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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DIVISION NO. 44

HON. SAMUEL MAYERSON, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF-RESPONDENT,)

VS.)

KELLEY LYNCH)

DEFENDANT-APPELLANT.)

NO. 2CA04539

REPORTER'S TRANSCRIPT OF HEARING

FRIDAY, MARCH 23, 2012

APPEARANCES:

FOR THE PLAINTIFF:

SANDRA JO STREETER
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT:

JOHN B. PERRONI, III
DEPUTY PUBLIC DEFENDER

ANNETTE L. VAN OLDEN, CSR #7514
OFFICIAL COURT REPORTER

COPY

CHRONOLOGICAL INDEX OF WITNESSES

PEOPLE'S VOIR
WITNESSES DIRECT CROSS REDIRECT RECROSS DIRE VOL
LEONARD COHEN 7 19

DEFENDANT'S VOIR
WITNESSES DIRECT CROSS REDIRECT RECROSS DIRE VOL

(NONE CALLED)

REBUTTAL:

LEGEND:

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1 CASE NUMBER: 2CA04539
2 CASE NAME: PEOPLE VS. KELLEY LYNCH
3 LOS ANGELES, CALIFORNIA MARCH 23, 2012
4 DEPARTMENT NO. 44 HON. SAMUEL MAYERSON, JUDGE
5 REPORTER: ANNETTE VAN OLDEN, CSR NO.7514
6 TIME: 10:00 A.M.

7 (THE DEFENDANT, KELLEY LYNCH, PRESENT
8 WITH COUNSEL, JOHN PERRONI, III DEPUTY
9 PUBLIC DEFENDER; SANDRA JO STREETER, DEPUTY
10 CITY ATTORNEY REPRESENTING THE PEOPLE OF THE
11 STATE OF CALIFORNIA.)

12 THE COURT: PEOPLE VERSUS KELLEY LYNCH.

13 IS THAT YOUR NAME?

14 THE DEFENDANT: YES, IT IS.

15 THE COURT: THE CASE IS NUMBER 2CA04539.

16 WILL COUNSEL STATE YOUR APPEARANCES?

17 MR. PERRONI: JOHN PERRONI, DEPUTY PUBLIC DEFENDER
18 ON BEHALF OF MS. LYNCH.

19 MS. STREETER: GOOD AFTERNOON, YOUR HONOR, SANDRA
20 STREETER FOR THE PEOPLE.

21 THE COURT: ALL RIGHT.

22 I GOT THIS FILE A SHORT TIME AGO, AND I SEE
23 THAT WE HAD A COMPLAINT FILED ON JANUARY 25TH, THIS YEAR
24 AND AN AMENDED COMPLAINT WAS FILED THIS MORNING, AND THE
25 TRANSFER MEMO SAYS WE ARE HERE FOR A BAIL HEARING.

26 I THINK IN THE COMPLAINT I SAW AN ARREST
27
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1 WARRANT ISSUED. THE BAIL WAS SET ON THAT WARRANT AT
2 \$50,000.

3 MS. STREETER: I WOULD BE MORE THAN HAPPY TO EXPLAIN
4 TO THE COURT. I DON'T KNOW IF COURT AND COUNSEL WANT ME
5 TO MAKE MY MOTION TO EXCLUDE WITNESSES NOW? IF THE
6 COURT AND COUNSEL DOES, I CAN.

7 THE COURT: ARE WE GOING TO HAVE WITNESSES TO
8 TESTIFY ON THIS SUBJECT?

9 MS. STREETER: YES. THE PEOPLE MAKE A MOTION TO
10 EXCLUDE WITNESSES.

11 THE COURT: PEOPLE -- LET'S SEE THE MOVING PARTY IS
12 THE DEFENSE.

13 IS THAT YOUR REQUEST?

14 MR. PERRONI: I BELIEVE BOTH PARTIES ARE THE MOVING
15 PARTY IN THIS SITUATION.

16 THE PEOPLE ARE SEEKING TO INCREASE BAIL AND
17 THE DEFENSE IS SEEKING TO HAVE MS. LYNCH RELEASED ON HER
18 OWN RECOGNIZANCE.

19 THE COURT: IS THAT THE SITUATION, MS. STREETER?

20 MS. STREETER: YES.

21 THE COURT: THEN YOU ARE ASKING TO INCREASE IT?

22 MS. STREETER: BUT IF I COULD EXPLAIN? IF MY
23 WITNESS COULD STEP OUTSIDE, YOUR HONOR?

24 THE COURT: ALL RIGHT.

25 BUT I HAVE TO FIX -- MS. STREETER, IN THE
26 ORDER OF PROCEEDING, THERE'S TWO MOTIONS BUT WHO IS GOING
27 TO CARRY THE BURDEN? THERE IS A BAIL. I UNDERSTAND IT IS
28 \$50,000.

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MS. STREETER: NO.

THE COURT: WHAT IS THE BAIL?

MS. STREETER: 15,000.

THE COURT: OH.

MS. STREETER: IT WAS REDUCED.

SINCE IT'S BEEN REDUCED, THE PEOPLE HAVE ADDITIONAL INFORMATION THAT THE ARRAIGNMENT COURT WASN'T AWARE OF AND WHICH IS THE BASIS OF THE PEOPLE'S AMENDMENT ON THE BASIS OF THE NEW INFORMATION, AND THE PEOPLE'S MOTION TO AMEND, THE PEOPLE ARE SEEKING TO AT A MINIMUM HAVE THE BAIL GO BACK UP TO WHAT THE WARRANT WAS ISSUED AT.

THE COURT: IN THE FILE, YOU DID SET FORTH A COMPLETE BRIEF TO JUSTIFY FILING THE AMENDMENT, AND I PRESUME THAT YOU WERE GIVEN THE PERMISSION TO FILE IT?

MS. STREETER: WE JUST NOTICED. THE DEFENDANT DIDN'T ENTER A PLEA IN THE MOTION.

THE COURT: WELL, I LOOKED OVER THE AMENDMENT, ALL IT DID WAS ADD THREE COUNTS OF THE SAME TYPE OF CONDUCT.

MS. STREETER: THAT IS CORRECT, BUT OVER THREE ADDITIONAL MONTHS, YOUR HONOR.

THE COURT: THEN YOU MEAN THE ISSUE OF WHETHER OR NOT -- WHETHER OR NOT YOU WERE PERMITTED TO FILE THE COMPLAINT, IT HAS A FILE STAMP ON IT -- I MEAN THE AMENDED COMPLAINT.

MS. STREETER: RIGHT.

THE COURT: DID YOU ATTEMPT TO ARRAIGN THE DEFENDANT ON THE ADDITIONAL COUNTS IN THE COURT WHERE YOU FILED THE

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AMENDED COMPLAINT?

MS. STREETER: THE PEOPLE WERE GOING TO DO THAT
HERE. IT'S BEEN MY EXPERIENCE WHENEVER PEOPLE FILE A
MOTION TO AMEND THE COMPLAINT, THE DEFENSE ASKS FOR MORE
TIME TO RESPOND TO THE AMENDMENT.

THE COURT: THAT IS THE SENSE OF YOUR BRIEF?

MS. STREETER: THAT IS TRUE.

THE COURT: THAT NO TIME IS WARRANTED TO DELAY?

MR. PERRONI, DID I SAY YOUR NAME RIGHT?

MR. PERRONI: YOU DID, YOUR HONOR.

THE COURT: HAVE YOU OBJECTED TO THE ARRAIGNMENT OF
YOUR CLIENT ON THE AMENDED COMPLAINT?

MR. PERRONI: NO, YOUR HONOR.

THE COURT: THEN LET'S DO THAT FIRST.

MS. STREETER: OKAY.

THE COURT: THEN THE PEOPLE, MAKING A MOTION TO
INCREASE BAIL, I WILL CONSIDER THAT TO BE THE INITIAL
MOTION. THEN YOU WILL HAVE TO GO FIRST IN THE PRESENTING
OF EVIDENCE. I AM ADDRESSING, MS. STREETER.

MS. STREETER: BUT I GUESS BEFORE I GET TO INCREASE
BAIL, PEOPLE MAKE A MOTION TO AMEND TO ADD THREE ADDITIONAL
COUNTS WE NOTICED, HAVE THE DEFENDANT ARRAIGNED ON THEM IN
THE COMPLAINT.

THE COURT: I SAID WE'LL GO AHEAD AND ARRAIGN HER
NOW ON THE AMENDED COMPLAINT.

MS. STREETER: OKAY. OKAY.

THE COURT: ARE YOU GOING TO AMEND -- ARRAIGN HER?

MS. STREETER: DOES THE DEFENDANT WAIVE --

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MR. PERRONI: YOUR HONOR, THE DEFENSE ACKNOWLEDGES RECEIPT OF THE AMENDED MISDEMEANOR COMPLAINT.

DEFENDANT WAIVES ARRAIGNMENT, FORMAL READING OF THE COMPLAINT. WE WAIVE FURTHER READING OF THE CONSTITUTIONAL RIGHTS. WE DENY THE ALLEGATIONS. WE ENTER PLEAS OF NOT GUILTY. WE MAKE AN INFORMAL REQUEST FOR DISCOVERY AND WE RESERVE MOTIONS.

