120:14, 120:18, 122:24, 124:9, 124:18, 125:2, 127:10, 127:18, 128:8, 128:13, 128:19, 129:18, 129:21, 130:10, 130:18, 130:19, 131:16, 132:4, 132:8, 132:16, 133:4, 133:8, 134:3, 135:11, 136:6, 136:22, 137:10, 137:22, 138:18, 139:3, 143:2, 146:17, 146:20, 148:7, 148:12, 148:25, 165:25, 168:6, 169:9, 170:15, 171:2, 171:7, 174:4, 196:13, 196:16, 196:19, 199:8, 210:9, 221:4, 221:12, 223:12, 231:9, 234:22, 235:9, 235:16, 235:19, 254:22, 255:12, 261:22, 265:21, 265:22, 265:25, 268:16, 268:22, 274:25, 282:19, 283:6, 285:5, 285:25, 287:6, 288:6, 288:17, 289:2, 289:13, 289:19, 290:4, 293:20, 294:15, 294:19, 305:16, 306:8, 307:15, 307:18, 308:11, 308:20, 310:16, 311:10, 314:18, 316:6, 316:15, 316:16, 316:18, 316:20, 319:11, 319:13, 319:14, 319:16, 319:18, 321:5, 321:14, 321:22, 323:13, 324:8, 329:24, 330:1, 330:2, 330:6, 330:17, 330:22, 330:23, 330:25, 331:2, 331:3, 331:6, 331:18, 331:21, 332:3, 332:14, 332:18, 332:19, 333:2, 333:21, 333:23, 334:3, 334:4, 334:12, 334:18, 335:1, 335:4, 335:7, 335:10, 335:13, 335:22, 336:3, 336:8, 336:11, 336:14, 337:1
testing [1] - 275:7
text [42] - 20:9, 20:23, 23:13, 44:16, 49:1, 62:1, 62:4, 64:14, 67:23, 98:20, 106:2, 131:16, 140:17, 140:19, 146:2, 181:15, 191:15, 194:2, 198:4, 205:22, 255:12, 256:7, 256:9, 256:11, 258:8, 259:14, 262:14, 264:3, 264:5, 269:22, 270:9, 270:17, 278:7, 297:9, 315:13, 315:15, 316:8, 316:10, 320:19, 323:24, 324:4, 324:7
texted [9] - 44:21, 97:24, 97:25, 105:24, 140:8, 140:10, 140:22, 205:14, 324:9
texting [3] - 44:16, 98:6, 191:14
texts [1] - 270:3
THE [219] - 5:4, 7:15, 9:13, 9:24, 10:4, 11:2, 11:8, 11:15, 11:20, 12:8, 12:15, 14:22, 15:1, 15:3, 18:3, 18:10, 21:3, 21:8, 21:10, 21:14, 21:18, 21:22, 21:25, 22:13, 26:8, 27:1, 27:4, 27:8, 27:12, 33:7, 33:11, 33:16, 33:19, 33:22, 36:2, 36:6, 37:15, 37:20, 37:23, 37:24, 38:1, 38:15, 38:24, 39:7, 39:9, 39:13, 40:13, 40:21, 40:23, 40:24, 41:22, 41:24, 45:12, 47:1, 47:3, 47:9, 47:14, 60:23, 61:10, 62:14, 62:18, 62:22, 63:6, 63:12, 63:14, 63:16, 63:22, 65:5, 65:8, 65:12, 65:16, 66:14, 70:2, 70:24, 72:11, 72:13, 72:23, 73:2, 73:8, 73:17, 74:14, 74:20, 75:4, 89:15, 89:18, 92:12, 110:14, 113:20, 138:13, 145:10, 148:2, 148:5, 161:9, 167:25, 168:4, 168:8, 168:9, 170:4, 170:17, 171:1, 171:9, 171:12, 171:15, 174:1, 174:3, 174:7, 185:2, 185:11, 185:14, 186:10, 195:18, 198:12, 198:23, 198:24, 199:5, 199:11, 199:12, 200:25, 215:3, 215:10, 216:4, 216:12, 217:11, 217:23, 218:22, 219:1, 219:10, 228:14, 233:11, 233:22, 244:5, 249:10, 251:15, 258:14, 258:22, 259:2, 259:17, 259:23, 262:15, 262:24, 269:8, 270:12, 270:14, 270:25, 271:10, 280:3, 280:7, 280:11, 280:14, 281:8, 284:10, 284:14, 285:2, 285:13, 285:17, 285:19, 286:8, 287:8, 287:13, 287:16, 287:19, 288:3, 288:8, 288:15, 288:20, 289:8, 289:10, 289:16, 290:10, 290:19, 290:24, 291:3, 291:8, 291:12, 291:23, 292:1, 292:4, 292:21, 293:5, 293:24, 294:4, 294:12, 295:4, 296:14, 296:18, 296:23, 297:4, 297:7, 297:22, 297:25, 298:7, 298:12, 317:23, 328:1, 345:2, 346:17, 346:23, 347:1, 347:3, 347:4, 347:7, 347:10, 347:13, 347:16, 347:20, 347:25, 348:3, 348:6, 348:9, 348:12, 348:15,

