

1 essentially take a brief break while you set up?

2 MS. LIU: I think that would be advisable, Your
3 Honor.

4 THE COURT: Thank you.

5 THE CLERK: Ladies and gentlemen if you all
6 will leave your notebooks in your chairs and come with
7 me.

8 (Thereupon the jury returned to the
9 courtroom at 11:10 a.m.)

10 MS. LIU: Your Honor, may I address the
11 preliminary issue?

12 THE COURT: Yes.

13 MS. LIU: One of the exhibits that I intend to
14 introduce is the portion of the videotape of the Senate
15 Judiciary Committee hearing. I was not intending to
16 play the entire tape which is about an hour and half
17 long.

18 And the portion of the tape that has been viewed
19 by my witness is just that portion which I intend to
20 introduce.

21 And that's the only portion that the Government
22 will seek to introduce into evidence. I just wanted to
23 let you know that.

24 THE COURT: Very well. Have you reviewed the
25 tape in its entirety?

1 MS. LIU: Yes, Your Honor.

2 THE COURT: Are you able to represent to
3 the Court whether any other portion of this tape would
4 be relevant to the elements of the offense or any
5 defense thereto?

6 MS. LIU: Your Honor, it's actually Mr.
7 Mendelsohn who has viewed the entire tape and I'll let
8 him speak to that.

9 THE COURT: Very well.

10 MR. MENDELSON: No other portions of the tape,
11 Your Honor, are relevant to the charges in this case.

12 THE COURT: Very well. Then I think that
13 everyone is on notice that a part of this tape and not
14 the entire tape is relevant to these proceedings.

15 I of course cannot direct how one might proceed
16 in presenting evidence. However, I will say this. That
17 we're not here to consume either the Court's time or the
18 jury's time.

19 And to the extent that there is any effort to
20 introduce portions of this tape that this Court
21 determines not to be relevant, there will be no
22 discussion. You will be directed to move on and you
23 will move on.

24 MS. SASSOWER: May I be heard?

25 THE COURT: You may.

1 MS. SASSOWER: I would request --

2 THE COURT: Yes.

3 MS. SASSOWER: -- respectfully that the jury be
4 informed of the length of the proceeding because I will
5 say that my legal adviser has counseled me of its
6 relevance and they should ---excuse me? May we do this
7 ex parte?

8 THE COURT: I'll make a determination whether
9 the Government needs to hear it.

10 (Ex Parte Bench Conference)

11 MR. GOLDSTONE: Your Honor, the issue is
12 whether she --

13 MS. SASSOWER: May he be heard on this?
14 I think he has made a very good point to me, and I'd be
15 happy to defer to him on this.

16 THE COURT: Well, I can only hear from him --

17 MS. SASSOWER: Okay.

18 THE COURT: -- on this issue -

19 MS. SASSOWER: Fine.

20 THE COURT: -- at this time.

21 MS. SASSOWER: Fine.

22 THE COURT: I don't expect to hear -

23 MS. SASSOWER: Yes.

24 THE COURT: -- from both of you.

25 MS. SASSOWER: Of course.

1 THE COURT: You understand that?

2 MS. SASSOWER: Yes.

3 THE COURT: Very well.

4 MR. GOLDSTONE: Your Honor, if the issue is
5 intent to obstruct, obstruct and impede passage into,
6 you know, dis, disrupting orderly processes of Congress,
7 it would be fair commentary for Ms. Sassower to say that
8 should she have wanted to disrupt the proceedings, which
9 took an hour and a half or two hours, that the
10 Government will testify she was seated at the entire
11 time.

12 That that's fair commentary that had she
13 intended to disrupt, she could have done it at the
14 beginning of the hearing, the middle of the hearing, at
15 the end of the hearing.

16 We believe the evidence will show, and the
17 Government alluded to this in their cro, in their
18 opening statement, that they said near the conclusion of
19 the hearing, Ms. Sassower rose to ask to testify.

20 Our evidence we believe will show that it was
21 after the senator from Georgia, the presiding officer,
22 had gaveled we are adjourned, at that point she said may
23 I testify.

24 THE COURT: Well then the -- tell me whether or
25 not that will be reflected in the tape.

1 MR. GOLDSTONE: It will.

2 THE COURT: Very well. Then it seems to me
3 that the tape, that portion of the tape will show what
4 it shows. If the gavel is hit, if the gavel is hit and
5 she then asks to be heard, then the jury will hear that.

6 How the length of the proceedings before that
7 time is relevant, I mean it may make for good argument.

8 MR. GOLDSTONE: But it's relevant to the
9 specific intent to disrupt.

10 THE COURT: No, no, it's not, it absolutely is
11 not. It doesn't matter whether the disruption occurred
12 at the beginning or in the middle or at the end. The
13 point is at the time when it occurred, was there intent.

14 And quite frankly, I don't think that it's
15 relevant whether this thing lasted an hour and a half,
16 whether 98 minutes went by before she formulated the
17 intent.

18 The fact is, during the last two there was an
19 intent which would support the charge involved. And so
20 the point, the point being is not well taken. I don't
21 see the relevance of the length of these proceedings.

22 Now, if the Government wants to stipulate that I
23 make some representation to the jury that these
24 proceedings were actually much longer and that what
25 we're going to view is only the last five minutes of a

1 longer proceeding, and if they want to give a specific
2 time, if the two sides can agree on that, then fine.
3 But if they don't, I will sustain the objection.

4 MR. GOLDSTONE: Understood.

5 THE COURT: Very well.

6 (Open Court)

7 THE COURT: Ms. Liu, --

8 MS. LIU: Yes, Your Honor.

9 THE COURT: -- is your intention to put on a
10 witness first before using the AV equipment?

11 MS. LIU: That's correct, Your Honor. What I'm
12 gonna do is put on the witness who will have some
13 testimony. I have three exhibits which are photographs
14 of the room and then I'll play the videotape last.

15 THE COURT: Very well. Then Ms. Franklin's
16 recommendation is -- well, she's actually acting on it.
17 Since my staff need not see, that it can be placed here
18 until you actually get ready to use it.

19 Then it can be positioned so that there's a
20 better view for the jury, and then the rest of us who
21 need to see this will take positions elsewhere. And I'm
22 directing counsel to step over against this wall back
23 here.

24 MS. LIU: Very well, Your Honor.

25 THE COURT: Very well. Okay.

1 MS. LIU: In addition, we had an easel
2 here. I have three exhibits which, if admitted, I would
3 like to publish to the jury. Where would you like
4 those, Your Honor?

5 We could -- Mr. Mendelsohn has just suggested
6 we could put the easel in front of the television.
7 Because once we begin playing the tape it will not be
8 necessary for the jurors to be looking at the --

9 THE COURT: At the -

10 MS. LIU: -- photographs.

11 THE COURT: Very well.

12 (Thereupon, the Court recessed at 11:16 a.m.)

13 (Thereupon, the Court reconvened at 11:25 a.m.)

14 THE CLERK: Recalling our trial matter, United
15 States versus Elena Sassower, M4113-03.

16 THE COURT: Counsel, please announce for the
17 record your name.

18 MS. SASSOWER: Elena Sassower, criminal
19 defendant.

20 MR. GOLDSTONE: Mark Goldstone, attorney
21 adviser.

22 MS. LIU: Your Honor, Jessie Liu for the United
23 States.

24 MR. MENDELSON: Aaron Mendelsohn for the
25 United States.

1 THE COURT: Very well. Are we ready to
2 proceed?

3 MR. MENDELSON: Your Honor, may we have a
4 moment just to get our affairs in order? It's just
5 gonna take one minute to key the tape and put the easel
6 back.

7 THE COURT: Very well.

8 MR. MENDELSON: Okay.

9 (Pause)

10 MS. LIU: I turned the volume on the television
11 up as high as it can go because we believe that is
12 necessary to accurately capture everything that's going
13 on on the tape.

14 THE COURT: Very well. And as a matter of
15 procedure, I'll stand since I can't see you from my
16 seated position.

17 Before there is any inquiry as to specifics
18 within the tape, I want the portion of the tape that
19 will be offered into evidence played in its entirety
20 without any questioning first.

21 Rewind, and then to the extent that you want to
22 ask questions of the witness about the tape, then
23 proceed. Am I, am I clear here?

24 MS. LIU: Yes, Your Honor.

25 THE COURT: Mr. Mendelsohn, you look puzzled.

1 MR. MENDELSON: I'm clear, Your Honor.

2 THE COURT: Very well. Will visibility be
3 enhanced by lowering the lights?

4 MS. SASSOWER: I think so.

5 MR. MENDELSON: Perhaps if we take a break
6 right before we play it. Oh, yeah.

7 THE COURT: We can do it right from here.

8 MR. MENDELSON: That'd be great.

9 THE COURT: Very well.

10 (Thereupon, the jury returned to the courtroom at
11 11:30 a.m.)

12 THE COURT: Very well, please be seated. Does
13 the Government have another witness?

14 MS. LIU: Your Honor, the Government calls
15 Roderick Jennings to the stand.

16 THE COURT: Very well. Please step up and be
17 sworn.

18 THE CLERK: Please raise your right hand.

19 Thereupon,

20 RODERICK B. JENNINGS,
21 having been called as a witness for and on behalf of the
22 Government, and after having been first duly sworn by
23 the deputy clerk, was examined and testified as follows:

24 THE CLERK: You may be seated.

25 THE WITNESS: Thank you.

1 THE COURT: Please be seated. Ms. Liu.

2 DIRECT EXAMINATION

3 BY MS. LIU:

4 Q Good morning, sir. Could you please state your
5 name for the record and spell your name for the record
6 as well please?

7 A Thank you. Roderick Jennings. Roderick is
8 R-o-d-e-r-i-c-k Jennings J-e-n-n-i-n-g-s.

9 Q Sir, where do you work?

10 A United States Capitol Police.

11 Q And in what capacity are you employed with the
12 United States Capitol Police?

13 A I provide protection for members of Congress,
14 their staff, visitors at the Capitol complex. We
15 protect the buildings and any visitors of the Capitol
16 grounds.