THE COURT: THANK YOU.

THANK YOU, MR. PERRONI.

MR. PERRONI: THANK YOU.

THE COURT: ALL RIGHT.

MS. STREETER: ON THE BASIS OF THE AMENDMENT, THE PEOPLE ARE NOW SEEKING TO HAVE THE BAIL INCREASED.

THE COURT: KEEP YOUR VOICE UP SO I'LL HEAR YOU CLEARLY.

I HAVE TO MAKE MY NOTES AS THIS GOES ALONG.

ALL RIGHT.

NOW, THE ISSUES ARE DRAWN, BUT THE DEFENDANT'S ENTERING A NOT GUILTY PLEA ON THE AMENDED COMPLAINT, THE PEOPLE HAVE A MOTION TO RAISE THE BAIL.

IS THAT IT?

MS. STREETER: CORRECT, BASED ON THE AMENDED COMPLAINT, THAT IS CORRECT, YOUR HONOR.

THE COURT: OBVIOUSLY THE DEFENSE IS GOING -- THE PROSECUTION IS GOING TO OFFER WITNESSES AND MADE A MOTION TO EXCLUDE.

HOW MANY WITNESSES DO YOU HAVE, MS. STREETER?

MS. STREETER: YES, ONE.

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THE COURT: WELL, THERE ARE THREE PEOPLE IN THE COURTROOM.

ARE ANY OF THEM DEFENSE WITNESSES?

MR. PERRONI: NO, YOUR HONOR.

MS. STREETER: NO, THEY ARE NOT WITNESSES, YOUR HONOR. ONE IS AN INVESTIGATOR WITH MR. COHEN'S LAW FIRM.

THE LADY SITTING IN THE BACK IS AN INVESTIGATOR WITH THE DISTRICT ATTORNEY'S OFFICE, AND I BELIEVE THE OTHER GENTLEMEN IS A DEFENSE ATTORNEY, CORRECT?

HE IS A DEFENSE ATTORNEY.

THE COURT: ALL RIGHT.

AS LONG AS THEY ARE NOT WITNESSES, THEY ARE CERTAINLY ENTITLED TO REMAIN IN THE COURTROOM.

MS. STREETER: THE REASON WHY THE DISTRICT ATTORNEY INVESTIGATOR IS HERE, YOUR HONOR, IS IN THE NUMBER OF THE E-MAILS THAT MS. LYNCH HAS SENT, SHE'S ALSO MADE THREATS AGAINST MR. COOLEY. THAT IS WHY THE DISTRICT ATTORNEY INVESTIGATOR IS HERE TODAY.

THE COURT: SHE'S ENTITLED.

CALL YOUR FIRST WITNESS.

MS. STREETER: THE PEOPLE CALL LEONARD COHEN TO THE WITNESS STAND.

THE CLERK: SIR, PLEASE RAISE YOUR RIGHT-HAND.

YOU DO SOLEMNLY STATE THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH SO

*No threat against Cooley
Perroni
Cohen
Perroni
Cooley
Perroni*

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HELP YOU GOD?

THE WITNESS: YES, SIR.

THE CLERK: PLEASE HAVE A SEAT.

SIR, PLEASE STATE AND SPELL YOUR FIRST AND LAST NAMES FOR THE RECORD.

THE WITNESS: LEONARD COHEN, L-E-O-N-A-R-D C-O-H-E-N.

THE CLERK: THANK YOU.

THE COURT: PROCEED.

MS. STREETER: ALL RIGHT.

LEONARD COHEN,
CALLED AS A WITNESS BY THE PEOPLE, WAS
SWORN AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MS. STREETER:

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Q GOOD AFTERNOON, MR. COHEN?

A GOOD AFTERNOON, MA'AM.

Q DO YOU KNOW AN INDIVIDUAL BY THE NAME OF
KELLEY LYNCH?

A I DO.

Q IS SHE HERE IN COURT?

A YES, SHE IS.

Q CAN YOU PLEASE POINT HER OUT, WHERE SHE'S
SEATED AND WHAT SHE'S WEARING?

A SHE'S WEARING A BLUE JUMPSUIT. SHE'S SEATED
AT THE END OF THE TABLE.

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THE COURT: YOU MEAN AT THE LEFT END?

THE WITNESS: THE LEFT END OF THE TABLE.

THE COURT: LET'S START OFF MY WAY. THIS IS NOT A
LINE UP. THIS LADY IS THE ONLY PERSON IN THE COURTROOM
WEARING A JAIL UNIFORM.

IF IT WERE A LINEUP, THAT IS A LITTLE BIT TOO
SUGGESTIVE DIRECTING THE WITNESS'S ATTENTION TO THE LADY
AT THE LEFT END OF THE TABLE, IN FRONT OF US.

IS THAT THE LADY YOU KNOW?

THE WITNESS: YES, SIR.

THE COURT: LET'S NOT WASTE TIME. MOVE IT ON.

MS. STREETER: ALL RIGHT, YOUR HONOR.

BY MS. STREETER:

Q NOW, HOW DO YOU KNOW MS. LYNCH?

A I AM SORRY?

Q HOW DO YOU KNOW MS. LYNCH?

A MS. LYNCH WORKED AS MY BUSINESS MANAGER FOR
ABOUT 17 YEARS OR SO.

Q OKAY.

AND AT SOME POINT DID YOU GET, EVENTUALLY GET
A PERMANENT RESTRAINING ORDER AGAINST MS. LYNCH?

A YES. WE HAVE THREE RESTRAINING ORDERS AGAINST
MS. LYNCH.

Q AND SINCE YOU'VE GOTTEN RESTRAINING ORDERS,
HAS MS. LYNCH CONTACTED YOU?

A SHE'S CONTACTED ME FREQUENTLY IN THOUSANDS OF
E-MAILS, HUNDREDS OF TELEPHONE CALLS.

Q OKAY. I WANT TO DIRECT YOUR ATTENTION,

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1 THEN, TO THE TIME PERIOD FROM DECEMBER 15TH, 2011, TO
 2 SORRY -- I AM SORRY -- FEBRUARY 29TH, 2012.

3 ALL RIGHT, MR. COHEN?

4 A YES, MA'AM.

5 Q NOW, I SEE YOU'RE OPENING UP A BOOK,

6 MR. COHEN.

7 ARE THOSE SOME NOTES YOU HAVE ABOUT THE
 8 CONTACT?

9 A YES, I HAVE SOME FIGURES ABOUT HOW MANY
 10 E-MAILS WERE SENT.

11 Q LET'S DO THIS, MR. COHEN, I AM GOING TO ASK
 12 YOU SOME QUESTIONS.

13 A YES, MA'AM.

14 Q IF YOU HAVE AN IDEA ABOUT THE ANSWER BUT CAN'T
 15 REALLY RECALL, THEN WHAT I CAN DO IS I CAN ASK YOU IF YOU
 16 NEED TO LOOK AT YOUR NOTES TO REFRESH YOUR RECOLLECTION?

17 A UNDERSTOOD.

18 Q IF WE COULD JUST PUT YOUR NOTES -- YOU SEE THE
 19 TISSUE RIGHT THERE, IF WE COULD PUT YOUR NOTES RIGHT UP
 20 NEXT TO THE TISSUE RIGHT NOW WHILE YOU ARE TESTIFYING.

21 THEN IF YOU NEED TO LOOK AT IT, WE'LL DO THAT.
 22 OKAY?

23 SO DURING THE MONTH FROM DECEMBER 16TH TO
 24 DECEMBER 31ST, 2012, DID MS. LYNCH --

25 THE COURT: GIVE ME THOSE DATES AGAIN.

26 MS. STREETER: DECEMBER 16TH.

27 THE COURT: 2011?

28 MS. STREETER: YES, TO DECEMBER 31ST, 2011.

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THE COURT: THAT IS SOMETHING LIKE BARELY TWO MONTHS.

MS. STREETER: TWO AND A HALF MONTHS.

THE COURT: THAT IS A TWO AND A HALF MONTH PERIOD.

YOU UNDERSTAND THE PERIOD OF TIME NOW, MR. COHEN?

THE WITNESS: YES, SIR.

THE COURT: WHAT IS THE QUESTION RELATING TO THAT PERIOD OF TIME?

MS. STREETER: I AM GOING TO BREAK IT UP, YOUR HONOR. BY MS. STREETER:

Q SO LET ME ASK. LET ME DIRECT YOUR ATTENTION TO DECEMBER 15TH, 2011, TO DECEMBER 31ST 2011.

DID MS. LYNCH CONTACT YOU VIA E-MAIL, MR. COHEN?

A YES, MA'AM.

Q AND IS YOUR E-MAIL ADDRESS [REDACTED] AT [REDACTED] DOT [REDACTED]?

A CORRECT.

Q AND DO YOU KNOW HOW MANY E-MAILS YOU RECEIVED FROM MS. LYNCH DURING THE TIME PERIOD OF DECEMBER 15TH TO DECEMBER 31ST 2011?

MR. PERRONI: OBJECTION, YOUR HONOR, FOUNDATION.

THE COURT: OVERRULED.