- 348:18, 348:21,
348:24, 349:2, 349:5,
349:8, 349:11, 351:2
themselves [4] -
63:11, 64:7, 87:5,
304:25
then-boyfriend [3] -
15:22, 19:13, 310:23
then-girlfriend [1] -
74:6
therefore [6] - 17:15,
17:21, 17:22, 86:6,
334:16, 342:14
thinking [3] - 111:23,
157:15, 201:24
thinks [1] - 272:16
third [8] - 79:24,
164:23, 165:18,
251:2, 279:5, 292:15,
341:7, 341:25
thirds [2] - 188:17,
284:13
thousand [1] -
277:14
three [30] - 14:8,
14:14, 79:15, 80:4,
94:19, 107:21, 130:8,
150:14, 151:5, 152:2,
162:25, 163:8,
163:17, 166:4, 166:5,
188:7, 188:9, 195:7,
195:9, 221:17,
233:13, 281:14,
293:3, 294:5, 326:25,
327:5, 327:6, 327:15,
341:2
three-by-five [1] -
163:17
throughout [5] -
82:25, 86:8, 207:23,
338:1, 350:12
thrown [1] - 150:15
thump [1] - 240:4
Thursday [1] -
159:20
Thursdays [1] -
246:4
tie [1] - 250:3
tied [1] - 201:20
tight [1] - 250:2
timeframe [17] -
20:11, 20:13, 21:2,
34:24, 105:14,
206:16, 222:15,
223:14, 223:19,
223:23, 224:1,
244:18, 245:4, 258:1,
258:25, 271:9, 295:23
timeframes [1] -
261:17
timespan [1] -
115:19
timestamp [9] -
20:22, 23:22, 25:8,
138:2, 139:14, 144:8,
177:16, 178:3, 178:10
timestamps [2] -
177:19, 188:25
timing [8] - 17:13,
17:14, 19:11, 64:20,
66:9, 190:8, 190:9,
232:15
tip [1] - 303:2
tipped [1] - 307:13
tips [1] - 201:10
tipstaves [5] -
329:13, 346:7,
346:14, 346:16,
350:22
tired [1] - 154:14
title [2] - 76:16,
291:12
Title [2] - 13:3, 169:8
today [93] - 5:22,
6:14, 6:23, 7:17,
13:21, 15:5, 15:9,
18:6, 18:11, 18:13,
18:14, 18:25, 19:21,
26:9, 33:11, 35:5,
39:22, 41:5, 47:4,
49:10, 69:24, 72:3,
87:10, 88:15, 89:25,
90:12, 90:23, 91:9,
91:24, 92:5, 109:13,
109:24, 110:2,
111:14, 111:20,
111:25, 115:11,
115:20, 115:23,
122:24, 126:3, 126:5,
129:21, 130:18,
132:4, 133:8, 135:11,
136:22, 138:24,
141:21, 143:24,
144:2, 145:1, 150:2,
160:21, 196:16,
196:19, 204:6,
223:12, 223:14,
225:9, 228:22,
234:22, 254:23,
255:12, 261:22,
269:3, 274:15, 279:9,
279:18, 295:24,
296:1, 296:2, 296:12,
305:6, 305:9, 305:21,
306:6, 306:8, 310:16,
311:5, 313:14,
315:22, 316:22,
316:25, 317:15,
324:20, 326:3, 326:8,
326:12, 327:5, 350:25
together [14] - 30:15,
78:22, 84:10, 112:22,
116:8, 116:16,
172:15, 198:21,
229:12, 230:1,
267:25, 268:2,
333:13, 337:12
toilet [1] - 151:15
tolerance [1] -
275:20
took [16] - 83:1,
104:24, 116:5,
160:16, 204:18,
225:21, 236:20,
240:20, 242:13,
251:5, 268:16,
286:12, 287:11,
287:21, 297:1, 322:9,
332:13, 333:6
tools [1] - 328:22
top [10] - 39:17,
53:23, 102:8, 116:18,
116:19, 121:24,
181:22, 188:13,
302:1, 345:5
topic [1] - 85:15
topics [1] - 85:12
tops [2] - 266:11,
266:12
torn [1] - 208:8
total [3] - 195:1,
195:14, 337:18
totality [2] - 70:10,
215:8
totally [3] - 126:19,
126:20, 217:15
touch [7] - 104:9,
104:25, 118:25,
239:23, 252:8, 252:9,
252:15
touched [5] - 102:19,
103:9, 103:11,
103:16, 103:22
touching [8] - 35:7,
87:19, 104:12,
120:15, 239:8,
275:17, 341:15,
341:22
tough [1] - 317:9
toward [2] - 103:20,
318:14
towards [9] - 17:15,
45:23, 48:24, 101:11,
127:6, 192:13, 217:1,
290:16, 302:19
towers [2] - 260:17,
262:22
town [1] - 48:20
track [3] - 275:25,
276:1, 276:4
Tracy [1] - 218:24
traffic [1] - 100:16
training [2] - 169:15,
202:5
transcript [11] - 7:4,
15:17, 16:3, 16:6,
21:19, 41:17, 42:25,
43:9, 113:22, 282:4,
284:2
transcripts [1] -
277:20
transfer [1] - 150:18
transferred [4] -
150:9, 150:15,
150:17, 151:23
transportation [1] -
253:18
treat [3] - 200:20,
249:15, 344:17
treatment [1] -
247:20
trial [90] - 5:9, 5:22,
6:14, 7:2, 7:17, 8:10,
12:11, 12:20, 12:25,
13:10, 13:13, 13:18,
14:1, 14:3, 14:8, 14:9,
15:4, 15:6, 17:2, 18:5,
18:13, 18:19, 18:21,
18:25, 21:19, 21:20,
23:3, 34:8, 42:21,
42:25, 43:9, 43:14,
46:9, 46:11, 60:14,
66:20, 67:2, 69:8,
69:9, 69:11, 73:10,
73:11, 74:21, 75:9,
75:15, 76:9, 77:2,
78:19, 79:3, 79:11,
80:8, 82:25, 83:4,
83:20, 84:24, 86:8,
86:11, 89:9, 92:22,
127:17, 148:8, 168:7,
168:12, 171:17,
174:5, 199:8, 199:9,
219:25, 242:8,
280:16, 282:4, 283:5,
284:1, 284:5, 285:4,
288:17, 291:24,
295:21, 298:17,
316:17, 316:19,
316:20, 318:15,
332:2, 332:21,
333:24, 336:2, 338:1,
343:3, 350:12
trials [1] - 74:24
tried [6] - 28:6,
36:14, 84:16, 157:9,
190:17, 265:4
trier [1] - 169:18
trigger [1] - 59:9
triggers [1] - 201:9
trouble [3] - 80:11,
236:19, 242:10
true [16] - 31:12,
78:25, 81:22, 81:25,
144:22, 144:23,
170:16, 189:20,
194:25, 208:23,
255:14, 274:16,
274:21, 275:19,
315:13, 342:17
truly [2] - 90:25,
308:3
Trumbeta [1] -
266:19
truth [9] - 279:22,
279:24, 288:9,
310:13, 327:11,
327:19, 327:20,
327:21, 334:1
truthful [1] - 337:1
truthfulness [4] -
77:22, 80:19, 81:3,
329:25
try [17] - 82:22, 84:4,
105:14, 111:17,
124:11, 153:14,
168:19, 198:20,
239:23, 243:9, 245:6,
246:21, 252:12,
280:24, 282:7,
301:21, 315:16
trying [20] - 8:8,
56:16, 69:1, 117:1,
153:14, 154:3, 212:5,
215:17, 216:9,
218:11, 236:17,
240:13, 244:23,
267:21, 267:25,
268:2, 300:20,
310:13, 310:14,
324:12
tucked [1] - 240:21
Tuesday [7] -
114:14, 115:9,
115:20, 115:23,
223:13, 243:14, 306:7
Tuesdays [2] -
246:4, 286:1
Turn [2] - 237:24,
238:21
turn [6] - 15:10,
92:13, 163:20,
163:21, 174:11,
237:22
turned [1] - 155:22
tutor [2] - 245:11,
245:13
tutoring [1] - 245:9
tweets [1] - 316:10
twenty [3] - 94:5,