17 Q How long have you been with the Capitol police?

18 A Fourteen years.

19 Q Officer Jennings, let me direct your attention
20 to May 22nd, 2003. Do you remember that day?

21 A Yes, ma'am.

22 Q Prior to that day, May 22nd, 2003, had you ever
23 heard of a person named Elena Sassower?

24 A No, I haven't.

25 Q Have you ever seen a person you knew to be

1 Elena Sassower?

2 A No, I haven't.

3 Q Did there come a day on May 22nd, 2003 when you
4 learned of the existence of a person called Elena
5 Sassower?

6 A Yes.

7 Q How did that come about, officer?

8 A At a, at our roll call we were presented with a
9 bulletin, a security bulletin, and that bulletin
10 contained information about Ms. Sassower.

11 Q What time is roll call?

12 A For me 10:45 in the morning.

13 Q And can you tell the ladies and gentlemen of
14 the jury what generally happens at roll call?

15 A At roll call we are given information of events
16 that are taking place on Capitol Hill, whether there are
17 committees, hearings, demonstrations and just, we are
18 given that information on the bulletin announcement.

19 Q And why is it, if you know, that you are given
20 this information?

21 A It's basically for our awareness. And if
22 you're -- in the capacity in which I serve, I'm a relief
23 officer.

24 So at any given point, I could be providing
25 relief to an officer, whether he's assigned to a

1 demonstration and/or committee. So that's the, the
2 reason why we get that information.

3 Q Officer, you said you were given a bulletin
4 about Ms. Sassower. Can you tell the ladies and
5 gentlemen of the jury a little bit more about that
6 bulletin?

7 A The bulletin contains general information, a
8 picture, normally a picture, a description of the
9 person, height and weight, proportion and just general
10 information about the person, so we could recognize the
11 person.

12 Q And do you remember anything specific about
13 what that bulletin said about Ms. Sassower?

14 A Like I stated, just general information, her
15 height, her weight, basically what she looked like.

16 Q Do you know why you were given that bulletin
17 about Ms. Sassower?

18 A Yes. Our intelligence section had some
19 information that Ms. Sassower would be coming on Capitol
20 grounds to attend a hearing.

21 Q Was there any other information that you had
22 besides that she'd be coming to Capitol grounds to
23 attend a hearing?

24 A No, that's the information I had, that she'd be
25 coming to attend a hearing.

1 Q What did you do after roll call, Officer, on
2 May 22nd?

3 A Okay. After roll call I did what they call
4 patrol. I patrol the hallways of the buildings where
5 there were committees going on at the time.

6 Q Did there come a time on May 22nd when you
7 attended a Senate Judiciary Committee hearing?

8 A That's correct, yes.

9 Q And what time was it that you attended this
10 Judiciary Committee hearing?

11 A I first responded at one o'clock.

12 Q Where was the hearing being held?

13 A In Senate Dirksen Building Room 226.

14 MS. LIU: Your Honor, may I approach the
15 witness?

16 THE COURT: You may.

17 BY MS. LIU:

18 Q Officer Jennings, I'm showing you what's been
19 marked for identification as Government's Exhibits 1, 2
20 and 3. Can you look through those and tell us what they
21 are?

22 A Okay.

23 Q Let me start with Government's Exhibit 1 for
24 identification, what is that?

25 A This is a picture of the committee hearing

1 room, Senate Dirksen Building, 226.

2 Q And, officer, is that a fair and accurate
3 representation of Dirksen 226 on May 22nd, 2003?

4 A I would say yes, with the exception that the
5 chairs that are facing towards the back of the room were
6 facing towards the front of the room for the witnesses.

7 Q Except for the placement of the chairs which
8 you just identified, is that a fair and accurate
9 representation of Dirksen 226 on May 22nd, 2003?

10 A Yes, ma'am.

11 Q Now, I direct your attention to Government's
12 Exhibit 2, can you tell us what that is?

13 A Okay. Again, this is a, a picture of Senate
14 Dirksen 226.

15 Q And is that Government's Exhibit 2 for
16 identification a fair and accurate representation of the
17 Senate Dirksen Room 226 as it appeared on May 22nd,
18 2003?

19 A Yes, with the exception of the chairs that were
20 facing, the witness chairs up front, they were facing
21 towards the front of the room.

22 Q Is there anything else different about that
23 picture from the way that the room appeared on May 22nd,
24 2003?

25 A Well, there were witnesses and there were

1 people in the, in the gallery of the room.

2 Q Let me direct your attention to Government's
3 Exhibit 3 for identification. Can you tell us what that
4 is?

5 A Okay. This is a picture of the front door, the
6 major access point to Senate Dirksen 226.

7 Q And is that picture, Government's Exhibit 3, a
8 fair and accurate representation of Senate Dirksen
9 Office Buil, Room 226 as it appeared on May 22nd, 2003?

10 A Yes, ma'am.

11 MS. LIU: Your Honor, I move to admit into
12 evidence Government's Exhibits 1, 2 and 3.

13 THE COURT: Any objection?

14 MS. SASSOWER: May I just see the photos once
15 again?

16 THE COURT: Yes. Ms. Liu.

17 MS. SASSOWER: Thank you.

18 THE COURT: Is there an objection?

19 MS. SASSOWER: I don't believe so.

20 THE COURT: Very well. Government Exhibits 1,
21 2 and 3 are admitted into evidence.

22 MS. LIU: Your Honor, I would like permission
23 to publish this to the jury.

24 THE COURT: You may.

25 MS. LIU: Your Honor, it appears we only have

1 room for one of these.

2 THE COURT: Very well. Why don't we do this
3 before we actually see any further evidence. Those are
4 small enough that they can actually be handed to members
5 of the jury and allow them to actually inspect them.
6 Begin with Exhibit 1, pass it along.

7 MS. LIU: Your Honor, shall I continue my
8 direct while they're looking?

9 THE COURT: No. Allow them, we'll take a few
10 minutes while they, each of them has the opportunity to
11 inspect. But we won't rush them in doing so.

12 (Thereupon, the exhibits were published
13 to the jury at this time.)

14 THE COURT: Ms. Liu.

15 BY MS. LIU:

16 Q Officer, can you describe for us what Dirksen
17 226 looks like?

18 A It's a committee hearing room that looks like
19 those, the pictures there.

20 Q And you're referring to Government's Exhibit 1,
21 2 and 3?

22 A Yes, ma'am.

23 Q Can you tell us approximately how big Dirksen
24 226 is?

25 A It's 40 by 70 something feet.

1 Q Do you know how many people it seats?

2 A On occasion, they do different configurations
3 of the room. And the capacity like that, I think it can
4 sit up to 180 people.

5 Q Now, who sits at the front of the room?

6 A Members of Congress sit at the very front.

7 Q And I'm directing your attention to
8 Government's Exhibit 1, there's a long table pictured
9 here, who sits at that table?

10 A Witnesses that are testifying before Congress.

11 Q And I'm directing your attention once again to
12 Government's Exhibit 1. There are some rows of chairs
13 in the, in the room, who sits there?

14 A Invited guests and then it's open to the
15 public.

16 Q And how many doors are there to this room?

17 A There's one big door, the door where I'm
18 standing, and then behind the members of Congress where
19 they sit there's another exit and entry point.

20 Q Now when you say the door where you're
21 standing, can you point out on one of the Government's
22 exhibits where that is?

23 A Yes, the one the gentleman is holding there.

24 A Let the record reflect that's a set of double
25 doors on Government's Exhibit 3.

1 Now I'm directing your attention once more to
2 Government's Exhibit 1. It appears that there's a door
3 pictured in that photograph. Is that a door or is that
4 something else?

5 A That is a door, but that door is reserved for a
6 lot of times the press. They come in and out of there.

7 Q Very well. And how -- where on Government's
8 Exhibit 1 would the door for the members be?

9 A You see where the, where it says chairman, it
10 would be right behind that. That's where the members
11 enter and exit from.

12 Q Could you remind us again when you first
13 arrived in Dirksen 226 on May 22nd?

14 A One o'clock.

15 Q And were there people in the room at the time
16 that you arrived?

17 A Yes, there were.

18 Q Do you recall approximately how many people
19 were in the room?

20 A If I had to estimate, I would say maybe 60 or
21 so.

22 Q And did you see the person who was depicted in
23 the flyer you were given in the room at the time?

24 A Yes, I did.

25 Q Do you see that person in the courtroom today?

1 A Yes, I do.

2 Q Can you identify that person by where that
3 person is sitting and an article of clothing that person
4 is wearing?

5 A Yes, she's sitting directly in front of me with
6 a blue blouse and a black blazer.

7 MS. LIU: Your Honor, could the record reflect
8 the in-court identification of the defendant, Ms.
9 Sassower?

10 THE COURT: Any objection?

11 MS. SASSOWER: No.

12 THE COURT: Very well, so noted.

13 BY MS. LIU:

14 Q Officer, what was Ms. Sassower doing at the
15 time you first arrived in Dirksen 226?

16 A She appeared to be observing the committee
17 hearing.

18 Q Where was she sitting in the room?

19 A In the back of the room.

20 Q Is the place where Ms. Sassower was sitting
21 when you arrived at Dirksen 226 pictured on any of the
22 Government's Exhibits?

23 A The one at the very top. If you could turn it
24 just slightly.

25 MS. LIU: Your Honor, could the witness come

1 down and point out the place he's talking about?

2 THE COURT: Very well. Please step down,
3 officer.

4 BY MS. LIU:

5 Q Officer Jennings, could you please point out
6 for the jury where Ms. Sassower was at the time you
7 first entered Dirksen 226?

8 A She was sitting right in this area here.

9 THE COURT: Let the record reflect.

10 MS. LIU: Let the record reflect that the
11 officer has identified an area in Government's Exhibit 1
12 in the back row of chairs. Thank you, officer.