THE WITNESS: YES, I DO, IF I MAY CONSULT MY NOTES?

MS. STREETER: WOULD THAT HELP REFRESH YOUR RECOLLECTION?

THE WITNESS: YES, MA'AM.

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1 THE COURT: GO AHEAD.

2 YOU MAY LOOK AT YOUR NOTES IF THEY ARE JUST TO
3 REFRESH YOUR MEMORY.

4 THE WITNESS: 192 E-MAILS IN THAT FIRST PERIOD.
5 BY MS. STREETER:

6 Q ALL RIGHT.

7 DIRECTING YOUR ATTENTION TO THE TIME PERIOD --
8 DID YOU RECEIVE ANY TELEPHONE CALLS FROM MS. LYNCH DURING
9 THE TIME PERIOD OF DECEMBER 15TH, 2011 TO DECEMBER 31ST,
10 2011?

11 A I DON'T RECALL.

12 Q OKAY.

13 DIRECTING YOUR ATTENTION TO THE TIME PERIOD OF
14 JANUARY 1ST, 2012 TO JANUARY 31ST, 2012, HOW MANY E-MAILS
15 DID YOU RECEIVE FROM MS. LYNCH?

16 A I RECEIVED 486 E-MAILS.

17 MR. PERRONI: JUST FOR THE RECORD, IT APPEARS THAT
18 THESE FIGURES ARE BEING READ OUT OF MR. COHEN'S NOTES FOR
19 THE RECORD.

20 THE COURT: WELL, YOU SAID YOU NEEDED TO REFRESH
21 YOUR MEMORY.

22 WHEN DID YOU MAKE THESE NOTES?

23 THE WITNESS: WELL, I LOOKED LAST NIGHT.

24 THE COURT: LAST NIGHT, BY SIMPLY COUNTING?

25 THE WITNESS: CORRECT?

26 THE COURT: HAD YOU SAVED THOSE ON YOUR COMPUTER?

27 THE WITNESS: I SAVED THEM ON MY COMPUTER AND MY
28 ATTORNEYS PRINTED THEM OUT. I WENT THROUGH EVERY ONE OF

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THE:

THE COURT: JUST ANSWER MY QUESTION.

THE WITNESS: I AM SORRY.

THE COURT: DO YOU NEED TO LOOK AT THOSE NOTES TO
REMEMBER THESE NUMBERS?

THE WITNESS: I AM AFRAID I DO. MY MEMORY IS NOT
PERFECT.

THE COURT: ALL RIGHT.

SO IF YOU ARE LOOKING AT THE NOTES AND THEY
DON'T REFRESH YOUR MEMORY, MS. STREETER, THERE'S A
DIFFERENT FOUNDATION THAT HAS TO BE LAID FOR PAST
KNOWLEDGE RECORDED.

MS. STREETER: RIGHT.

THE COURT: ALL RIGHT.

DO IT THAT WAY.

WAIT, WAIT A MINUTE.

MR. PERRONI: SHOULD I MOVE TO STRIKE? ARE WE ALL
ON THE SAME PAGE HERE?

THE COURT: JUST LEAVE IT ALONE FOR NOW. IF YOU'LL
LAY THE PROPER FOUNDATION, HE CAN JUST READ IT.

GO AHEAD WILL YOU, MS. STREETER.

BY MS. STREETER:

Q DO LOOKING AT THE NOTES HELP REFRESH YOUR
RECOLLECTION AS TO HOW MANY E-MAILS YOU RECEIVED FROM
MS. LYNCH?

THE COURT: EXCUSE ME, MS. STREETER. IT IS NOT
REFRESHING HIS MEMORY IF HE HAS NO MEMORY OF THE NUMBER.
IT'S A LARGE NUMBER, AND HE SAID HE COUNTED THEM. IF HE

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10 COUNTED THEM, DID HE RECORD THEM?

11 WHEN HE RECORDED THEM, DID HE DO THAT AT ABOUT
12 THE TIME HE MADE THE COUNT? THEN HE CAN READ WHAT HE
13 WROTE. IT IS NOT REFRESHING THE MEMORY. IT IS A
14 DIFFERENT FORM OF PRESENTING EVIDENCE WITH A PROPER
15 FOUNDATION.

16 MS. STREETER: OKAY.

17 JUST A MOMENT, YOUR HONOR.

18 THE COURT: MAY I ASK WHAT YOU ARE LOOKING UP,
19 MS. STREETER?

20 MS. STREETER: I AM LOOKING UP THE FOUNDATION FOR
21 PAST RECOLLECTION RECORDED, YOUR HONOR, SO I CAN MAKE SURE
22 I GO THROUGH ALL THE STEPS.

23 THE COURT: I JUST GAVE YOU THE PROCEDURE. I TOLD
24 YOU IF HE COUNTED THEM, DID HE RECORD IT, AND DID HE DO
25 THAT WHILE IT WAS IMMEDIATELY REFRESHED IN HIS KNOWLEDGE
26 AS A RESULT OF HIS COUNT, AND HE HAS NO INDEPENDENT
27 RECOLLECTION OF THE RECEIPT.

28 SO HE CAN READ WHAT HE WROTE.

MS. STREETER: ALL RIGHT.

BY MR. STREETER:

10 Q MR. COHEN, YOU MENTIONED LAST NIGHT THAT YOU
11 READ ALL THE E-MAILS BETWEEN --

12 A I READ ALL THE E-MAILS OF TWO DAYS. THERE
13 WERE OVER A THOUSAND PAGES.

14 Q DID YOU COUNT THE E-MAILS FROM THE TIME PERIOD
15 OF DECEMBER 15TH, 2011, TO FEBRUARY 29TH, 2012?

16 A YES, I DID.

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1 Q AND AFTER YOU COUNTED THOSE E-MAILS, DID YOU
2 RECORD HOW MANY E-MAILS YOU RECEIVED EACH MONTH FROM
3 MR. LYNCH?

4 A I DID.

5 Q AND AT THE TIME THAT YOU RECORDED THE NUMBER,
6 WAS THAT INFORMATION FRESH IN YOUR MEMORY?

7 A YES, IT WAS.

8 Q OKAY.

9 THE COURT: DON'T EMBELLISH. JUST ANSWER EACH
10 QUESTION AS BRIEFLY AS YOU CAN, AND IF IT REQUIRES A YES,
11 OR NO, GIVE THAT ANSWER. IF YOU HAVE TO EXPLAIN IT, I'LL
12 ALLOW IT.

13 ALL RIGHT.

14 BY MS. STREETER:

15 Q DO YOU HAVE AN INDEPENDENT --

16 THE COURT: NOT INDEPENDENT.

17 BY MS. STREETER:

18 Q DID YOU HAVE AN INDEPENDENT RECOLLECTION OF
19 THOSE EVENTS AT THE TIME THAT YOU RECORDED THEM?

20 A (NO AUDIBLE RESPONSE.)

21 Q AT THE TIME YOU RECORDED THE INFORMATION, WAS
22 IT FRESH IN YOUR MIND?

23 A YES.

24 Q DO YOU HAVE AN INDEPENDENT RECOLLECTION NOW
25 WITHOUT LOOKING AT THE NOTES OF WHAT THOSE NUMBERS ARE
26 THAT YOU WROTE DOWN?

27 A WELL, IT'S ABOUT 800.

28 Q OKAY.

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1 BUT YOU DON'T HAVE IT -- DO YOU HAVE AN
2 INDEPENDENT RECOLLECTION OF EACH, THE NUMBER FOR EACH
3 MONTH WITHOUT LOOKING, READING YOUR NOTES?

4 A I AM SORRY, I DON'T.

5 THE COURT: THAT'S WHY PAST RECOLLECTION RECORDED,
6 HE CAN SIMPLY READ WHAT HE WROTE DOWN WHEN IT WAS FRESH IN
7 HIS MIND AFTER THE COUNT. HE SAID HE REREAD OVER A
8 THOUSAND PAGES OF E-MAILS.

9 MS. STREETER: THAT IS WHY I WAS TRYING TO LAY THE
10 FOUNDATION, YOUR HONOR.

11 BY MS. STREETER:

12 Q SO FOR THE MONTH OF JANUARY, HOW MANY E-MAILS
13 DID YOU RECEIVE?

14 A 486.

15 Q AND DO YOU RECALL WHETHER OR NOT MS. LYNCH
16 CALLED YOU DURING THE MONTH OF JANUARY?

17 A I BELIEVE SHE DID, BUT IT'S -- I DON'T RECALL.
18 I BELIEVE SHE DID, BUT I DON'T RECALL THE NUMBER OF
19 TIMES.

20 Q OKAY.

21 DIRECTING YOUR ATTENTION TO THE TIME PERIOD OF
22 FEBRUARY 1ST THROUGH FEBRUARY 29TH, 2012, DID YOU RECEIVE
23 E-MAILS FROM MS. LYNCH?

24 A YES, I DID.

25 Q HOW MANY E-MAILS DID YOU RECEIVE FROM
26 MS. LYNCH DURING THAT TIME PERIOD?

27 A 114.

28 Q OKAY.

1 NOW DID YOU PRINT OUT ANY OF THE E-MAILS THAT
2 YOU RECEIVED FROM MS. LYNCH DURING THE DECEMBER 15TH
3 THROUGH THE FEBRUARY 20 -- DECEMBER 15TH, 2011 THROUGH
4 FEBRUARY 29TH, 2012 PERIOD?