120:4, 277:16
twenty-one [1] - 94:5
twenty-six [1] - 277:16
twice [1] - 152:13
twin [1] - 172:15
two [82] - 5:22, 14:5, 14:11, 14:23, 15:10, 43:25, 48:8, 48:22, 55:21, 68:8, 70:16, 87:11, 88:11, 95:10, 96:11, 96:14, 97:16, 97:17, 100:3, 101:3, 112:11, 115:10, 116:16, 131:9, 139:10, 139:11, 140:25, 142:12, 150:10, 150:16, 151:2, 151:14, 152:25, 153:19, 155:24, 159:10, 163:1, 163:3, 164:12, 164:14, 164:16, 172:14, 172:15, 188:9, 188:17, 190:12, 191:2, 191:7, 191:14, 191:21, 195:14, 205:8, 208:16, 213:18, 213:19, 221:17, 224:3, 245:18, 249:18, 250:6, 267:22, 270:5, 273:5, 279:2, 282:12, 284:13, 303:19, 303:20, 311:15, 313:22, 314:20, 318:3, 318:22, 320:6, 322:5, 323:5, 336:9, 341:12, 345:24
two-thirds [2] - 188:17, 284:13
type [15] - 30:23, 32:14, 122:23, 124:12, 125:18, 170:2, 204:11, 207:4, 249:18, 253:8, 253:9, 253:20, 302:19, 316:4, 336:14
types [1] - 336:10
typical [1] - 152:20
typically [3] - 184:11, 211:3, 314:13
typing [1] - 50:25