13 BY MS. LIU:

14 Q And where were you standing when you first came
15 into the room?

16 A Excuse me. I was standing right there where
17 this picture depicts I was standing here.

18 MS. LIU: Let the record reflect that the
19 officer has identified Government's Exhibit 2, and that
20 he's pointing to a person who is standing in that
21 photograph. Thank you, Officer.

22 A Thank you.

23 Q Officer, were you in Dirksen 226 continuously
24 from the time you first arrived at one o'clock until the
25 end of the hearing?

1 A No. We, we come into the room. We survey the
2 room, and then we enter and exit the room.

3 Part of my responsibility is also to make sure
4 the hallway stays clear as well as order is keeping,
5 being kept in the room. So we go back and forth.

6 Q So what did you do after you entered the room?

7 A When I entered the room I just looked around
8 the room, surveyed the room. I stayed by the front door
9 and then I exited the door.

10 Q When was the next time that you entered Senate
11 Dirksen, Dirksen 226?

12 A Right at three o'clock when I was providing
13 relief for the day shift officer. His tour of duty
14 ended at three o'clock.

15 Q When you entered Dirksen 226 at three o'clock,
16 did you see Ms. Sassower in the room?

17 A Yes, I did.

18 Q Where was she when you entered at three
19 o'clock?

20 A She was still seated in the back of the room.

21 Q And did you remain in the hearing room from
22 three o'clock until the conclusion of the hearing?

23 A Yes, I did.

24 Q Did anything unusual happen after you entered
25 the room at three o'clock?

1 A Yes, there was a disruption of Congress.

2 Q Let me take you back a little bit, officer.

3 When, well -- did there come a time after three o'clock
4 when your attention was drawn to Ms. Sassower in any
5 way?

6 A Yes, I observed her trying to speak at the
7 hearing, committee hearing.

8 Q What were you doing immediately prior to your
9 observing her speak?

10 A I was beginning to open the doors for the
11 committee room because it appeared that the committee
12 was wrapping up the activity for that day.

13 Q Officer, could you please point out on one of
14 the Government's exhibit which door you're talking
15 about?

16 A The double doors that the gentleman's holding,
17 the picture there, those double doors there.

18 MS. LIU: Let the record reflect that the
19 officer has identified Government's Exhibit 3 and the
20 double doors that are pictured in that Government's
21 exhibit.

22 THE COURT: Very well.

23 BY MS. LIU:

24 Q What happened after you, after you opened the
25 doors, officer?

1 A Okay. I turned back, my attention back into
2 the room and I observed the defendant utter an utterance
3 in the room.

4 Q When you say she was uttering utterances, can
5 you describe in more detail what she was saying?

6 A She said Judge Wesley, look into the corruption
7 of the New York Court of Appeals.

8 Q How loud was her tone of voice?

9 A It was loud as to cause a disruption of the
10 hearing that day.

11 Q Was anyone else speaking while the defendant
12 was speaking?

13 A No, ma'am.

14 Q When the defendant began speaking, was there
15 anyone else in the room who was speaking?

16 A The chairman of the committee.

17 A And do you recall what exactly the chairman of
18 the committee was doing when she began speaking?

19 A He was thanking the guests and thanking the
20 invited guests and he was bringing, wrapping up the
21 committee for that day, the hearing for that particular
22 day.

23 Q Do you recall whether the defendant began
24 speaking before or after any banging of the gavel by the
25 chairman?

1 A Before the gavel.

2 Q Okay. After the defendant uttered an
3 utterance, as you put it, how did the chairman respond,
4 if at all?

5 A The chairman of the committee asked that
6 everyone remain seated and let the Capitol police
7 restore order.

8 Q What did the defendant do after the chairman
9 said that?

10 A She continued to attempt to testify at the
11 hearing.

12 Q When you say she continued to attempt to
13 testify, can you tell the ladies and gentlemen of the
14 jury exactly what she was doing or saying?

15 A She rose to her feet and she shouted towards
16 the front of the room something, Judge Wesley, look into
17 the corruption of the New York Court of Appeals.

18 And then she began to ask the senator, senator,
19 are you asking that I be arrested? Senator, do you want
20 me arrested?

21 Q Officer, when she was asking, when the
22 defendant was asking whether the senator wanted her
23 arrested, what was the volume of her voice?

24 A It was loud as to disrupt Congress. Senator,
25 are you asking that I be arrested? Senator, are you

1 asking that I be removed from the room and arrested?

2 Q How was she, was she -- did she remain seated
3 during this time?

4 A No, at this time she was standing up. Myself
5 and one of my other colleagues were attempting to escort
6 her out of the room at that time.

7 Q Now, when did she rise to her feet?

8 A It appeared that she rise to her feet as we
9 were approaching her. She began to rise to her feet.

10 Q Was she making any gestures as she was
11 speaking?

12 A A hand like this to be recognized as she was
13 getting up.

14 Q And what did you do in response to the
15 defendant's actions?

16 A We escorted her out of the room. We attempted
17 to escort her out of the room.

18 Q And when you say you attempted to escort her
19 out of the room, how exactly did you do that?

20 A Okay. We guided her along by her elbow and her
21 arm, the top portion of her arm, to escort her out of
22 the room.

23 Q And was she compliant when you attempted to
24 escort her out of the room?

25 A Not at the very beginning. She was holding on

1 to the chair as she was speaking.

2 Q What was she saying while she was holding onto
3 the chair?

4 A Again, she was asking about the New York Court
5 of Appeals and Judge Wesley look into the corruption.

6 Q And while Ms. Sassower was holding on to the
7 chair what, if anything, was the chairman doing?

8 A He was giving instructions that everybody
9 should remain seated while the Capitol police restore
10 order.

11 Q And in fact, did the other people in the room
12 remain seated?

13 A Yes, ma'am.

14 Q Did you notice any other reactions from the
15 other people in the room?

16 A Other than them looking at the disruption, no,
17 ma'am.

18 Q And when you -- did you succeed in escorting
19 Ms. Sassower out of Dirksen 226?

20 A Yes, ma'am.

21 Q And what did you do after that?

22 A We pulled her around the corner to the side and
23 my female partner searched her, which is customary.

24 We called for a transport vehicle and we
25 escorted Ms. Sassower to our lockup facility for

1 processing.

2 Q Let me ask you this, officer. During the time
3 that you were in Dirksen 226 on May 22nd, other than the
4 time that the defendant was speaking, was there anyone
5 else speaking besides the witnesses, the senators and
6 the nominees?

7 A No, ma'am.

8 Q And during the time that you were in Dirksen
9 226 on May 22nd, did you see anyone speak out without
10 being first recognized by the chairman?

11 A No, ma'am.

12 Q Did you see or hear the chairman recognize the
13 defendant before she began to speak?

14 A No, ma'am.

15 MS. LIU: The Court's indulgence?

16 THE COURT: Thank you.

17 MS. LIU: May I approach the witness, Your
18 Honor?

19 THE COURT: You may.

20 BY MS. LIU:

21 Q Officer Jennings, I'm showing you what has been
22 marked for identification as Government's Exhibit 4. Do
23 you recognize what that is?

24 A Yes, ma'am.

25 Q What is it?

1 A This is a tape from the hearings on May the
2 22nd in Senate Dirksen 226.

3 Q How do you know what it is?

4 A I had the opportunity to view it.

5 Q And how do you know that that's the same tape
6 that you reviewed?

7 A I've marked the tape with my signature and the
8 date.

9 Q Have you reviewed that tape?

10 A Yes, ma'am.

11 MS. LIU: Your Honor, we move that Government's
12 Exhibit 4 be admitted into evidence?

13 THE COURT: Any objection?

14 MS. SASSOWER: None.

15 THE COURT: Very well. So moved, Government's
16 Exhibit 4 is received into evidence.

17 MS. LIU: Your Honor, may we publish
18 Government's Exhibit 4 to the jury?

19 THE COURT: You may. Counsel, behind, behind
20 the rail. Behind the rail.

21 MS. LIU: Your Honor, may we approach very
22 briefly?

23 THE COURT: Yes.

24 (Bench Conference)

25 MS. LIU: Your Honor, I just want permission to

1 warn the jury that the volume on the tape will be quite
2 loud, but that's just so they can hear everything. I
3 didn't want to say that to them without clearing,
4 clearing it with you first.

5 THE COURT: I'll instruct them. And I'll also
6 instruct all of you that during the playing of this
7 tape, there will be no comments from anyone concerning
8 its contents. Very well.

9 (Open Court)

10 THE COURT: Excuse us, excuse me. Ladies and
11 gentlemen, we're about to play a videotape. And I'm
12 told -- I have not seen it yet, but I'm told that it,
13 the volume is quite loud, so be prepared for that.
14 Thank you.

15 (Thereupon, the videotape was played for the
16 jury.)

17 BY MS. LIU:

18 Q Officer Jennings, you testified earlier that
19 Ms. Sassower began speaking before the senator stopped
20 speaking.

21 I'm going to play a portion of the tape and ask
22 you if this is what you're referring to in your
23 testimony?

24 A Okay, okay..

25 (Thereupon the videotape was played

1 for the jury.)

2 BY MS. LIU:

3 Q Officer, was that portion of the tape what you
4 were referring to in your testimony when you were
5 describing Ms. Sassower's speaking out in Dirksen 226?

6 A That's correct.

7 Q Let me play you another portion of the tape for
8 you. I have a few more questions.

9 (Thereupon the videotape was
10 played for the jury.)

11 Q Can you identify the two individuals who
12 walked across the screen?

13 A Myself and Sergeant Bignotti, Kathy Bignotti.

14 Q Who was the first person who walked across the
15 screen?

16 A Sergeant Kathy Bignotti.

17 Q And who was the second person?

18 A Myself, Officer Jennings.

19 (Thereupon the videotape was played for
20 the jury.)

21 Q I'm referring now to the voice on the tape,
22 whose voice was that?

23 A That's the defendant's voice.

24 Q And the voice that you heard at the beginning
25 of the tape when we first began playing it, whose voice

1 was that?