5 A I DIDN'T PERSONALLY, MY ATTORNEYS DID.

6 Q OKAY.

7 WERE YOU PRESENT WHEN YOUR ATTORNEYS PRINTED
8 OUT THOSE E-MAILS, MR. COHEN?

9 A NO.

10 Q DID YOU LOOK AT THE E-MAILS THAT WERE PRINTED
11 OUT, ANY OF THE E-MAILS THAT WERE PRINTED OUT DURING THAT
12 TIME PERIOD?

13 A YES, I LOOKED AT THEM.

14 Q OKAY.

15 AND WAS THAT -- DID THAT TIME PERIOD COVER
16 JANUARY 19TH, 2012 THROUGH JANUARY 21ST, 2012?

17 A YES, I STUDIED THOSE LAST NIGHT.

18 MS. STREETER: ONE MOMENT, YOUR HONOR.

19 I HAVE A BOUND VOLUME OF E-MAILS. I WOULD
20 LIKE TO HAVE THAT MARKED FOR PEOPLE'S 1 FOR REFERENCE. I
21 PREVIOUSLY PROVIDED A COPY TO THE DEFENSE.

22 THE COURT: YOU HAVE A BINDER WITH ABOUT A FIVE INCH
23 STACK OF PAPER.

24 MS. STREETER: THAT IS CORRECT.

25 THE COURT: WELL, ARE ALL THOSE DOCUMENTS EXHIBIT 1?

26 MS. STREETER: YES.

27 THE COURT: YES.

28 DO YOU KNOW HOW MANY PAGES THERE ARE THERE?

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1 MS. STREETER: NO, THOUSANDS.

2 THE CLERK: WE CAN MARK IT AS A BINDER?

3 THE COURT: A BINDER PLUS A LOT OF PAPER IN THE
4 BINDER, PLUS CONTENTS WILL BE EXHIBIT 1.

5 MS. STREETER: FOR REFERENCE, YOUR HONOR.

6 THE COURT: BY REFERENCE, EXHIBIT 1 FOR
7 IDENTIFICATION.

8 NOW YOU'LL OFFER THEM BY REFERENCE?

9
10 (PEOPLE'S EXHIBIT 1 IS MARKED FOR
11 IDENTIFICATION BY REFERENCE.)

12
13 MS. STREETER: THANK YOU, YOUR HONOR.

14 IF I COULD APPROACH?

15 THE COURT: YES.

16 BY MS. STREETER:

17 Q SHOWING YOU WHAT IS PEOPLE'S 1 FOR
18 IDENTIFICATION, DO YOU RECOGNIZE THAT, MR. COHEN?

19 A YES, MA'AM.

20 Q WHAT IS THAT?

21 A THESE ARE THE E-MAILS THAT WERE RECEIVED
22 BETWEEN JANUARY 19TH AND JANUARY 21ST. I BELIEVE THERE
23 ARE 32 E-MAILS WITH ABOUT 50 PAGES EACH.

24 Q BASED ON THE E-MAILS AND VOICEMAILS THAT YOU
25 RECEIVED FROM DECEMBER 15TH THROUGH FEBRUARY 29TH OF 2012,
26 DO YOU HAVE ANY CONCERN ABOUT YOUR SAFETY, MR. COHEN?

27 MR. PERRONI: OBJECTION, RELEVANCE.

28 THE COURT: OVERRULED.

1 THE WITNESS: YES.

2 BY MS. STREETER:

3 Q WHAT IS THAT, SIR?

4 A GIVEN THE SENSE OF MENACE AND THREAT OFFERED
5 BY ALL THESE PAGES, ANY MAN WOULD BE PRUDENT TO HAVE THE
6 SENSE OF FEAR.

7 Q HAS -- MR. COHEN, SINCE YOU'VE GOTTEN A
8 RESTRAINING ORDER IS THE NUMBER OF E-MAILS THAT ARE IN
9 FRONT OF YOU RIGHT NOW, IS THAT TYPICAL OF THE NUMBER OF
10 E-MAILS THAT YOU HAVE RECEIVED FROM MS. LYNCH SINCE YOU
11 RECEIVED THE RESTRAINING ORDER?

12 MR. PERRONI: OBJECTION, VAGUE.

13 THE COURT: WELL, IF THE WITNESS UNDERSTANDS IT, HE
14 CAN ANSWER.

15 THE WITNESS: YES, THESE ARE SIMILAR TO THE ONES I
16 RECEIVED FOR THE PAST SIX YEARS.

17 THE COURT: YOU MEAN THIS WAS GOING ON OVER A SIX
18 YEAR PERIOD?

19 THE WITNESS: YES, SIR.

20 THE COURT: THAT IS FOR ONLY ONE MONTH?

21 THE WITNESS: THIS IS TWO DAYS.

22 MS. STREETER: TWO DAYS, YOUR HONOR.

23 THE COURT: ALL RIGHT.

24 WHAT WAS IN THERE THAT GAVE YOU ANY FEAR OTHER
25 THAN ANY ANNOYANCE?

26 THE WITNESS: IT SAYS, "COHEN SHOULD BE TAKEN OUT
27 AND SHOT BY A FIRING SQUAD. I AM GOING TO TAKE
28 COHEN DOWN. WE WANT TO EXECUTE STEVE COOLEY.

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1 A YEAR OR TWO.

2 Q IS IT -- YOU TOLD US THAT SHE USED TO BE
3 EMPLOYED BY YOU AS A BUSINESS MANAGER, CORRECT?

4 A CORRECT.

5 Q WAS THAT THE EXTENT OF YOUR RELATIONSHIP?

6 A YES, SIR.

7 Q ARE YOU AWARE THAT MS. LYNCH IS INVOLVED IN
8 SOME SORT OF A TAX PROCEEDING WITH THE IRS?

9 A I UNDERSTAND SHE FAILED TO FILE, YES.

10 Q YOU, AS HER EMPLOYER, YOU EMPLOYED HER FOR A
11 NUMBER OF YEARS, CORRECT?

12 A CORRECT.

13 Q WHEN WAS THE LAST TIME THAT YOU SAW MS. LYNCH
14 BEFORE TODAY?

15 A THE LAST TIME WAS -- I THINK IT WAS 2004 OR
16 2005.

17 Q HAS SHE VANDALIZED ANY OF YOUR PROPERTY DURING
18 THAT TIME?

19 A NO.

20 Q OR STOLEN ANYTHING --

21 A JUST MY PEACE OF MIND.

22 Q NOW, I LOST MY TRAIN OF THOUGHT THERE. I GOT
23 IT AGAIN.

24 YOU OBTAINED A RESTRAINING ORDER AGAINST
25 MS. LYNCH SOME TIME BACK IN 2005; IS THAT CORRECT?

26 A THAT WAS THE FIRST ONE, YES, SIR.

27 Q HERE IN CALIFORNIA?

28 A CORRECT.

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Q THAT WAS -- THAT ONE HAS EXPIRED?

A IT EXPIRED, YES.

Q YOU SUBSEQUENTLY OBTAINED A RESTRAINING ORDER AGAINST MS. LYNCH IN THE STATE OF COLORADO; IS THAT CORRECT?

A CORRECT.

Q MS. LYNCH WAS IN COURT AT THE TIME THAT RESTRAINING ORDER IN COLORADO WAS GRANTED, CORRECT?

A CORRECT.

Q SUBSEQUENTLY YOU OBTAINED A NEW RESTRAINING ORDER OUT HERE IN CALIFORNIA AGAIN, CORRECT?

A CORRECT.

Q NOW, AT THAT TIME, MS. LYNCH WAS NOT IN COURT, CORRECT?

A I DON'T KNOW, SIR, I WASN'T THERE.

MS. STREETER: OBJECTION, ASSUMES FACTS NOT IN EVIDENCE.

THE COURT: IT'S CROSS-EXAMINATION. HE CAN LEAD THE WITNESS. IT'S NOT A MATTER OF AN ISSUE NOT IN EVIDENCE, A FACT NOT IN EVIDENCE. HE'S ASKING THE WITNESS IF HE KNEW IF THE DEFENDANT WAS IN CUSTODY WHEN THE COURT SIGNED THE ORDER OR WAS IT SERVED UPON HER.

ASK THE RIGHT QUESTIONS, WILL YOU PLEASE.

MR. PERRONI: THANK YOU, YOUR HONOR.

THE COURT: GO AHEAD.

EXCUSE ME.

MAY I SUGGEST IF YOU JUST ASK THE QUESTION, I'LL HEAR A SPECIFIC ANSWER. WHENEVER YOU MAKE A NEGATIVE

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1 ASSERTION AND THEN SAY, "IS THAT CORRECT?" THE WITNESS
2 SAYS, "NO," I DON'T KNOW WHAT THE FACT IS BECAUSE HE'S
3 ANSWERING THE QUESTION, IS THAT CORRECT.