U

ulterior [1] - 313:9
ultimately [1] - 86:5
um-hm [1] - 37:8

um-hmm [50] - 35:1, 37:14, 40:2, 44:19, 46:16, 96:6, 96:13, 99:11, 103:10, 104:2, 104:5, 104:10, 104:16, 104:22, 105:20, 108:20, 109:19, 110:25, 119:13, 119:19, 126:15, 128:12, 128:23, 129:20, 130:12, 134:7, 134:10, 134:12, 163:13, 165:4, 178:4, 191:25, 201:8, 202:6, 203:9, 206:10, 212:19, 213:12, 220:10, 228:20, 229:18, 230:19, 231:17, 231:20, 232:9, 265:24, 267:11, 270:7, 273:16, 275:6
un-saintly [1] - 184:12
unable [1] - 270:9
unanimous [2] - 86:2, 343:23
unattractive [1] - 278:14
uncertain [2] - 58:15, 330:17
uncertainty [2] - 193:5, 223:23
uncharacteristicall
y [1] - 309:20
uncomfortable [5] - 103:8, 156:7, 196:6, 196:8, 196:9
uncommon [2] - 256:5, 256:6
uncooperative [1] - 289:13
under [21] - 17:23, 36:17, 73:12, 76:19, 82:6, 103:12, 103:13, 103:16, 103:18, 103:21, 103:22, 104:7, 118:6, 145:1, 156:25, 169:8, 218:11, 299:23, 310:22, 327:1
undercuts [1] - 68:1
understandable [2] - 328:15, 329:18
understood [3] - 54:9, 120:18, 272:19
underwear [1] - 104:7
undisputed [2] -