2 A That was also the defendant's voice.

3 (Thereupon the videotape was played for
4 the jury.)

5 Q Who were the three people who just walked
6 across the screen that time?

7 A Sergeant Kathy Bignotti, the defendant, and
8 myself, Officer Jennings.

9 Q Officer Jennings, after you placed the
10 defendant under arrest on May 22nd, 2003, did you have
11 any further contact with her?

12 A Not since the arrest, no, ma'am.

13 MS. LIU: Your Honor, I have nothing further on
14 direct.

15 THE COURT: Very well. Cross-examination.

16 CROSS EXAMINATION

17 BY MS. SASSOWER:

18 Q Good morning.

19 A Good morning.

20 Q Good afternoon.

21 A Good afternoon.

22 Q Although you have been called as a Government's
23 witness, I also subpoenaed you, is that not correct?

24 A Yes, I received a subpoena to appear, that's
25 correct.

1 Q I show you Defendant's Exhibits 26, is that a
2 copy of the, I'm sorry, is that a copy of the subpoena
3 that you received?

4 A I'm not sure if I saw this particular document.

5 Q Have you brought any documents here with you
6 today relating to the arrest?

7 A I have my police report.

8 Q When was this police report prepared?

9 A On 5/22/03.

10 Q May we see it?

11 A I'll ask the DA, have you all the copies?

12 MS. LIU: May we approach, Your Honor?

13 THE COURT: Yes.

14 (Bench Conference)

15 MS. LIU: Your Honor, I believe he's talking
16 about a police report that he prepared right after Ms.
17 Sassower's arrest which was turned over to her when she
18 was arraigned in C-10 almost a year ago.

19 THE COURT: Very well. This is the document
20 that was produced during discovery by --

21 MS. SASSOWER: I understood that he brought it
22 with, the original with him?

23 THE COURT: No, that's not my understanding.
24 It's my understanding that the document -- he looks at
25 the Government and says, I'll ask the DA, assuming

1 that -

2 I'm inferring that this is a document that was
3 turned over some time ago, and as a consequence, it was
4 turned over to you.

5 Now what we're doing is wasting time. If you
6 have the police report, pull it out, --

7 MS. SASSOWER: I shall.

8 THE COURT: -- show it to him, is this your
9 report?

10 MS. SASSOWER: Thank you.

11 THE COURT: It's then authenticated.

12 MS. LIU: Thank you.

13 THE COURT: Very well.

14 (Open Court)

15 BY MS. SASSOWER:

16 Q Do I understand you correctly that you did not
17 bring the original documents?

18 A No, I have a copy of my police report.

19 Q With you?

20 A I have it out front.

21 Q In the hallway?

22 A I have it out front.

23 Q Perhaps --

24 THE COURT: Okay. Approach counsel, approach.

25 (Bench Conference)

"CORRECTED PAGE"

1 THE COURT: Is some, is there some question as
2 to, --

3 MS. SASSOWER: Uh-huh.

4 THE COURT: -- question as to the veracity of
5 these, these documents?

6 MS. SASSOWER: Yes, yes.

7 MS. LIU: Your Honor, we would ask defendant
8 to state --

9 THE COURT: State, state what the, the issue
10 as to these documents of veracity. You're basing,
11 you're making this --

12 MS. SASSOWER: This paper is not --

13 THE COURT: You're making the statement now
14 that you have reason to question the authenticity of
15 this copy that you have. That is a serious, that's a
16 serious charge.

17 I want, I want you to proffer to me what it is
18 about this document that you had produced that would be
19 different from the document that he will produce.

20 MS. SASSOWER: If you want me to use the
21 copies, I'm happy to use the copies. I would assume
22 that the best evidence is what was in the original in
23 the, in the witness' possession. They're brought to
24 court for that purpose. But I will be guided by the
25 Court.

1 THE COURT: What the witness has in his
2 possession, as he's previously articulated, is a copy of
3 the report. That report was previously provided to you.
4 It should be marked as an exhibit?

5 MS. SASSOWER: Okay. I'll ask if this is what
6 he is referring to.

7 THE COURT: Very well.

8 MS. SASSOWER: I have no idea what he is
9 referring to.

10 THE COURT: And, and if he --

11 MS. SASSOWER: I have -

12 THE COURT: -- denies that this report is his,
13 then we'll have him step out and produce the copy that
14 he has. Thank you.

15 MS. SASSOWER: Yes, Your Honor.

16 (Open Court)

17 MS. SASSOWER: I have marked Defendant's
18 Exhibit 20. I have marked Defendant's Exhibit 21. I
19 have marked Defendant's Exhibit 22. I have marked
20 Defendant's Exhibit 23. I have marked Defendant's
21 Exhibit 24, all for identification.

22 May I approach the witness?

23 THE COURT: You may.

24 BY MS. SASSOWER:

25 Q Are these the documents to which you were

1 referring when you stated that you had brought some
2 arrest records?

3 A Yes, ma'am.

4 Q Did you bring any additional documents to this?

5 A No, ma'am, this is exactly what I, what I have
6 in my possession.

7 Q Thank you. I'd like them admitted as
8 exhibits. They were all prepared by you or include your
9 signature, is that correct?

10 A Yes.

11 MS. LIU: Objection, Your Honor.

12 THE COURT: Sustained.

13 MS. SASSOWER: What is the basis?

14 THE COURT: Approach.

15 (Bench Conference)

16 THE COURT: The first thing that we need to do
17 is to address the various exhibit numbers. I haven't
18 seen this, this document. That's why I'm assuming that
19 this -- it's a four-page police report. Each page has
20 been marked as a separate exhibit, is that correct?

21 MS. LIU: Your Honor, I believe what it is is
22 it's a 163 which has been marked as a document, a 251 or
23 the Capitol police version of the 251 and several
24 supplements to the 251 as well as a citation release
25 form, all of which have been marked.

1 And for the record, we state that it's
2 difficult for us to follow as well what the defense
3 exhibits are without, without an exhibit list.

4 THE COURT: Yes. I mean, you know, we're
5 basically operating blind until the witness identifies
6 the document from the, from the witness stand. So each
7 one of these documents will have to be separately
8 identified.

9 That's the first order of business to take care
10 of when you get back. But the more important issue is
11 the use of these documents.

12 Police reports are hearsay. They're not gonna
13 be admitted into evidence. I will tell you that you can
14 question him with regard to these documents by admitting
15 them. Police reports contain hearsay and therefore they
16 are not admissible.

17 MS. SASSOWER: That, Your, Your Honor, that
18 supposed hearsay underlies the prosecution against me.
19 Without the completion of those documents, the
20 information and the Gerstein could not have been
21 presented to the court. Before they could be presented,
22 there needed to be underlying documents and these are
23 they.

24 THE COURT: What does that have to do with my
25 ruling? You can ask this witness about his preparation

1 of these reports.

2 MS. SASSOWER: Yes.

3 THE COURT: But they will not be admitted
4 into evidence in this case.

5 MS. SASSOWER: They're contemporaneous
6 preparation, they're contemporaneous notes.

7 THE COURT: It is a police report. It is
8 inadmissible.

9 MS. SASSOWER: They're contemporaneous notes.

10 THE COURT: Your objection is noted for the
11 record. I'm telling you it is not admitted
12 into evidence. Please be seated. Step back.

13 (Open Court)

14 BY MS. SASSOWER:

15 Q Beginning, at the beginning of your testimony,
16 you referred to receiving, reviewing a bulletin on me at
17 roll call at 10:45 on May 22nd?

18 A Yes, ma'am.

19 A Have you brought a copy of that bulletin?

20 A No, ma'am.

21 Q I will proffer to the witness Defendant's
22 Exhibit 7 which is in evidence.

23 THE COURT: It's been marked for
24 identification.

25 MS. SASSOWER: This isn't in evidence?

1 MS. LIU: Objection, Your Honor.

2 THE COURT: Sustained. This is the same issue
3 that we've had with everyone of these subpoenas and
4 attached request for documents. It's no different here.
5 The objection is sustained.

6 MS. SASSOWER: I'd like to -- Your Honor, I'd
7 like to ask whether this was the bulletin that he
8 reviewed, he received and reviewed at roll call.

9 THE COURT: Very well, let me see the document
10 please.

11 MS. SASSOWER: Thank you.

12 THE COURT: I'll allow that question.

13 MS. SASSOWER: Thank you.

14 MS. SASSOWER: I show you Defendant's Exhibit
15 7.

16 MS. LIU: Objection, Your Honor. May we
17 approach?

18 THE COURT: Yes.

19 (Bench Conference)

20 MS. SASSOWER: On what basis?

21 MS. LIU: Only one page of that document
22 should be shown to this witness. That's all that Your
23 Honor said was relevant.

24 THE COURT: Yes, I mean it creates a logistical
25 concern. I don't want the document ripped up up here.

1 Just when you present the document to the witness,
2 directing your attention to Defendant's Exhibit 7, page
3 two only.

4 MS. SASSOWER: Uh-huh.

5 THE COURT: Very well.

6 MR. MENDELSON: Your Honor, we renew again our
7 -- about the defendant making preliminary statements
8 about what she's introducing to the witness.

9 THE COURT: So noted. Present it to the
10 witness first. Ask the witness to identify it.

11 (Open Court)

12 THE COURT: Ms. Sassower.

13 MS. SASSOWER: Yes.

14 BY MS. SASSOWER:

15 Q With the permission of the Court, I refer
16 the witness to the second page only of Exhibit 7.

17 A This page right here?

18 THE COURT: Yes.

19 MS. SASSOWER: Yes.

20 THE WITNESS: Okay. Yes, ma'am.

21 BY MS. SASSOWER:

22 Q Is this the bulletin that you received at roll
23 call at approximately 10:45 a.m. on May 22nd?

24 A Yes, ma'am.

25 Q And you read it in its entirety?

1 A Yes, ma'am.

2 Q Were you aware -- when you read that document,
3 did you believe it to be true?

4 A Yes, ma'am.

5 Q It had been prepa -- do you know who would have
6 prepared such a document?

7 A This bulletin came from our intelligence
8 section of the United States Capitol police.

9 Q And to your understanding, before issuing a
10 bulletin of this nature, they conduct investigation to
11 see whether a bulletin is warranted?