4 NOW, WHEN YOU MADE A STATEMENT IN YOUR
5 ASSERTION BEING NEGATIVE, I HAVE A DOUBLE NEGATIVE, AND I
6 HAVE TO ASSUME SHE WAS IN COURT. DO YOU GET THE POINT?

7 MR. PERRONI: I DO, YOUR HONOR, I APOLOGIZE.

8 THE COURT: NOW, ASK DIRECT QUESTIONS RATHER THAN
9 NEGATIVE ASSERTIONS THEN THE QUESTION, REMEMBER, IS THAT
10 CORRECT. IF HE SAYS NO, YOUR ASSERTION IS INCORRECT.

11 ALL RIGHT.

12 MR. PERRONI: SHOULD I WAIT FOR MS. STREETER TO COME
13 BACK?

14 THE COURT: NO, I DON'T KNOW WHERE SHE'S GOING.

15
16 (MS. STREETER REAPPEARS.)
17

18 BY MR. PERRONI:

19 Q WERE YOU PRESENT WHEN THE RESTRAINING ORDER
20 HERE IN CALIFORNIA, THE NEW ONE WAS ISSUED?

21 A I RECEIVED IT.

22 Q WERE YOU PRESENT IN COURT WHEN THE COURT
23 ISSUED --

24 A I WAS NOT IN COURT.

25 THE COURT: THAT IS THE ANSWER.

26 BY MR. PERRONI:

27 Q SO SOMEBODY TOLD YOU THAT A RESTRAINING ORDER
28 HAD BEEN ISSUED?

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1 A YES.

2 Q THEN HANDED YOU A PIECE OF PAPER?

3 A SEVERAL PIECES OF PAPER, YES.

4 Q THAT THEY TOLD YOU WAS A RESTRAINING ORDER?

5 A YES, IT SEEMED TO HAVE THE PROPER

6 DOCUMENTATION.

7 THE COURT: DOES ANYBODY HAVE A COPY OF THE
8 RESTRAINING ORDER?

9 MS. STREETER: IT IS IN THE COURT FILE.

10 THE COURT: WELL, WHY DON'T YOU LET ME KNOW WHAT IT
11 IS, AND I'LL TAKE JUDICIAL NOTICE OF ANYTHING IN THE
12 FILE.

13 MS. STREETER: IT'S BQ33717.

14 MR. PERRONI: I DON'T BELIEVE THERE'S A COPY OF IT
15 IN THE FILE. THERE'S A NUMBER.

16 MS. STREETER: IF YOU LOOK -- IF IT'S IN THE POLICE
17 REPORT, IT'S IN THE DOCUMENT WITH THE POLICE REPORT.

18 THE COURT: MA'AM, I DON'T HAVE A POLICE REPORT IN
19 THE FILE. THE POLICE REPORT DOES NOT BELONG IN THE FILE.

20 THE COURT RECORDS ARE IN THE FILE, AND ALL I
21 FIND IS AN ORIGINAL COMPLAINT AND AN AMENDED COMPLAINT.
22 HERE'S A COPY OF A PROTECTIVE ORDER IN THE FILE.

23 ALL RIGHT.

24 MR. PERRONI: I BELIEVE THAT IS THE ONE IN THIS
25 CASE.

26 MS. STREETER: RIGHT, RIGHT.

27 THE COURT: WHAT?

28 MR. PERRONI: IT WAS A PRETRIAL PROTECTIVE ORDER

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1 A YES.

2 Q THEN HANDED YOU A PIECE OF PAPER?

3 A SEVERAL PIECES OF PAPER, YES.

4 Q THAT THEY TOLD YOU WAS A RESTRAINING ORDER?

5 A YES, IT SEEMED TO HAVE THE PROPER
6 DOCUMENTATION.

7 THE COURT: DOES ANYBODY HAVE A COPY OF THE
8 RESTRAINING ORDER?

9 MS. STREETER: IT IS IN THE COURT FILE.

10 THE COURT: WELL, WHY DON'T YOU LET ME KNOW WHAT IT
11 IS, AND I'LL TAKE JUDICIAL NOTICE OF ANYTHING IN THE
12 FILE.

13 MS. STREETER: IT'S BQ33717.

14 MR. PERRONI: I DON'T BELIEVE THERE'S A COPY OF IT
15 IN THE FILE. THERE'S A NUMBER.

16 MS. STREETER: IF YOU LOOK -- IF IT'S IN THE POLICE
17 REPORT, IT'S IN THE DOCUMENT WITH THE POLICE REPORT.

18 THE COURT: MA'AM, I DON'T HAVE A POLICE REPORT IN
19 THE FILE. THE POLICE REPORT DOES NOT BELONG IN THE FILE.

20 THE COURT RECORDS ARE IN THE FILE, AND ALL I
21 FIND IS AN ORIGINAL COMPLAINT AND AN AMENDED COMPLAINT.
22 HERE'S A COPY OF A PROTECTIVE ORDER IN THE FILE.

23 ALL RIGHT.

24 MR. PERRONI: I BELIEVE THAT IS THE ONE IN THIS
25 CASE.

26 MS. STREETER: RIGHT, RIGHT.

27 THE COURT: WHAT?

28 MR. PERRONI: IT WAS A PRETRIAL PROTECTIVE ORDER

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1 ISSUED UNDER THIS CASE NUMBER. IT IS NOT THE ONES THAT
2 MS. STREETER IS REFERENCING.

3 THE COURT: WELL, IF IT'S NOT SOMETHING THAT THIS
4 WITNESS IS REFERRING TO, SOMETHING THAT WAS GIVEN TO HIM,
5 DOES ANYBODY HAVE A COPY OF THAT? THAT IS WHAT SHE'S
6 SUPPOSED TO BE IN VIOLATION OF, BUT HOW AM I GOING TO SEE
7 THE ORDER?

8 MS. STREETER: MY UNDERSTANDING IS THAT PERHAPS THE
9 JUDICIAL ASSISTANT HAS THE POLICE -- COPIES OF THE POLICE
10 REPORT, BUT THE COLORADO PROTECTIVE ORDER, RESTRAINING
11 ORDER AND THE CALIFORNIA ORDER IS IN THE POLICE FILE AND
12 THE CALIFORNIA ORDER IS A REGISTRATION OF THE COLORADO
13 RECORD WHICH WAS PERMANENT.

14 THERE WAS NO HEARING PER SE INVOLVING
15 MS. LYNCH.

16 MR. COHEN HAS A PERMANENT RESTRAINING ORDER
17 THAT WAS GRANTED BY THE STATE OF CALIFORNIA AND AS PART OF
18 THE UNIFORM ACT WHEN A PERSON MOVES, THEY HAVE TO REGISTER
19 THAT RESTRAINING ORDER IN THE NEW STATE. SO THE
20 CALIFORNIA ORDER IS MERELY A REGISTRATION OF THE COLORADO
21 ORDER THAT WAS GRANTED A FEW YEARS AGO THAT WAS PERMANENT.

22 I HAVE AS THE COURT CAN SEE, MY FILES ARE
23 VOLUMINOUS ON THIS CASE. I ONLY BROUGHT THE E-MAILS AS I
24 FIGURED THAT WOULD BE THE PART THAT WOULD BE NECESSARY.

25 IF THE COURT NEEDS THE ACTUAL RESTRAINING
26 ORDER FROM BOTH, I HAVE THAT. IT IS IN DEPARTMENT 40. I
27 CAN GO REAL QUICKLY AND GET THEM FOR THE COURT.

28 THE COURT: IF THE E-MAILS THEMSELVES MAY CONSTITUTE

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1 A VIOLATION OF PENAL CODE SECTION 653(M), SUBDIVISION (B)
2 THAT IS ANNOYING COMMUNICATIONS, ANNOY, BUT VIOLATION OF
3 PENAL CODE SECTION 273.6(A) WHICH CHARGES A VIOLATION OF
4 THE PROTECTIVE ORDER, NEEDS PROOF OF THE PROTECTIVE ORDER,
5 THAT THE DEFENDANT KNOWS ABOUT.

6 NOW ARE YOU READY TO PROVE-- YOU ARE NOT GOING
7 TO PROVE -- IN A TRIAL YOU ARE NOT GOING TO DO IT, THIS
8 HAPPENS HARDLY.

9 MS. STREETER: THE PEOPLE ARE OPERATING UNDER THE
10 BASIS I BELIEVE IT IS 1268 WHICH IS SAFETY TO THE
11 COMMUNITY IN SETTING BAIL AND BASED ON THE INFORMATION
12 THAT MR. COHEN AND HIS ATTORNEYS HAVE RECEIVED FROM
13 MS. LYNCH DURING THAT TIME PERIOD -- IF I COULD BE ALLOWED
14 TO HAVE A BRIEF RECESS, I CAN GO GET THE PROTECTIVE ORDER,
15 THE TWO ORDERS THAT ARE MENTIONED

16 THE COURT: RATHER THEN WASTE TIME, GIVE ME AN OFFER
17 OF PROOF. WILL YOU BE IN A POSITION TO PROVE THAT THIS
18 DEFENDANT HAS EVER HAD NOTICE OF THE PROTECTIVE ORDER?