321:22, 322:1
undue [1] - 67:6
unfair [4] - 66:10, 69:3, 69:11, 215:8
unfaithful [2] - 192:23, 276:19
unfavorable [1] - 291:21
uniform [1] - 246:20
unit [1] - 206:5
United [3] - 315:9, 349:20, 350:9
universities [2] - 318:6, 318:23
University [34] - 47:25, 48:17, 87:1, 87:14, 88:6, 94:14, 94:21, 95:11, 149:21, 150:19, 175:1, 175:4, 183:17, 184:6, 185:5, 185:16, 199:23, 207:1, 207:2, 207:5, 207:21, 207:22, 208:21, 209:9, 209:22, 220:13, 230:12, 234:15, 253:22, 264:8, 276:24, 278:1, 322:22, 325:11
university [12] - 109:1, 109:3, 150:9, 199:24, 201:4, 209:18, 216:20, 219:24, 232:13, 246:23, 266:17, 314:7
unjustifiable [1] - 342:5
unless [7] - 69:21, 76:21, 217:9, 222:2, 232:3, 320:20, 338:1
unlock [1] - 101:10
unlocked [1] - 240:7
unpleasant [1] - 339:8
unquote [2] - 8:4, 287:3
unreasonable [1] - 342:8
unreliable [1] - 334:12
unsupported [1] - 67:4
unsure [2] - 190:8, 239:2
unusual [3] - 100:19, 126:17, 306:21
up [173] - 5:12, 8:14, 16:11, 28:4, 29:12, 30:13, 30:19, 31:7, 34:20, 42:12, 42:14,

42:16, 43:7, 44:9, 44:13, 44:16, 45:24, 46:15, 48:20, 48:23, 49:1, 49:23, 52:18, 52:22, 52:25, 53:12, 54:6, 58:22, 59:2, 59:7, 67:18, 67:19, 67:22, 73:1, 75:11, 82:20, 86:6, 87:17, 91:25, 93:7, 98:19, 98:20, 100:23, 101:1, 102:20, 104:17, 105:5, 106:21, 115:24, 117:25, 118:4, 118:14, 118:16, 118:20, 119:3, 120:15, 121:22, 125:23, 126:5, 128:22, 128:24, 130:17, 132:6, 134:4, 136:11, 137:3, 137:14, 139:25, 140:1, 140:6, 140:10, 140:13, 140:14, 140:23, 141:1, 141:24, 145:16, 145:20, 145:24, 146:16, 151:2, 151:4, 152:19, 153:5, 154:6, 156:11, 157:9, 158:1, 158:6, 158:10, 158:13, 158:24, 159:1, 159:3, 159:18, 161:21, 162:17, 163:23, 165:14, 165:16, 165:19, 169:7, 171:6, 178:21, 182:21, 183:5, 183:7, 183:8, 190:13, 191:8, 191:15, 191:21, 192:20, 194:22, 195:3, 195:11, 195:23, 196:13, 215:25, 216:17, 227:3, 227:15, 229:11, 236:22, 237:13, 237:19, 239:14, 239:18, 240:3, 240:6, 240:20, 244:23, 246:15, 246:16, 247:23, 251:20, 255:3, 256:14, 263:12, 263:15, 266:1, 269:3, 272:3, 273:12, 279:9, 302:12, 302:25, 303:3, 303:16, 304:13, 306:15, 310:17, 311:6, 311:18, 312:1, 312:3,

312:4, 312:12, 312:14, 317:5, 318:24, 321:6, 321:8, 321:15, 321:16, 324:11, 325:12, 331:17, 333:1, 350:7, 350:20
upcoming [1] - 245:1
upholds [1] - 317:17
upperclassman [1] - 277:5
upset [1] - 180:14
upstairs [4] - 151:6, 224:10, 236:25, 324:25
usage [1] - 177:18
usefulness [1] - 225:3
user [2] - 177:9, 261:25
uses [1] - 118:25
usual [1] - 286:24

V

vagina [5] - 87:19, 104:9, 104:11, 104:12, 157:13
valid [1] - 86:2
valuable [1] - 350:10
value [6] - 66:12, 67:3, 67:6, 70:19, 70:20, 70:21
vanities [1] - 155:17
vanity [9] - 155:5, 155:8, 155:19, 164:4, 167:5, 167:8, 167:15, 237:14, 237:16
vantage [1] - 88:19
variation [1] - 311:24
variety [2] - 181:16, 213:2
various [1] - 339:21
verbally [1] - 62:1
verbatim [1] - 284:3
verdict [55] - 74:10, 78:14, 83:9, 83:12, 86:1, 86:3, 297:5, 317:16, 317:19, 324:24, 328:7, 328:23, 338:13, 338:16, 342:12, 343:2, 343:12, 343:14, 343:20, 343:23, 343:24, 344:14, 345:3, 345:11, 345:16, 346:8, 346:13, 347:2, 347:12, 347:22, 347:23, 347:25,