12 A That I can't speak to. I don't work for the
13 intelligence section. I can't speak to that.

14 Q But you believe that the information contained
15 was true and correct?

16 A I believe so, yes, ma'am.

17 Q Okay. Moving on for the moment. You stated
18 that, is it -- was it not your testimony that you
19 arrived at the Senate Judiciary Committee hearing at one
20 p.m.?

21 A That is correct.

22 Q And did you indicate that you saw me seated at
23 that time?

24 A No, I didn't state that I saw you seated at one
25 o'clock. But I did arrive at the hearing at one

1 o'clock.

2 Q Excuse me?

3 A But I did arrive at the hearing at one o'clock.

4 Q I see. What time did you see me seated?

5 A I believe the first time I saw you was right
6 around 2:40 - 2:45 or so.

7 Q And at that time I was seated.

8 A That's correct.

9 Q In the back.

10 A Yes, ma'am.

11 Q And to the best of your recollection, what
12 stage of the confirmation proceedings were taking place
13 at 2:40?

14 A To the best of my recollection, I believe some
15 of the witnesses that were appearing before the
16 Judiciary Committee, were testifying to, to the
17 senators.

18 Q Is it possible that at 2:40 when you arrived,
19 the committee was in recess?

20 MS. LIU: Objection, Your Honor, calls for
21 speculation.

22 THE COURT: Sustained.

23 BY MS. SASSOWER:

24 Q Were you at the Senate Judiciary Committee
25 hearing room at any time that the hearing was in recess?

1 A I can't recall.

2 Q How long were you at the Senate Judiciary
3 Committee when you arrived at one o'clock?

4 A I was there at one o'clock, I walked past at
5 one o'clock. I was assigned to that area, not
6 necessarily to the committee.

7 And so -- what was your question? Give me your
8 question again please.

9 Q Yes. How, when you walked past at 1:00 p.m., -

10 A Yes.

11 Q -- what was the situation at the Senate
12 Judiciary Committee? What did you observe at the Senate
13 Judiciary Committee at about 1:00 p.m.?

14 A Okay, 1:00 p.m., I believe there were people in
15 the hallway and people in the room. It doesn't appear
16 that the committee has, has started yet.

17 Q Do you know what time the hearing was to start?

18 A I believe at two o'clock.

19 Q Were you assigned -- you've identified yourself
20 as a relief officer, is that correct?

21 A That's correct.

22 Q Were you assigned by any person to be at the
23 Senate Judiciary Committee hearing?

24 A Yes, my sergeant that conducted roll call.

25 Q Who is the sergeant that conducted roll call?

1 A Sergeant Al Romanowski.

2 Q Were any other officers assigned to the Senate
3 Judiciary Committee's hearing by Sergeant Romanowski?

4 A Myself and another officer.

5 Q Who was that officer?

6 A Officer Pete Brown.

7 Q Officer Pete Brown was at the roll call as
8 well?

9 A That's correct.

10 Q And the two of you were given a specific
11 assignment to be at the Senate Judiciary Committee
12 hearing?

13 A Yes, we were to provide relief for the officers
14 assigned to the hearing, correct.

15 Q I'm sorry, I didn't hear it and didn't
16 understand.

17 A Yes.

18 THE COURT: Simply restate your answer to the
19 question, officer.

20 THE WITNESS: Thank you.

21 THE COURT: Uh-huh.

22 THE WITNESS: Yes, we were assigned to the
23 committee to rely, to provide relief, a lunch break I
24 guess to the officers that were assigned to the
25 committee.

1 BY MS. SASSOWER:

2 Q Who were the officers assigned to the
3 committee?

4 A That I don't, I don't recall who they were that
5 day.

6 Q What time was their lunch or relief break?

7 A I'm not sure.

8 Q How many officers would have been assigned to
9 the committee?

10 A Normally two and one supervisor.

11 Q At a normal committee hearing at the Senate
12 Judiciary Committee to confirm federal judicial
13 nominees, there are normally assigned two officers and
14 a supervisor?

15 A If, if manpower allows.

16 Q Who was the supervisor assigned to the Senate
17 Judiciary Committee hearing on that date?

18 A Okay. Lieutenant McGowan.

19 Q Was Lieutenant McGowan at the Senate Judiciary
20 Committee hearing on May 22nd?

21 A Yes, ma'am.

22 Q Was he there throughout?

23 A No, ma'am, he was relieved at three o'clock.

24 Q A 3:00 p.m. he was relieved by?

25 A Sergeant Bignotti.

1 Q Sergeant Bignotti would have been your
2 superior?

3 A Yes, ma'am.

4 Q So if I understand you correctly, at the May
5 22nd hearing, there was not just you and Sergeant
6 Bignotti but there was another relief officer besides?

7 A From what I recall, he was relieved himself.
8 So I think it was just myself and Sergeant Bignotti.

9 Q Was Sergeant Bignotti at roll call at 10:45?

10 A No, ma'am.

11 Q Did you have any discussion with Sergeant
12 Bignotti about the bulletin of which you were aware and
13 reviewed?

14 A No, ma'am.

15 Q You, is it your testimony -- well, I need this
16 --

17 THE COURT: Very well.

18 MS. SASSOWER: Yes. Is it your testimony that
19 when I began to speak, you were at the doors --

20 THE COURT: Depict --

21 MS. SASSOWER: --close to the hallway.

22 THE COURT: Depicted in?

23 MS. SASSOWER: Depicted in Exhibit,
24 Government's Exhibit 3.

25 THE WITNESS: That is correct.

1 BY MS. SASSOWER:

2 Q Where was the video camera -- there's a video
3 you reviewed. Where was the video camera taking this
4 tape?

5 A Okay. I believe in the bottom picture you can
6 see there's a tripod for a camera.

7 Q Defendant's, I mean Government's Exhibit 2, the
8 ba, by the back door, the, what you identified as the
9 press door, is that correct? You identified that as a
10 press door.

11 A That's for the press, yes, ma'am.

12 Q Is it not the case that that back, that press
13 door leads into the offices of the Senate Judiciary
14 Committee?

15 A. That is correct.

16 Q Okay. Now, is it your testimony -- oh, oh, oh,
17 excuse me, one more exhibit. Is it your testimony that
18 --

19 MS. SASSOWER: Excuse me. May I approach the
20 witness with Government's Exhibit 1?

21 THE COURT: You may, but the jury must see what
22 you're asking him to depict.

23 MS. SASSOWER: Yes.

24 BY MS. SASSOWER:

25 Q Where was I seated to your recollection?

1 A To my right in the photograph.

2 Q So I was more this way?

3 A To my recollection you were seated right here.

4 Q Right here.

5 A Yes, ma'am.

6 Q Is it your recollection in fact that these side
7 tables -- is it your recollection that on either end of
8 the Senate Judiciary Committee room there were these
9 side, long side tables? Or might there have been
10 extended seating?

11 A Normally, those press tables are in the room.
12 It, it could have been moved up further. But where I'm
13 standing is where I recall you were on that day at the
14 committee.

15 Q All right. Is it possible that the seating,
16 the rows of seating were more extended, that these side
17 tables were not in fact there?

18 MS. LIU: Objection, Your Honor.

19 THE COURT: Sustained.

20 BY MS. SASSOWER:

21 Q Do you know for a fact that these side tables
22 were there?

23 A I can't say one hundred percent.

24 Q You stated the capacity of the room is 180
25 persons?

1 A Depending on the configuration of the room.

2 Q Depending upon the configuration of the room?.

3 A Yeah, yes.

4 Q You were at the Senate Judiciary Committee at
5 one briefly, is that correct?

6 A That's correct.

7 Q And you were not back until about 2:45 - three
8 o'clock, is that your testimony?

9 A That's correct.

10 Q And you do not recall there having been a
11 recess of the Committee?

12 A That's correct. That, it was not my primary
13 function that day. I was a relief officer.

14 Q Were you aware that the room was filled to
15 capacity at 2:00 p.m.?

16 A When I looked into the room, the room appeared
17 to be full.

18 Q At what time are you saying the room appeared
19 to be full?

20 A Right around 2:40ish.

21 Q Okay. Now you stated that I said, that I spoke
22 so loud as to cause a disruption, is that correct?

23 A Yes, ma'am.

24 Q And you knew where I was. I was all the way at
25 the other end of the room, is that correct?

1 A That's correct.

2 Q And you knew that I might disrupt the hearing,
3 according to the bulletin, is that correct?

4 A That is correct.

5 Q But notwithstanding you were on notice that I
6 might disrupt the hearing, is it your testimony that you
7 were all the way on the other side of the hearing room
8 and not closer to me, much closer to me?

9 Is it your testimony you were not much closer to
10 me because you knew what to expect?

11 MS. LIU: Objection, Your Honor.

12 THE COURT: Yes, sustained. Direct question,
13 no speeches please.

14 BY MS. SASSOWER:

15 Q Are you certain of where you were standing when
16 I spoke?

17 A According to my recollection I was standing
18 where I testified.

19 Q All the way at the other end of the hearing
20 room?

21 A That's where I was standing in that photograph,
22 yes, ma'am.

23 Q Now, did you have a clear view of me when I was
24 speaking?

25 A Yes, ma'am.

1 Q And you testified that I had raised my hand, is
2 that correct?

3 A Ma'am, no, ma'am. I said you had your hand in,
4 like in a manner like this.

5 THE COURT: The record reflect that he has his
6 right hand, the index finger pointed upward.

7 BY MS. SASSOWER:

8 Q Well, are you saying it was close to my chest
9 or it was raised as, as if a point of order?

10 A Closer to your chest.

11 Q Like this?

12 A Yes.

13 Q I see. Was anything else in my other hand?

14 A I do recall there was a legal pad or something
15 like that.

16 Q A legal pad. And was I holding that legal pad
17 by my side or how was it held?

18 A You were holding it with your hand closer to
19 your lap.

20 Q When I, when I was raising my hand close,
21 closer to my chest, was I seated as I began to speak?

22 A That's correct, you were seated.

23 Q I was seated.

24 A When you began to speak, that's correct.

25 THE COURT: Very well. This is a convenient

1 point in time for us to break for our luncheon recess.
2 We will, same admonition as I gave, the same admonition
3 as I gave yesterday.