19 MS. STREETER: YES, BECAUSE SHE WAS PRESENT AT THE
20 HEARING. I HAVE A TRANSCRIPT OF THE HEARING WHERE SHE
21 AGREED TO ABIDE BY THE HEARING IN THE CALIFORNIA
22 RESTRAINING ORDER THAT MR. PERRONI IS MENTIONING IS MERELY
23 A REGISTRATION OF THE COLORADO RESTRAINING ORDER. THAT IS
24 PERMANENT.

25 THE COURT: WILL THE DOCUMENT ITSELF HAVE PROOF IN
26 IT THAT THIS DEFENDANT KNEW ABOUT IT?

27 MS. STREETER: YES, I ALSO HAVE THE TRANSCRIPT, YOUR
28 HONOR, IF THE COURT WANTS TO SEE THE TRANSCRIPT FROM THE

1 PERMANENT RESTRAINING ORDER.

2 THE WITNESS: MAY I SPEAK, SIR?

3 THE COURT: NO.

4 HOW LONG WILL IT TAKE YOU TO GET THAT STUFF?

5 MS. STREETER: FIVE MINUTES.

6 THE COURT: ALL RIGHT.

7 THEN I'LL TAKE A RECESS IN THIS MATTER UNTIL
8 YOU GET IT. ACTUALLY THOUGH, LET ME SAY TO YOU, WE ARE
9 NOT TRYING THIS CASE. IT IS NOT NECESSARY TO PROVE ALL OF
10 THE CRIMES THAT ARE ALLEGED BECAUSE THEY ARE REPETITIOUS
11 CONDUCT OVER A LENGTHY PERIOD OF TIME, BUT IF ON THE BASIS
12 OF THESE E-MAILS THEMSELVES AND THE NUMBERS THAT THE
13 WITNESS HAS TOLD ME HE HAS RECEIVED THAT EXHIBIT 1 FOR
14 IDENTIFICATION HE SAID ARRIVED IN TWO DAYS --

15 THE WITNESS: THAT IS CORRECT, SIR?

16 THE COURT: -- THAT WOULD BE KIND OF ANNOYING TO
17 HAVE YOUR COMPUTER FILLED UP WITH THAT. LET'S JUST LEAVE
18 IT AT THAT. LET'S NOT WASTE ANY MORE TIME.

19 NOW THE WITNESS HAS ALREADY TESTIFIED TO THOSE
20 PORTIONS THAT HE READ IN THE COMPLAINT WHICH HE CONSTRUED
21 TO BE THREATS TO HIS SAFETY?

22 MS. STREETER: YES.

23 THE COURT: ALL RIGHT.

24 DO YOU HAVE ANY MORE QUESTIONS ON THAT
25 SUBJECT?

26 MS. STREETER: I DON'T HAVE ANY MORE QUESTIONS.

27 THE COURT: THEN I'LL ASK HIM A QUESTION.

28 MR. COHEN, DO YOU HAVE ANY BASIS FOR BELIEVING

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1 THAT THIS LADY REALLY MEANT TO DO YOU HARM OR MEANS TO DO
2 YOU HARM?

3 THE WITNESS: SHE STATES SO OVER AND OVER, SIR,
4 YES.

5 THE COURT: DO YOU BELIEVE IT?

6 THE WITNESS: YES.

7 THE COURT: AND YOU ACTUALLY SAY YOU HAVE LOSS PEACE
8 OF MIND.

9 ARE YOU IN FEAR?

10 THE WITNESS: SIR, MAY I SPEAK? YES.

11 THE COURT: DO YOU NEED TO EXPLAIN THAT ANSWER?

12 THE WITNESS: YES.

13 THE COURT: WHAT IS YOUR EXPLANATION?

14 THE WITNESS: I HAVE GRANDCHILDREN PLAYING ON MY
15 FRONT LAWN. I RECEIVE PHONE CALLS THAT ARE CHILLING. MY
16 ATTORNEY RECEIVES PHONE CALLS.

17 THE COURT: DON'T TELL ME WHAT YOUR ATTORNEY
18 RECEIVES. THAT WOULD BE HEARSAY.

19 THE WITNESS: I RECEIVE PHONE CALLS THAT ARE SLURRED
20 THAT ARE INFLICTED WITH ALCOHOL, THAT ARE UGLY, THAT ARE
21 MENACING, AN ATMOSPHERE OVER THE PAST SIX YEARS OF 15 TO
22 20 E-MAILS A DAY VOWING TO TAKE ME DOWN, VOWING TO
23 HUMILIATE ME, VOWING TO BRING ME TO SOME SORT OF FICTIOUS
24 JUSTICE SHE'S CONSTRUED I DESERVE. YES, THAT CREATES AN
25 ATMOSPHERE OF FEAR.

26 THE COURT: ALL RIGHT.

27 IS THAT ALL YOU HAVE?

28 MS. STREETER: YES.

THE COURT: YOU WANT ANY MORE CROSS-EXAMINATION?
ACTUALLY THIS GENTLEMEN IS IN THE PROCESS OF
CROSS-EXAMINATION.

DO YOU HAVE ANY MORE QUESTIONS?

MR. PERRONI: I WAS -- I FIGURED I WOULD --

THE COURT: I AM SORRY I INTERFERED. THAT IS ALL
RIGHT.

I'VE JUST BEEN DIVERTED FROM THE FACTS THAT
ARE TO BE RESOLVED AT THIS TIME.

MOVE IT ON.

MR. PERRONI: I AM DONE.

THE COURT: ALL RIGHT.

ALL RIGHT. MR. COHEN, YOU MAY STEP DOWN.

THE WITNESS: THANK YOU, SIR.

MS. STREETER: THANK YOU.

THE COURT: ANYTHING ELSE?

MS. STREETER: NO, YOUR HONOR. THAT IS IT.

THE COURT: ARE YOU GOING TO OFFER ANY DEFENSE?

MR. PERRONI: NO, YOUR HONOR, WE DO -- I THINK WE
ARE CLEAR THAT WE ARE ASKING FOR HER TO BE RELEASED, AND I
DON'T KNOW IF YOU WANT A 911 MOTION? I CAN MAKE ONE AS TO
SOME OF THE COUNTS.

THE COURT: WHAT'S A 911 MOTION?

MR. PERRONI: IT IS LIKE A 995 FOR MISDEMEANORS AT
ARRAIGNMENT. IF THEY ARE IN CUSTODY YOU DECIDE WHETHER OR
NOT THERE'S REASONABLE CAUSE THAT SHE'S COMMITTED ANY NEW
AMENDED COUNTS.

YOU PROBABLY DON'T SEE IT MUCH IN HERE.

1 THE COURT: WHAT IS YOUR ARGUMENT WHY THE BAIL
2 SHOULD NOT BE RAISED? I DON'T KNOW HOW COME AFTER THE
3 WARRANT WAS ISSUED WHICH I SAW IN THE FILE HAD A
4 RECOMMENDED \$50.000 BAIL WHY WAS IT REDUCED TO 15,000?

5 MR. PERRONI: WELL, I THINK IT WAS AN ARREST
6 WARRANT, YOUR HONOR, AND SHE DIDN'T HAVE ANY NOTICE OF THE
7 CHARGES THAT WERE FILED. THEY DIDN'T GIVE HER NOTICE OF
8 THE ACTUAL FILING OF THE CHARGES. SO THEY SENT OUT A
9 FAIRLY HIGH ARREST WARRANT. I AM NOT SURE. I WASN'T
10 PRESENT AT BAUCHET WHEN SHE SET IT AT \$15,000, BUT WE
11 DIDN'T HAVE ACCESS TO THE E-MAILS THAT WE HAVE ACCESS TO
12 NOW.

13 THE COURT: THAT BINDER IN FRONT OF YOU, ARE THOSE
14 THE SAME DOCUMENTS THAT ARE IN THE EXHIBIT 1?

15 MR. PERRONI: I'VE BEEN TOLD THEY ARE. I'VE BEEN
16 TOLD THEY ARE.

17 THE COURT: I DON'T EXPECT YOU TO --

18 MR. PERRONI: I HAVE GONE THROUGH IT PAGE BY PAGE.

19 THE COURT: NO, YOU DIDN'T.

20 MR. PERRONI: BUT I'VE LOOKED THROUGH THEM. THEY
21 ARE ONE SIDED PIECES OF PAPER. OBVIOUSLY IT'S AN ANNOYING
22 AMOUNT OF E-MAILS, BUT SHOULD SHE BE IN JAIL -- ALONG WITH
23 A WOMAN WITH NO RECORD BECAUSE SHE'S SENDING A BUNCH OF
24 ANNOYING E-MAILS WITHOUT GOING TO SOMEBODY'S HOUSE,
25 VANDALIZING ANY PROPERTY?

26 HE'S ANNOYED BECAUSE IT'S BEEN HAPPENING FOR A
27 WHILE. I JUST DON'T THINK WE ARE GOING TO HAVE TO GO
28 THROUGH ALL THIS STUFF. THESE ARE MISDEMEANORS. SHE

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1 DOESN'T HAVE ANY RECORD. THERE HAVEN'T BEEN ANY REAL
2 CREDIBLE THREATS OF VIOLENCE OR ANYTHING LIKE THAT.