348:1, 348:3, 348:4,
348:6, 348:7, 348:9,
348:10, 348:12,
348:13, 348:15,
348:16, 348:18,
348:19, 348:21,
348:22, 348:24,
348:25, 349:2, 349:3,
349:6, 349:8, 349:9
verification [1] -
257:15
verify [2] - 310:2,
315:24
version [2] - 90:16,
229:20
versus [1] - 225:7
vet [1] - 170:11
via [10] - 20:22,
24:16, 24:17, 62:4,
64:14, 175:20, 271:4,
278:7
victim [39] - 5:16,
5:21, 6:12, 6:16, 6:20,
12:19, 65:9, 66:1,
66:21, 72:3, 74:2,
79:20, 79:23, 87:12,
88:23, 92:24, 160:22,
169:17, 169:20,
169:21, 184:20,
185:10, 185:12,
185:13, 199:1,
222:17, 222:21,
223:6, 225:21,
226:20, 262:21,
321:8, 326:16,
334:15, 335:7,
341:14, 341:21,
341:23, 342:5
victim's [8] - 6:18,
13:4, 90:24, 170:19,
218:9, 262:23,
341:19, 342:3
victims [1] - 5:23
video [43] - 208:20,
208:25, 210:4,
211:11, 211:18,
211:20, 212:2, 212:5,
212:22, 213:2,
213:10, 218:17,
219:21, 220:3, 220:5,
220:11, 220:13,
221:8, 221:13, 224:1,
224:13, 224:15,
224:18, 224:21,
224:24, 225:17,
230:18, 231:7,
232:11, 233:5, 291:8,
292:10, 293:10,
296:8, 314:4, 314:5,
314:10, 314:17,

314:18, 323:2, 323:4,
323:8, 323:17
view [3] - 69:12,
184:11, 344:1
viewed [3] - 64:3,
64:4, 64:6
views [2] - 344:8,
344:18
violation [1] - 85:17
violence [6] -
169:18, 169:20,
169:21, 170:3, 344:3
violent [1] - 185:6
virtue [1] - 148:19
visual [1] - 301:22
visually [1] - 301:22
vital [1] - 332:21
voice [2] - 142:22,
309:20
voluntarily [1] -
110:4
vs [2] - 5:6, 74:22

W

wait [5] - 77:12, 91:3,
253:1, 321:5, 346:8
waited [2] - 17:9,
43:24
waiting [1] - 346:12
waiving [1] - 284:7
wake [1] - 239:14
wakes [1] - 239:18
walk [13] - 101:10,
151:2, 151:5, 151:11,
153:24, 154:6, 155:1,
155:10, 155:14,
162:20, 163:22,
163:23
walked [11] - 100:24,
105:10, 108:22,
112:11, 120:20,
153:25, 155:5, 156:4,
158:16, 163:7, 210:17
walking [4] - 101:1,
142:6, 224:16, 276:11
wall [6] - 155:13,
163:24, 163:25,
167:7, 167:10
wants [12] - 5:21,
6:3, 15:4, 26:6,
197:15, 217:18,
284:22, 319:9,
320:10, 320:23,
322:25, 327:3
warning [2] - 124:12,
214:22
warrant [1] - 231:14
washing [2] - 155:6,
234:12

Washington [1] -
234:12
wasting [1] - 246:25
watch [2] - 96:23,
224:2
watched [1] - 105:16
watching [6] - 44:15,
140:4, 140:5, 191:13,
206:18, 224:1
water [1] - 322:14
ways [4] - 90:5,
181:16, 203:13, 273:5
wearing [6] - 56:24,
103:14, 110:9, 129:9,
129:18, 129:21
website [1] - 303:10
Wednesday [5] -
114:14, 159:19,
159:20, 243:10,
243:11
Wednesdays [1] -
245:19
week [23] - 10:12,
43:24, 92:25, 106:5,
112:1, 114:9, 114:10,
114:11, 114:13,
114:16, 114:18,
116:5, 128:2, 205:8,
209:1, 213:18,
213:19, 225:4, 253:1,
261:9, 269:18,
305:25, 322:6
week's [1] - 230:18
weekend [1] - 303:7
weeks [5] - 43:25,
107:21, 130:9, 224:3
weigh [1] - 292:19
weighed [1] - 325:24
weighing [2] - 225:6,
332:19
weight [13] - 70:5,
80:18, 80:21, 81:3,
81:6, 81:12, 282:18,
296:11, 331:23,
333:1, 333:23, 334:3,
344:11
weird [1] - 256:1
weirder [1] - 256:4
welsh [1] - 27:12
WELSH [138] - 7:13,
7:16, 8:23, 9:19, 10:9,
11:5, 11:13, 11:16,
11:21, 12:6, 12:14,
14:19, 21:24, 26:24,
27:14, 32:5, 33:6,
33:18, 34:3, 36:3,
36:8, 37:16, 38:5,
39:15, 40:11, 40:17,
43:19, 45:10, 47:2,
47:5, 47:21, 62:16,