4 You've got an hour for lunch, which means that
5 you've got until 1:45 but you've got a 15-minute grace
6 period. Please use it judiciously and we will begin
7 promptly at two o'clock. Thank you.

8 (Therefore the jury was excused for lunch
9 at 12:45 p.m.)

10 THE COURT: Very well. Officer Jennings, we're
11 about to break for lunch.

12 THE WITNESS: Yes, sir.

13 THE COURT: You're still under oath and still
14 undergoing cross-examination. Please don't discuss your
15 testimony with anyone including the attorneys or Ms.
16 Sassower.

17 THE WITNESS: Yes, sir.

18 THE COURT: Thank you very much.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Very well. We'll stand in recess
21 until two o'clock.

22 (Thereupon, the Court recessed at 12:45
23 p.m.)

24 (Thereupon, the court reconvened at 1:50 p.m.)

25 THE CLERK: Calling at this time for trial

1 United States versus Elena Sassower, Case No. M4113-03.

2 THE COURT: Ms. Sassower, identify yourself for
3 the record.

4 MS. SASSOWER: Oh.

5 THE COURT: Identify yourself.

6 MS. SASSOWER: Criminal defendant, Elena
7 Sassower.

8 MR. GOLDSTONE: Mark Goldstone, attorney
9 adviser.

10 MR. MENDELSON: Aaron Mendelson for the
11 United States.

12 THE COURT: Very well. Please be seated.

13 MR. MENDELSON: Our fourth and final --

14 MS. SASSOWER: No.

15 MR. MENDELSON: I'm bringing a preliminary
16 issue --

17 MS. SASSOWER: Oh.

18 MR. MENDELSON: -- for the Court to be aware
19 of.

20 MS. SASSOWER: Oh.

21 THE COURT: Yes.

22 MR. MENDELSON: Our fourth and final
23 witness, Sergeant Bignotti, has a graduation tomorrow
24 from the unit and won't be available tomorrow until 2:00
25 p.m.

1 I'm not certain how this afternoon session is
2 gonna go. We expected that we would be able to complete
3 her testimony and we hope that cross will be complete.

4 THE COURT: Well, --

5 MR. MENDELSON: I want the Court aware of that.

6 THE COURT: I'm telling every interested party
7 there is absolutely no reason for Officer Bignotti's
8 involvement in this case not to be completed today.
9 It's just, we're gonna begin sharply at two o'clock.

10 It is a trial of my temperament to even think
11 that we couldn't conclude her testimony in its entirety
12 before 4:45 today. So I don't think that's going to be
13 an issue.

14 MR. MENDELSON: Thank you, Your Honor.

15 THE COURT: Very well.

16 (Thereupon, the jury returned into the
17 courtroom at 2:00 p.m.)

18 THE COURT: Thank you. Very well. Please be
19 seated. And let us have Officer Jennings.

20 (Thereupon the witness resumed the
21 witness stand.)

22 THE COURT: Please be seated.

23 THE WITNESS: Thank you, sir.

24 THE COURT: Officer Jennings, be reminded that
25 you're still under oath.

1 THE WITNESS: Thank you, sir.

2 THE COURT: Very well. Ms. Sassower?

3 MS. SASSOWER: Thank you.

4 BY MS. SASSOWER:

5 Q Officer Jennings, if you were on the far end of
6 the room by the doors leading out to the hallway, where
7 was Sergeant Bignotti?

8 A She was right there with me.

9 Q And it's your testimony that you were the only
10 two officers there at the time or there was a third
11 officer? You indicated there had been a, there was a
12 third officer there?

13 A Yes, he was in the vicinity, yes.

14 Q And what vicinity was he in? Where was he
15 standing?

16 A I guess in the hallway area.

17 Q So the three of you were clustered at the side
18 door?

19 A No. I, I, Sergeant Bignotti and myself, I know
20 we were together.

21 Q Did we make eye contact before I spoke?

22 A I don't recall that.

23 Q You stated that I was holding a pad in one
24 hand?

25 A What appeared to be a pad to me, yes.

1 Q And what was I doing with the pad?

2 A I can't say for sure.

3 Q Did you have a discussion with Sergeant

4 Bignotti what I was doing with the pad?

5 A I don't recall any discussion, no.

6 Q The pad was in my hand.

7 A Based on my recollection, yes.

8 Q Which hand?

9 A I believe left.

10 Q And with my right hand, I --

11 A That's correct.

12 Q -- was signaling to be recognized?

13 A That's correct.

14 Q All right. With which hand was I grasping onto

15 a chair?

16 A Then you rose from the chair and I can't say

17 what happened to your belongings.

18 Q And is it your testimony that when I initially

19 spoke, I was seated?

20 A That's correct.

21 Q And according to your testimony, I twice said

22 Judge Wesley, look into the corruption of the New York

23 Court of Appeals, is that correct?

24 A Based on my recollection, yes.

25 Q And it was between the first time that I said

1 this and the second time that I said this that you
2 approached, is that correct?

3 A Yes.

4 Q And it was in this intervening period that
5 according to your testimony, Chairman Chambliss,
6 presiding Chairman Chambliss asked that everyone remain
7 seated and restore order?

8 A That is correct.

9 Q In other words, I continued to make some
10 statements after he called for order?

11 A That's correct.

12 Q And it was -- and just to clarify, it was as
13 you were approaching that I rose to my feet for the
14 first time?

15 A Based on my recollection, you began to speak
16 from the chair and then you rose and continued to speak
17 and I was approaching you, correct.

18 Q And I continued to speak as to Judge Wesley,
19 look into the corruption of the New York Court of
20 Appeals, after presiding Chairman Chambliss called for
21 order. He called for order and I continued to ask that.

22 A That's correct.

23 Q To say that.

24 A That's correct.

25 MS. SASSOWER: Okay. I'd like to --

1 THE COURT: Yes.

2 MS. SASSOWER: Perhaps -- I'd like to
3 introduce, I have Defendant's Exhibit 29.

4 MS. LIU: Your Honor, before this document is
5 even shown to this witness, we object to its being shown
6 to the witness and to its coming into evidence.

7 THE COURT: Very well. Approach.

8 (Bench Conference)

9 THE COURT: Exhibit 29 is?

10 MS. SASSOWER: I'll show it to you in a moment,
11 Your Honor. The document --

12 THE COURT: The document identified as
13 Defendant's 29 is identified on the face of it as a plea
14 offer and appears to this Court to be, to consist of
15 documents that were routinely provided as initial
16 discovery in a criminal misdemeanor matter. Is that
17 correct?

18 MS. LIU: That is correct, Your Honor. What
19 that is is a letter from the U.S. Attorney's Office
20 containing a plea offer as well as initial discovery
21 information.

22 It attaches documents including the police
23 reports that Ms. Sassower earlier tried to introduce.
24 That was certainly not created by this witness.

25 THE COURT: And not only -- Ms. Sassower.

1 MS. SASSOWER: Your Honor, one moment, please.
2 First, there was no plea offer extended. That should be
3 clear.

4 However, as part of this May 23rd letter from
5 the Justice Department to me, extending no plea offer,
6 there were documents purporting to make discovery. One
7 of which was represented to be the paper from which I
8 was -- oh, excuse me, next page.

9 THE COURT: Show me the specific page, take the
10 entire document.

11 MS. SASSOWER: Here, here. It was turned over
12 as discovery to me.

13 THE COURT: Very well.

14 MS. SASSOWER: I have the original document.

15 THE COURT: Very well. Can you hear, Ms.
16 Ramos? You okay? All right. Contained within Exhibits
17 29 are two pages to which the Court's attention has been
18 directed. The first of these is page number three.

19 That page is within the section entitled
20 discovery in the document identified by a face sheet
21 which states the plea offer.

22 The specific entry to which reference is made
23 is a reference to PD 778, and it reads as follows: A
24 copy of defendant's handwritten statement from which she
25 was reading during the disruption, parenthetically it is

1 indicated that that consists of one page.

2 Moving from that entry, my attention was
3 directed to a single page containing handwritten
4 entries.

5 My ruling is as follows: With regard to the
6 entry pertaining to the PD 778, there has been no
7 foundation laid to establish that this witness prepared
8 the document in which that entry is made.

9 Nor could that there be, because my
10 understanding of the preparation of this document is
11 that it would be prepared by the United States
12 Attorney's Office and no one has stated to the contrary.

13 Indeed, I'm looking for a confirmation from the
14 United States Attorney's Office that this document was
15 prepared by you. Is that correct?

16 MS. LIU: That is correct, Your Honor. This is
17 a letter that was prepared and signed by Ms. Belaire.
18 She's the Assistant United States Attorney in our office
19 who was the person who papered this case.

20 THE COURT: Very well. So there could not
21 possibly be authentication of this document made through
22 this witness. On that basis, this entry is, the
23 objection is sustained.

24 With regard to the handwritten notes of Ms.
25 Sassower that have been identified by Ms. Sassower here

1 at the bench, my ruling is as follows.

2 This witness could not testify as to, so as to
3 lay a foundation of authenticity from that document
4 inasmuch as it has not been established that he prepared
5 those handwritten notes. And indeed, Ms. Sassower
6 indicates that, as I understand it, this is a copy of
7 her notes.

8 Therefore, unless some proffer is made which
9 would establish the, which would establish this witness'
10 preparation of this document, the docu, the document
11 will not be presented to Officer Jennings.

12 MS. LIU: Your Honor, may I say something? It
13 appears that Ms. Sassower has repeatedly attempted to
14 introduce documents that are patently inadmissible and
15 should not be shown to the witness and she's trying to
16 show them.