3 OBVIOUSLY HE'S UNEASY, BUT HE HASN'T SEEN HER
4 SINCE 2004. SO SHE'S NOT GOING THROUGH HIS HOUSE AND
5 PEEPING THROUGH HIS WINDOWS. I DON'T KNOW. IT KIND OF --
6 I'VE GONE THROUGH THESE. SHE'S OBVIOUSLY ANNOYING.

7 THE COURT: WELL, YOU HEARD THE WITNESS STATE THE
8 NATURE OF THE E-MAILS. IT'S NOT JUST AN ANNOYING AMOUNT
9 OF PAPER AND ATTENTION GETTING BUT THERE ARE POSITIVE
10 PHYSICAL THREATS THAT HE FEARS.

11 MR. PERRONI: I DIDN'T HEAR ANY POSITIVE PHYSICAL
12 THREATS. IT WAS, WE SHOULD TAKE HIM DOWN, OR I AM GOING
13 TO TAKE YOU DOWN. THEY HAD A BUSINESS RELATIONSHIP, AND
14 SHE'S DOING NOTHING TO SUGGEST THAT SHE'S GOING TO CARRY
15 THROUGH ON ANY OF THESE THREATS.

16 HE HAS NOT SEEN HER SINCE 2004. THERE'S NO
17 IMPLICATION THAT SHE'S GOING TO COME AND PHYSICALLY TAKE
18 HIM DOWN. HE KNOWS SHE HAS A FELONY TAX CASE. HE
19 EMPLOYED HER. HE HAS THE RECORDS.

20 THE COURT: I AM NOT INTERESTED IN ALL OF THAT. THE
21 ONLY THING WE HAVE TO BE CONCERNED ABOUT IS, MS. STREETER,
22 WHAT IS THE CHANGE IN CIRCUMSTANCES SINCE THE DEFENDANT'S
23 ARREST AT INITIAL ARRAIGNMENT WHERE YOU SAID THE BAIL WAS
24 REDUCED.

25 NOW YOU HAD THAT BINDER FULL OF PAPER AT THAT
26 TIME, DID YOU NOT?

27 MS. STREETER: NO.

28 THE COURT: WERE YOU AT THAT ARRAIGNMENT?

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1 MS. STREETER: NO.

2 THE COURT: DID YOU -- THEN WHAT IS IT?

3 MS. STREETER: I KNOW WHAT WAS PRESENTED AT THE
4 ARRAIGNMENT BECAUSE I WAS TALKING TO MY COLLEAGUE BY
5 PHONE. WE DID NOT HAVE THESE E-MAILS. I JUST TOLD HER
6 THAT I KNEW THAT THERE WERE MORE E-MAILS THAT WERE SENT,
7 BUT I DID NOT KNOW THE VOLUME OF E-MAILS THAT WERE SENT.

8 I FOUND THAT OUT AFTER MS. LYNCH WAS
9 ARRAIGNED. IF THE PEOPLE HAD KNOWN THAT THERE WERE THIS
10 VOLUME OF E-MAILS AT THE TIME OF ARRAIGNMENT, THE PEOPLE
11 WOULD HAVE FILED A MOTION TO AMEND.

12 I WAS AMAZED BY THE VOLUME OF E-MAILS. THE
13 PEOPLE HAD NO IDEA THAT THERE WERE THIS MANY E-MAILS, AND
14 THE PERSON HANDLING THE CASE AT ARRAIGNMENT WASN'T
15 FAMILIAR WITH IT AS MUCH AS I WAS, BUT EVEN WITH THAT, I
16 WAS UNAWARE THAT IT WAS THIS LEVEL OF E-MAILS IN A TWO AND
17 A HALF MONTH PERIOD.

18 WE ARE TALKING ABOUT NEARLY 900 E-MAILS IN A
19 TWO AND A HALF MONTH PERIOD PLUS VOICEMAILS THAT HE
20 ALSO -- THOSE VOICEMAIL MESSAGES THAT HE ALSO RECEIVED
21 FROM MS. LYNCH DURING THE TIME PERIOD. PEOPLE SEE A
22 CHANGE IN CIRCUMSTANCE THAT THE SHEER VOLUME OF E-MAILS
23 THAT WERE SENT DURING THAT TIME PERIOD --

24 THE COURT: THE VOLUME OF ANNOYANCE IS ONE THING,
25 THE SUBSTANCE WHICH INCLUDES THREATS WHICH CAUSE MR. COHEN
26 FEAR IS ANOTHER THING.

27 NOW DID YOU HAVE KNOWLEDGE OF THE SUBSTANCE,
28 THE CONTENT OF THOSE -- ANY E-MAILS THAT CONTAINED

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1 THREATENING LANGUAGE?

2 MS. STREETER: NO.

3 THE PEOPLE HAD NO KNOWLEDGE OF THE CONTENTS OF
4 THE E-MAILS FROM DECEMBER 15TH, 2011, TO FEBRUARY 29TH,
5 2012, NOR DID THE PEOPLE HAVE ANY IDEA OF THE VOLUME OF
6 E-MAILS THAT WERE SENT DURING THAT TIME PERIOD. AND THE
7 PEOPLE DID NOT HAVE ANY IDEA -- IN FACT, ALL THE PEOPLE
8 REPRESENTED WAS INVOLVED WAS SHE HAD SENT SOME ADDITIONAL
9 E-MAILS.

10 I WAS NOT EVEN AWARE THAT MS. LYNCH HAD TRIED
11 TO CALL MR. COHEN FROM THE TIME PERIOD OF DECEMBER 15TH,
12 2011 TO FEBRUARY 29TH, 2012, BUT WHAT I WOULD SAY IF THE
13 COURT LOOKS AT THE WARRANT AND FROM WHERE MS. LYNCH CAME
14 FROM THE OTHER ISSUE THE COURT NEEDS TO BE MINDFUL OF,
15 MS. LYNCH DOES NOT LIVE IN THE AREA. SHE LIVES IN
16 BERKELEY.

17 THE CONCERN THAT THE PEOPLE HAVE ABOUT DEFENSE
18 REQUESTS ABOUT HAVING HER RELEASED O.R. I MEAN FROM WHAT I
19 GATHER, THIS IS NOT A DEFENDANT THAT HAS MANY TIES TO THIS
20 COMMUNITY GIVEN WHAT SHE'S FACING, WHAT IS THERE TO KEEP
21 HER HERE AND NOT JUST FLEEING THE JURISDICTION?

22 THE COURT: AND YOU DID NOT INTEND TO PUT ON ANY
23 EVIDENCE AT ALL?

24 MR. PERRONI: NO.

25 THE COURT: YOU CONCEDE THAT SHE IS NOT A RESIDENT
26 OF THIS AREA?

27 MR. PERRONI: LAST I CHECKED I BELIEVE THAT
28 BERKELEY, CALIFORNIA, RIGHT?

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1 MS. STREETER: IT'S NOT LOS ANGELES.

2 MR. PERRONI: SHE HAS FAMILY IN THE AREA, YOUR
3 HONOR.

4 I THINK HER CHILDREN AND TWO OF HER BROTHERS
5 LIVE IN LOS ANGELES.

6 MS. STREETER: SHE'S ESTRANGED FROM HER CHILDREN.

7 THE DEFENDANT: NO, I AM NOT. I AM NOT ESTRANGED
8 FROM MY CHILDREN.

9 MS. STREETER: YOUR HONOR, BAIL -- THE PEOPLE WOULD
10 LIKE THE COURT TO BE MINDFUL THAT BAIL SCHEDULE UNDER
11 273.6 IS \$25,000.00.

12 THE COURT: THE SCHEDULE CALLED FOR WHAT?

13 MS. STREETER: \$25,000.00 BAIL SCHEDULE.

14 SO IF YOU WOULD -- WERE JUST TO SET BAIL ON
15 TWO OF THE 273.6'S THAT WOULD BE \$50,000, YOUR HONOR.

16 THE COURT: HOW DID YOU DOUBLE IT?

17 MS. STREETER: \$25,000.00 FOR EACH COUNT, YOUR
18 HONOR. THERE IS MORE THAN ONE COUNT OF 273.6. THERE ARE
19 SEVERAL COUNTS OF 273.6.

20 THE COURT: WHAT IS YOUR ARGUMENT FOR YOUR RELEASE
21 O.R.?

22 MR. PERRONI: SHE COMES TO HER COURT DAYS. WE KNOW
23 THAT BECAUSE SHE CAME TO THE COLORADO COURT DATE. THEY
24 HAVE THE TRANSCRIPT FOR IT. SHE WAS THERE. SHE HAD NO
25 KNOWLEDGE OF THE OTHER ONES HERE.

26 SHE'S NOT -- THEY PRESENTED NO EVIDENCE THAT
27 SHE'S A FLIGHT RISK. SHE HAS NO CRIMINAL RECORD. THERE
28 HAS BEEN NO VIOLENCE, AND THESE ARE ALL MISDEMEANORS.

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1 EVERYTHING HERE I THINK -- WE HAVE A LOT OF WORK TO DO ON
2 THE CASE. I THINK EVERYTHING HERE WARRANTS AN O.R.
3 RELEASE.