62:20, 66:15, 72:12,
73:15, 73:20, 86:20,
92:16, 92:20, 93:9,
93:13, 93:21, 110:11,
138:12, 138:14,
138:16, 145:8, 148:1,
148:4, 149:2, 149:8,
167:24, 168:2, 169:6,
170:16, 171:3,
171:20, 171:25,
172:21, 173:25,
174:2, 174:6, 184:25,
185:7, 186:5, 186:16,
195:16, 198:3, 198:9,
198:16, 198:19,
198:25, 199:4,
200:22, 214:8,
214:11, 215:5,
215:12, 217:6, 218:1,
218:19, 219:8, 221:5,
221:7, 228:12, 233:3,
244:4, 249:9, 251:14,
257:25, 258:7,
258:12, 258:21,
259:16, 269:9,
269:11, 271:1,
271:13, 280:1,
280:13, 283:22,
284:12, 284:21,
285:10, 285:15,
285:18, 286:3,
286:22, 288:13,
288:18, 289:6, 289:9,
289:14, 290:23,
291:2, 292:6, 292:24,
293:11, 293:15,
294:1, 294:7, 295:20,
296:17, 297:1, 297:6,
297:8, 297:12,
297:17, 297:23,
298:6, 298:9, 318:1,
344:25, 347:19, 351:1
Welsh [29] - 5:10,
5:18, 5:21, 6:1, 6:13,
22:3, 38:16, 45:16,
62:20, 66:14, 72:11,
77:5, 77:16, 77:22,
86:18, 86:22, 89:21,
90:5, 92:14, 138:13,
146:16, 149:1, 149:9,
171:19, 269:8,
290:25, 292:5, 300:9,
317:24
white [8] - 26:16,
26:19, 36:17, 112:14,
129:23, 129:25,
178:7, 273:2
WHITE [1] - 199:15
White [23] - 8:4, 9:9,
86:25, 88:2, 111:10,
111:15, 199:14,

199:21, 201:3, 214:9,
219:12, 221:3,
228:13, 228:18,
268:25, 295:3,
305:12, 306:19,
314:18, 322:23,
326:15, 326:17,
326:19
White's [2] - 294:14,
294:18
Whoa [1] - 156:1
whole [13] - 28:11,
38:3, 48:11, 52:22,
102:25, 135:5,
155:13, 164:22,
179:17, 195:7,
227:14, 234:20,
340:23
wide [1] - 181:16
wife [3] - 325:12,
325:18, 325:22
Wifi [11] - 98:19,
98:22, 99:1, 99:3,
99:7, 99:9, 273:9,
273:15, 273:18, 324:4
Wilkinson [20] -
95:8, 95:11, 95:16,
96:9, 99:22, 100:1,
100:7, 112:1, 208:2,
208:19, 210:10,
210:23, 220:3, 220:6,
221:10, 221:22,
229:14, 232:12,
269:4, 295:15
William [2] - 106:12,
321:24
window [3] - 33:23,
195:6, 236:15
wireless [6] - 98:22,
99:6, 146:11, 205:25,
257:24, 261:5
wishes [1] - 14:9
wit [3] - 69:14, 345:6,
347:11
withdraw [1] - 12:10
WITHDRAWN [1] -
12:23
WITNESS [11] - 36:6,
37:23, 38:1, 38:24,
39:9, 40:23, 41:24,
168:8, 185:14,
198:24, 199:11
witness [79] - 22:11,
27:9, 32:21, 33:25,
43:2, 46:8, 47:18,
49:22, 57:1, 60:16,
81:22, 85:9, 85:13,
87:9, 89:9, 92:15,
92:16, 93:18, 109:15,
109:18, 110:15,