17 And it's slowing down this trial and it's
18 wasting a lot of time. And Your Honor has suggested
19 earlier that it might be desirable to have a proffer of
20 documents which she wants to admit so that we know its
21 relevance.

22 But this is happening again and again and we're
23 taking this long breaks to look at documents that are
24 clearly not admissible and clearly should not be shown
25 to the witness.

1 THE COURT: And taking the court's time and the
2 jury's time in addressing their inadmissibility.

3 The --

4 While I will allow you, Ms. Sassower, some
5 latitude in putting on your case, the fact remains that
6 for a significant number of the documents that have been
7 brought to my attention that you seek to introduce, you
8 lack the foundation that would establish their
9 admission.

10 I think Ms. Liu's point is one well taken.
11 That it would be helpful to the court to see exactly
12 what it is that you seek to introduce, so that you can
13 make a proffer and so that I can rule.

14 I don't have any such list in front of me so
15 I'm compelled to look at each one of these documents.

16 I will say this to Ms. Sassower. The more time
17 that we consume in this respect the less time you are
18 going to have in the examination of these witnesses.

19 MS. SASSOWER: It was never, it was never my
20 belief that the witness will not testify while I was
21 reading from the document.

22 MS. LIU: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 (Open Court)

25 THE COURT: Objection sustained.

1 BY MS. SASSOWER:

2 Q When you took over for the officers at
3 approximately 2:40, three o'clock at the Senate
4 Judiciary Committee, were --

5 A Well, I first arrived there at one o'clock and
6 I was patrolling and at three o'clock is when I relieved
7 the day shift officers.

8 Q Did they give you any report of my activities
9 during the preceding hour of the Senate Judiciary
10 Committee hearing?

11 A No, ma'am.

12 Q Had they also received, to your knowledge, the
13 bulletin on me?

14 A I can't say for certainty.

15 A Were you advised that some security detail
16 perhaps would be there for Senator Clinton?

17 Q Yes, I was advised.

18 Q When were you advised?

19 A At roll call.

20 Q And did you have any report that Senator
21 Clinton had been at the hearing and spoken and there was
22 no incident?

23 A Could you repeat that?

24 Q Were you advised when you took over at
25 3:00 p.m. that Senator Cli-- was Senator Clinton at the

1 hearing when you arrived at 3:00 p.m.?

2 A I don't recall.

3 Q Was Senator Schumer at the hearing when you
4 arrived at 3:00 p.m.?

5 A I can't say for sure, I don't recall.

6 Q Who were the Senators of the Judiciary
7 Committee and otherwise or members of the House of
8 Representatives at the hearing at 3:00 p.m. when you
9 arrived?

10 A I can't say for certainty.

11 Q But you knew that Senator Clinton was going to
12 be at the hearing.

13 A I did know that Senator Clinton was gonna be at
14 the hearing, correct.

15 Q And you cannot recall whether she was there at
16 3:00 p.m.

17 A I cannot recall.

18 Q But when you took over at 3:00 p.m., did you
19 ask or did you receive a report that there had been no
20 incident in the preceding hour?

21 A I didn't receive a report of an incident.

22 Q To your knowledge, were the officers who you
23 relieved -- you've already identified that they got the
24 bulletin. Strike that.

25 All right. I'd like to go back to the

1 testimony. I'd like to have the tape played.
2 Your direct, your direct testimony --
3 THE COURT: Excuse me.
4 MS. SASSOWER: I will go up and play the tape.
5 THE COURT: Very well.
6 MS. SASSOWER: Your direct testimony --
7 THE COURT: Excuse me. Are you going to play
8 the tape and then ask questions?
9 MS. SASSOWER: Okay.
10 THE COURT: Are you able to see, officer?
11 THE WITNESS: Yes, sir, thank you.
12 MS. SASSOWER: I might not be doing something
13 right.
14 THE COURT: Is the tape in?
15 MS. SASSOWER: No. I will use the tape that I
16 received from the Government.
17 MS. LIU: Your Honor, objection. That has not
18 been admitted.
19 THE COURT: Very well. Use the tape
20 that's already been admitted into evidence please.
21 MS. SASSOWER: Is there a difference? Okay.
22 Do I need to do something? What do I need to do please?
23 What do I need to do? Oh, this is when - oh, it is the
24 volume. Okay, thank you.
25 (Thereupon, the videotape was played.)

1 BY MS. SASSOWER:

2 Q Maybe it was not loud enough, but you have me
3 making a comment to Judge Wesley. Judge Wesley, look
4 into the corruption of the New York Court of Appeals.

5 Is it your testimony that I was directing
6 myself to Judge Wesley and not to the chairman?

7 A I believe my testimony was those, that's, that
8 was the statement that you were making.

9 Q Judge Wesley, look into the corruption of the
10 New York Court of Appeals.

11 A Based on my recollection, that's what I recall
12 you saying, yes.

13 Q And you went on to -- and I said that twice
14 according to you. Once when you were standing by the
15 door and then you approached.

16 As you approached, I rose, I rose and I repeat
17 it again, you have said. Is that correct? Again I
18 said, Judge Wesley, look into the corruption of the New
19 York Court of Appeals, talking to Judge Wesley?

20 THE COURT: Excuse me. Counsel approach.

21 (Bench Conference)

22 THE COURT: First of all, as a matter of
23 protocol, the only reason that you're permitted in the
24 well of the court is either to play that machine --

25 MS. SASSOWER: That's right.

1 THE COURT: --or to approach a witness.
2 What I just saw was neither. The other thing is that I
3 believe I directed you sometime ago to ask your question
4 in a succinct fashion.
5 MS. SASSOWER: Okay.
6 THE COURT: You need not restate the
7 prior testimony --
8 MS. SASSOWER: Okay.
9 THE COURT: -- that's already been
10 received.
11 MS. SASSOWER: Okay.
12 THE COURT: And let's move on.
13 MS. SASSOWER: Okay.
14 (Open Court)
15 MS. SASSOWER: I show you the transcript -- may
16 I have -- excuse me. Before I, you give those, you
17 testified as to those words, Judge Wesley, oh, and then
18 you said I continued --
19 MS. LIU: Objection, Your Honor.
20 MS. SASSOWER: -- to attempt to testify. What
21 did I say?
22 THE COURT: Sustained.
23 MS. SASSOWER: What were the words I said in
24 attempting to testify?
25 THE COURT: Excuse me. When I'm making a

1 ruling please be quiet.

2 MS. SASSOWER: I'm --

3 THE COURT: The objection is sustained. Next
4 question please.

5 MS. SASSOWER: What words --

6 THE COURT: This has been asked and
7 answered. Next question.

8 MS. SASSOWER: I, I submit a transcript.

9 MS. LIU: Your Honor, bef --

10 MS. SASSOWER: Marked Exhibit 30.

11 MS. LIU: Your Honor, before the defendant
12 brings this up to the witness, we object, lack of
13 foundation.

14 THE COURT: Very well. Sustained.

15 BY MS. SASSOWER:

16 Q Isn't it true that I said Mr. Chairman,
17 there's citizen opposition to Judge Wesley based on his
18 documented corruption as a New York Court of Appeals
19 judge, may I testify? Isn't it true?

20 A To the best of my recollection, as I've
21 testified, I believe that you said and I heard - Judge
22 Wesley, look into the corruption of the New York Court
23 of Appeals.

24 Q And how did I request to test, how did I
25 attempt to testify? What did I, what were my words in

1 attempting to testify?

2 What were my words, Judge Wesley, look into the
3 corruption of the New York Court of Appeals.

4 THE COURT: Sustained.

5 BY MS. SASSOWER:

6 Q Okay. How many arrests have you made in your
7 14-year career?

8 A I participated in what they call protest
9 arrests where there's an arresting officer and several
10 assisting officers. I participated in, in those type of
11 arrests.

12 Q Have you ever -- before May 22nd, were you ever
13 the arresting officer?

14 A May 22nd of?

15 Q Of 2003. I'm sorry.

16 A May 22nd, '03 was the first time I've done the
17 reporting. I was the arresting officer, correct.

18 Q First time. And isn't it correct that because
19 it was the first time, when we were at Capitol station
20 you required assistance in filling out the appropriate
21 arrest documents.

22 A It's a common practice at the Capitol police
23 that assisting officer begins one portion of a report,
24 the arresting officer does another portion of report.

25 We have a three-hour time limit to get the

1 paperwork done and transport the prisoner.

2 Q Isn't it correct that you had help in
3 completing the arrest, prosecution report, event report,
4 two supplemental reports and the citation release report
5 to the extent that you were responsible for it?

6 A It's not an uncommon practice that we work
7 together to complete reports. However, the assistance
8 was not due to my incompetence.

9 Q But this was your first arrest that you were --
10 MS. LIU: Objection. Asked and answered.

11 THE COURT: Sustained.

12 BY MS. SASSOWER:

13 Q Isn't it correct that you and at least one
14 colleague completed the paperwork, did the paperwork
15 just feet from me in the, whatever that room is called
16 at Capitol station?

17 MS. LIU: Objection, relevance.

18 THE COURT: Sustained.

19 BY MS. SASSOWER:

20 Q Isn't it correct that there came a time, isn't
21 it correct that as you sat with your colleague in front
22 of me, you did not -- tell me what the two of you were
23 doing.