4 THE COURT: I DISAGREE -- GO AHEAD. I SHOULD NOT
5 HAVE INTERRUPTED YOU.

6 THE GENTLEMEN APPEARS TO BE FEARFUL. HE'S
7 OLDER. HE MENTIONS HIS GRANDCHILDREN ON THE PROPERTY.

8 ALL RIGHT. GO AHEAD, MAKE YOUR WHOLE
9 ARGUMENT.

10 MR. PERRONI: SHE'S NEVER COME TO THE PROPERTY.
11 THEY ARE E-MAILS. THEY DIDN'T BREAK HIS COMPUTER.
12 THERE'S NOTHING SAYING WHEN HE SEES -- HE GETS AN E-MAIL
13 FROM SUCH AND SUCH E-MAIL ADDRESS HE HAS TO OPEN IT UP AND
14 READ IT IN ITS ENTIRETY. IT'S ANNOYING.

15 SHE'S NOT COMING TO HIS HOUSE AND BREAKING HIS
16 STUFF AND SCARING HIS GRANDCHILDREN. SHE'S NOT GOING TO
17 HIS GRANDCHILDREN'S HOUSE OR HIS CHILDREN'S HOUSE. THE
18 ONE TIME HE SAYS HE THOUGHT SHE CAME TO SOMEONE CLOSE TO
19 HIM WAS TO HIS ATTORNEY'S OFFICE. HE HAS NOT SEEN HER
20 SINCE 2004.

21 I UNDERSTAND HE MAY BE AFRAID. WHETHER THAT
22 IS REASONABLE OR NOT BECAUSE YOU ARE ANNOYED BY E-MAILS --

23 THE COURT: FINISH YOUR ARGUMENT.

24 MR. PERRONI: SUBMITTED, YOUR HONOR.

25 THE COURT: WELL --

26 MR. PERRONI: YOU CAN CALL ME WHATEVER YOU WANT.

27 THE COURT: MR. PERRONI, I UNDERSTAND YOUR POSITION,
28 YOUR ARGUMENT, BUT IN THIS POSITION WE DEAL WITH PEOPLE IN

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1 MANY MANY SITUATIONS AND WHEN YOU LOOK AT THE VOLUME OF
2 COMMUNICATION HERE, ONE HAS TO BE CONCERNED WITH THE
3 MENTAL STABILITY OF A PERSON WHO WOULD GO TO THESE LENGTHS
4 OVER AN ISSUE THAT APPEARS TO BE BASED ON -- I DON'T KNOW
5 WHAT FOR SURE.

6 IT WAS A LONG PERSONAL OR BUSINESS
7 RELATIONSHIP, AND THEY ARE AT ODDS, BUT WHEN WE HAVE TO
8 DEAL WITH SOMEBODY WHOSE MENTAL STABILITY IS SUSPECT AS I
9 MUST TELL YOU, I HAVE SUSPICION OF SOMEBODY WHO WOULD GO
10 TO THESE LENGTHS TO ANNOY AND THERE COMES A MOMENT WHEN
11 THERE IS A BREAK AND SOMETHING TRAGIC CAN HAPPEN.

12 I SEE NO GROUNDS TO RELEASE MS. LYNCH ON HER
13 OWN RECOGNIZANCE AT ALL. ACTUALLY UNDER THE
14 CIRCUMSTANCES, I DON'T KNOW THAT THERE WAS ANY REASON FOR
15 THE ARRAIGNMENT COURT TO HAVE REDUCED THE RECOMMENDED BAIL
16 WHICH UNDAUNTEDLY WAS AS MS. STREETER POINTED OUT,
17 RECOMMENDED BY THE CITY ATTORNEY AT \$50,000 WHEN THE
18 WARRANT WAS ISSUED, BUT IN BEING A REPETITION OF THE SAME
19 KIND OF ACTIVITY, I DON'T THINK THAT I JUST HAVE TO
20 AUTOMATICALLY ASSUME BECAUSE IT WAS DONE TWICE THAT YOU
21 DOUBLED THE BAIL, THE BAIL SCHEDULE.

22 I WILL RAISE THE BAIL TO THE BAIL SCHEDULE.
23 THE ONLY CHANGED CIRCUMSTANCE THAT MS. STREETER REFERRED
24 TO IS NOT BEING AWARE OF THE THREATENING ASPECTS OF THOSE
25 PORTIONS OF THE COMMUNICATION WHICH CAUSED MR. COHEN THE
26 FEAR.

27 SO THE BAIL IS NOW SET IN THE SUM OF
28 \$25,000.00 IN ACCORDANCE WITH THE SCHEDULE.

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1 ALL RIGHT. NOW THE MATTER GOES BACK TO --
2 MR. PERRONI: FOR THE RECORD, CAN I JUST MAKE A
3 QUICK RECORD?

4 THE COURT: YEAH.

5 MR. PERRONI: JUST A QUICK RECORD.

6 I APOLOGIZE, YOUR HONOR, WE WOULD OBJECT TO
7 THE RAISING OF BAIL UNDER THE 5TH, 6TH AND 14TH AMENDMENTS
8 DUE PROCESS JUST MATERIALIZE THE OBJECTIONS.

9 I APPRECIATE THE COURTS TIME.

10 THE COURT: THE OBJECTIONS ARE NOTED AND BAIL IS NOW
11 \$25,000.00.

12 MS. STREETER: THANK YOU, YOUR HONOR.

13 THE CLERK: CAN THE RECORD REFLECT THAT MS. STREETER
14 IS MAINTAINING THE EXHIBIT NUMBER 1?

15 THE COURT: SHE MAINTAINS IT HERSELF?

16 MS. STREETER: YEAH. IT WAS JUST BY REFERENCE?

17 THE CLERK: SHE MARKED AN EXHIBIT.

18 THE COURT: OH, OH, OH, I AM SORRY YOU HAVE THE
19 MOTION FOR THE EXHIBIT TO BE RECEIVED BY REFERENCE?

20 MS. STREETER: YES.

21 THE COURT: THE MOTION IS GRANTED.

22 MS. STREETER: THANK YOU, YOUR HONOR.

23 MR. PERRONI: CAN I MAKE A REQUEST TOO, YOUR HONOR?

24 THE COURT: WHAT IS THAT?

25 MR. PERRONI: WELL, ACTUALLY FIRST OF ALL, IT LOOKS
26 LIKE MR. COHEN LEFT HIS NOTEBOOK UP ON THE WITNESS
27 STAND.

28 THE COURT: I DARE SAY HE IS IN THE HALL. SOMEBODY

03/18/2015

1 OUGHT TO NOTIFY --

2 MR. PERRONI: ON THE RECORD, THE DEFENSE WOULD BE
3 MAKING A REQUEST FOR THAT SINCE IT WAS USED TO REFRESH
4 RECOLLECTION.

5 THE COURT: YOU WANT THAT MARKED AS AN EXHIBIT?

6 MS. STREETER: NO.

7 MR. PERRONI: WE ARE MAKING AN INFORMAL REQUEST FOR
8 DISCOVERY. SINCE HE USED IT, WE GET IT.

9 THE COURT: WELL, ALL RIGHT.

10 THE MOTION FOR DISCOVERY IS GRANTED.

11 MS. STREETER, YOU'LL SPEAK WITH MR. COHEN
12 ABOUT TO WHAT EXTENT HE USED HIS NOTES, AND IF THERE'S ANY
13 BASIS FOR IT, YOU ARE TO PROVIDE IT TO DEFENSE.

14 MS. STREETER: OKAY. ALL RIGHT.

15 THE COURT: . THE MATTER IS REFERRED FORTHWITH TO
16 DIVISION 40.

17 MS. STREETER, YOU'LL TAKE THE FILE BACK THERE.

18 DOES IT HAVE A DATE SET FOR FURTHER
19 PROCEEDINGS?

20 MS. STREETER: NO.

21 THE COURT: THEN THE DEFENDANT SHOULD BE ORDERED TO
22 DIVISION 40 RIGHT NOW.

23 THE CLERK: THEY ARE TAKING HER TO 40, YOUR HONOR.

24 THE COURT: SHE'S GOING TO 40?

25 THE CLERK: YES, SIR.

26 THE COURT: THEN YOU'LL RETURN TO 40, MS. STREETER,
27 IMMEDIATELY.

28

03/18/2015

(WHEREUPON THE MATTER WAS TRANSFERRED TO
DIVISION 40 FORTHWITH.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 44

HON. SAMUEL MAYERSON, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINTIFF,)
)
) VS.)
)
) KELLEY LYNCH,)
) DEFENDANT.)

NO. 2CA04539
REPORTER'S
CERTIFICATE

STATE OF CALIFORNIA)
)) SS
COUNTY OF LOS ANGELES)

I, ANNETTE L. VAN OLDEN, OFFICIAL
REPORTER OF THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY
CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 38, COMPRISE A
FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD
AND TESTIMONY TAKEN IN DEPARTMENT NO. 44 IN THE MATTER OF
THE ABOVE-ENTITLED CAUSE ON MARCH 23, 2012.

DATED THIS 12TH DAY OF AUGUST, 2014.

Annette L. van Olden, C.S.12.
ANNETTE L. VAN OLDEN, OFFICIAL REPORTER

03/18/2015