114:3, 122:12,
128:10, 149:1, 149:2,
149:5, 168:1, 169:11,
169:12, 170:8,
170:14, 171:18,
171:22, 174:12,
174:15, 174:17,
176:15, 185:4, 188:6,
199:12, 199:16,
200:21, 201:1, 214:7,
217:7, 233:23, 234:2,
257:9, 281:13,
282:19, 289:20,
309:16, 320:12,
330:6, 330:9, 330:11,
330:14, 330:16,
330:19, 330:23,
331:4, 331:7, 331:10,
331:11, 331:14,
331:21, 332:13,
332:17, 332:24,
333:24, 335:15,
335:24, 336:11,
336:13, 337:1, 337:3,
340:6
witness's [13] -
80:21, 80:23, 81:1,
81:4, 81:24, 82:2,
169:14, 330:1,
330:22, 331:6, 336:3,
336:6, 336:8
witnessed [5] -
16:24, 264:12,
265:19, 309:11,
309:12
witnesses [11] -
77:17, 77:21, 78:5,
84:2, 230:1, 280:8,
281:11, 329:24,
330:25, 331:15,
333:18
woke [4] - 158:24,
159:1, 165:16, 237:13
women [3] - 87:11,
318:3, 318:25
wondering [1] -
29:14
Wood [1] - 209:10
word [7] - 30:21,
36:25, 180:15, 287:8,
304:9, 304:10, 317:8
worded [2] - 45:6,
105:4
wording [3] - 20:19,
283:18, 285:1
words [11] - 84:6,
90:7, 90:8, 98:6,
124:8, 125:5, 134:25,
185:22, 210:11,
300:21, 337:16

worker [1] - 174:25
works [3] - 98:9,
100:5, 290:23
worry [1] - 218:3
worth [3] - 224:4,
230:18, 231:7
wrap [6] - 129:22,
304:13, 306:20,
307:14, 308:4
wrapped [6] - 250:8,
250:16, 251:20,
254:13, 307:20,
307:24
wraps [1] - 116:22
wrecked [1] - 274:9
wrist [29] - 102:22,
125:18, 125:19,
126:25, 204:20,
247:11, 247:13,
247:19, 249:17,
249:22, 249:24,
250:8, 250:10,
251:20, 251:22,
254:7, 254:14, 274:5,
274:14, 274:15,
274:17, 274:23,
275:1, 297:20,
306:14, 306:19,
307:6, 307:16, 320:1
wrists [1] - 118:19
write [6] - 226:20,
227:19, 252:5,
253:21, 329:10,
345:11
writes [1] - 227:8
writing [5] - 7:24,
227:10, 227:22,
340:21, 340:22
written [20] - 109:4,
121:16, 121:21,
122:25, 141:23,
204:14, 204:18,
204:23, 225:20,
225:24, 226:2, 227:5,
227:9, 228:19,
228:25, 229:7, 306:3,
326:14, 326:20, 328:9
wrote [10] - 121:18,
121:22, 141:23,
142:3, 226:15,
268:17, 306:3,
326:14, 326:20, 327:4

X

x-ray [2] - 271:22,
271:23

Y

Yahoo [1] - 173:7
yard [1] - 302:11
year [12] - 48:2,
48:13, 48:15, 94:15,
150:20, 155:3, 195:4,
238:12, 238:14,
242:16, 276:24,
307:12
years [25] - 52:23,
95:9, 109:7, 109:20,
141:20, 143:9,
144:24, 152:25,
159:10, 160:3,
160:21, 200:1, 201:5,
202:5, 209:23,
237:21, 242:9,
242:10, 242:11,
242:15, 262:9, 318:7,
326:13, 326:24, 327:8
yell [1] - 157:5
yelling [6] - 119:23,
142:15, 142:16,
308:23, 308:24, 309:3
young [1] - 325:23
yourself [14] - 26:13,
38:9, 41:21, 43:1,
60:10, 111:21, 114:1,
119:1, 122:11, 128:8,
180:24, 267:13,
303:5, 320:11
yourselves [4] -
85:20, 86:5, 233:16,
343:13

Z

zero [10] - 29:11,
31:7, 31:13, 31:24,
32:8, 302:3, 302:6,
320:16