24 MS. LIU: Objection, relevance.

25 THE COURT: Sustained.

1 MS. SASSOWER: I'll give you relevance.
2 THE COURT: Sustained.
3 MS. LIU: Objection, Your Honor.
4 MS. SASSOWER: Did there --
5 MS. LIU: May we approach?
6 THE COURT: Yes.
7 MS. SASSOWER: I'm sorry.
8 (Bench Conference)
9 MS. SASSOWER: I'm getting it right now.
10 MS. LIU: Your Honor, it's not, I've made my --
11 MS. SASSOWER: There's an incident happening?
12 THE COURT: Excuse me, excuse me. Wait for
13 everyone to arrive, I recognize the person who made the
14 objections and I know the basis and I'll hear a
15 response.
16 MS. LIU: In addition to the objection to
17 relevance, Your Honor I'm renewing my standing objection
18 to Ms. Sassower's making comments under her breath.
19 When I made my objection she said I'll give you
20 relevance.
21 I don't know whether the jury can hear that and
22 I think that there's a possibility that they can and
23 that they could be prejudiced. I think it's
24 inappropriate.
25 THE COURT: Well, it certainly is inappropriate

1 particularly inasmuch as that kind of comment is made in
2 response to my directive. Now I think that you need to
3 take a minute and obtain some guidance from your
4 attorney --

5 MS. SASSOWER: Okay.

6 THE COURT: -- adviser.

7 MS. SASSOWER: Thank you.

8 THE COURT: Because, Ms. Sassower, I'm not
9 gonna tolerate the kind of commentary that I just heard.
10 You couldn't see me but I could hear it over the
11 television. And Ms. Liu is absolutely correct, -

12 MS. SASSOWER: I'm sorry.

13 THE COURT: -- that is inappropriate and
14 it is prejudicial to this jury.

15 MS. SASSOWER: I'm so sorry.

16 THE COURT: Very well.

17 (Open Court)

18 BY MS. SASSOWER:

19 Q You claimed in your direct -- I'm sorry. You,
20 on direct you stated that you approached me with
21 Sergeant Bignotti and you guided me out by my elbow and
22 arm though I had been holding onto a chair.

23 Was there any conversation -- when you
24 approached, when you approached with Sergeant Bignotti,
25 what did you say to me?

1 A I believe, according to my recollection, that I
2 first asked you ma'am, you need to have a seat, you need
3 to have a seat.

4 Q What did Sergeant Bigno -- was that the extent
5 of what you said to me?

6 A Based on my recollection, yes.

7 Q What did Sergeant Bignotti say to me?

8 A I have no recollection of what she said.

9 Q Did I refuse to have a seat? Did I say I will
10 not be seated?

11 A That is correct. Well, you didn't say it but
12 you did not have a seat.

13 Q Is it your testimony that I was not demanded by
14 Sergeant Bignotti to leave the hearing room?

15 A Repeat your question, ma'am.

16 Q Are you saying that, that you did not hear
17 Sergeant Bignotti demand that I leave the hearing room,
18 be taken out with her off the hearing room?

19 A I don't recall what Sergeant Bignotti --.

20 Q Might she have --

21 MS. LIU: Objection, Your Honor.

22 THE COURT: Sustained. Sustained.

23 BY MS. SASSOWER:

24 Q Did you hear me say anything to Sergeant
25 Bignotti?

1 A I don't recall what you said to Sergeant
2 Bignotti.

3 Q Might -- who led me out of the hearing room
4 according to the tape?

5 A Both myself and Sergeant Bignotti.

6 Q Who was first?

7 A Who was first in the room or --

8 Q Who was first leading me out?

9 A I believe it was Sergeant Bignotti.

10 Q And what happened as soon as I was removed from
11 the hearing room?

12 A Sergeant Bignotti, according to my recollection
13 she patted you down.

14 Q She patted me down?

15 A That's correct.

16 Q Was I under arrest?

17 A And we informed you.

18 Q Oh. We, who is we?

19 A Myself and Sergeant Bignotti.

20 Q Is it, who told me, recite what happened as we
21 stepped out of the hearing room, what was said, who said
22 it?

23 A According to my, the best of my recollection,
24 you were, you were talking a lot and Sergeant Bignotti
25 was answer your question, answering your questions.

1 I know that she informed you that you were under
2 arrest and I read you your Miranda rights.

3 Q She informed me I was under arrest, is that
4 your testimony?

5 A In response to your questioning.

6 Q What were my questions?

7 A I can't recall.

8 Q What were her answers?

9 A I can't recall.

10 MS. LIU: Objection, Your Honor, relevance.

11 MS. SASSOWER: Okay. At --

12 THE COURT: Sustained.

13 MS. SASSOWER: When -- did there come a time as
14 I stood in handcuffs behind my back in the hallway
15 outside the Senate Judiciary Committee --

16 MS. LIU: Objection, Your Honor.

17 THE COURT: Sustained. Question please.

18 BY MS. SASSOWER:

19 Q Did presiding Chairman Saxby Chambliss exit the
20 back door of the Senate Judiciary Committee and pass, to
21 your recollection?

22 A I have no recollection of that happening.

23 Q Were you with me throughout the period in
24 which I stood in handcuffs behind my back outside the
25 hallway?

1 MS. LIU: Objection, Your Honor.

2 THE COURT: Sustained. Question.

3 MS. SASSOWER: Were you with me throughout this
4 period?

5 MS. LIU: Objection, Your Honor, relevance.

6 THE COURT: Sustained.

7 MS. SASSOWER: Okay.

8 BY MS. SASSOWER:

9 Q Did there come a time, at Capitol station, when
10 I refused to sign a document, to your recollection?

11 A Not based on my recollection.

12 Q Yes, yes. Isn't it true when we arrived at
13 Capitol station my belongings were taken from me?

14 MS. LIU: Objection, Your Honor, relevance.

15 MS. SASSOWER: Either, to be, to be
16 established.

17 THE COURT: Approach the bench.

18 (Bench Conference)

19 MS. SASSOWER: I'm almost done.

20 THE COURT: Very well. What's your proffer as
21 to the -- what is, what is the question and what is it
22 that you seek?

23 MS. SASSOWER: That I refused to sign the
24 inventory receipt that I was given -

25 THE COURT: Uh-huh.

1 MS. SASSOWER: -- because it identified Officer
2 Jennings as the arresting officer. And I protested
3 loudly, vigorously that I would not sign it because he
4 was not the arresting officer. I refused to sign this.

5 THE COURT: And?

6 MS. SASSOWER: In his presence. And he was not
7 the arresting officer. He has effectively conceded
8 that. I was put under arrest by Sergeant Bignotti.

9 MS. LIU: Your Honor, I still fail to see how
10 this is relevant to any of the elements of the offense
11 or any conceivable defense Ms. Sassower has.

12 MS. SASSOWER: She, she was the subject of a
13 complaint, a police misconduct complaint I filed.

14 THE COURT: Lower your voice. With regard to
15 this police misconduct complaint, don't ever speak in a
16 tone loud enough that anyone other than the four of
17 us, --

18 MS. SASSOWER: I'm sorry.

19 THE COURT: -- five of us, six of us can hear
20 that. Now with regard to the matter at bar, whether or
21 not you signed an arrest report is completely irrelevant
22 to the charge.

23 MS. SASSOWER: Okay.

24 THE COURT: Very well.

25 (Open Court)

1 THE COURT: Objection sustained.

2 Anything further, Ms. Sassower?

3 MS. SASSOWER: Yes, the end of my cross.

4 Did there come a time at Capitol station when
5 you became aware that I was representing as false the
6 claim that you were the arresting officer?

7 MS. LIU: Objection, Your Honor, relevance.

8 THE COURT: Sustained. Anything further?

9 MS. SASSOWER: How many hours -- we spent how
10 many hours together, Officer Jennings, from the time of
11 the incident, how many hours were you with me?

12 MS. LIU: Objection, Your Honor, relevance.

13 THE COURT: Overruled. I'll allow it.

14 THE WITNESS: I can't say -- I know we finished
15 the paperwork under the three-hour limit. I can't say
16 for certain.

17 MS. SASSOWER: Is my recollection correct that
18 you also escorted me to Metropolitan police station?

19 MS. LIU: Objection, Your Honor, relevance.

20 THE COURT: Sustained.

21 MS. SASSOWER: Excuse me, okay. Did I not
22 speak over and again to you that you had never laid a
23 hand on me, that you were not the arresting officer?

24 MS. LIU: Objection, Your Honor, relevance.

25 THE COURT: Sustained.

1 MS. SASSOWER: One last question. Did there
2 ever come a time -- where was Sergeant Bignotti --

3 MS. LIU: Objection, Your Honor.

4 MS. SASSOWER: --during the processing?

5 THE COURT: Sustained.

6 MS. SASSOWER: Did there ever come a time --

7 THE COURT: Anything further, Ms. Sassower?

8 MS. SASSOWER: Just one more thing.

9 BY MS. SASSOWER:

10 Q Do you remember what I was wearing on the day
11 of my arrest?

12 A I know you had on a suit and a blouse.

13 Q This is the suit. I've worn it for you.

14 MS. LIU: Objection, Your Honor.

15 THE COURT: Sustained. Very well. Does the
16 Government have any redirect?

17 MS. LIU: Very briefly Your Honor.

18 THE COURT: Very well, please.

19 REDIRECT EXAMINATION

20 BY MS. LIU:

21 Q Officer Jennings, why was it that you were
22 standing by the door when you were in Dirksen 226 rather
23 than closer to Ms. Sassower?

24 A The Committee hearing was, was winding up their
25 business that afternoon, so we opened the door so that

1 people can easily leave the room.

2 Q Was there ever a time while you were in Dirksen
3 226 that you were standing next to Ms. Sassower?

4 A No, I was never standing next to her.

5 Q And why was it that you were never standing
6 next to her?

7 A We had a dual responsibility. I was checking
8 on the Committee as well as the hallway.

9 Q Can you clarify for the ladies and gentlemen of
10 the jury just how loud Ms. Sassower was when she was
11 speaking in Dirksen 226?

12 A Based on my recollection, Judge Wesley, look
13 in, look into the corruption of the New York Court of
14 Appeals.

15 Q When Ms. Sassower was pointing upwards with her
16 hand, do you know for a fact what her intention was?

17 A Based on my recollection, that's when she was
18 trying to be recognized.

19 Q Finally, was there anything unusual about the
20 paperwork in this case?

21 A No, it was standard police procedure paperwork.

22 MS. LIU: Nothing further, Your Honor.

23 THE COURT: Very well. We have another

24 witness?

25 MR. MENDELSON: Yes, Your Honor. The United