

**Minutes and Transcript of Proceedings
Before the May 2009 – April 2010 Grand Jury,
Thompson County, State of Marshall**

July 1, 2009

Present: Assistant State's Attorney Frank Orlando; Phillip Carey, Clerk; Lou Schmeltzer, Court Reporter, Connie Cutter, witness.

[Assistant State's Attorney Frank Orlando] Q: You are Connie Cutter, and you live at 5446 N. Lombard, Marshall City, Marshall; you are also an attorney licensed to practice law in the State of Marshall, you are in private practice, and you are also the staff attorney for the Lake Kennedy Federation, a not-for-profit organization, located here in Marshall City.

[The witness, Connie Cutter] A: Right.

Q: You understand also that you have a right to refuse to testify here?

A: Yes. I am a lawyer, and I think I can handle your questions.

Q: You also have right to have counsel present with you, under the laws of the State of Marshall; your counsel cannot participate in the proceedings, but you can if you choose consult with counsel at any time.

A: Well, there is no sense in my hiring counsel. I have represented people before the grand jury in federal and State of Marshall cases.

Q: The State's Attorney's office has advised you that you can have counsel and that you can refuse to appear before the Grand Jury, and that if you refuse to testify we can ask that you be given immunity as to anything you say here, and we can bring you here over your objection, true?

A: True. I am here voluntarily. There's no reason for me to ask for immunity.

Q: You are an attorney licenced to practice law in the State of Marshall?

A: Yes, I have been a member of the bar for twelve years now. I have a small private practice. I mostly handle criminal cases and sometimes false arrest civil rights cases. My main source of income is from my position as general counsel for the Lake Kennedy Federation, and as the Associate Director of the Federation.

Q: OK, then, let's get to some questions. You are general counsel for the Lake Kennedy Federation. You were issued a subpoena duces tecum to appear here and to bring all records, paper or electronic, to this jury. You are voluntarily appearing here in response to that subpoena. The State's Attorney's office has been advised that on the night of June 23 or the early morning hours of June 24, 2009, there was an apparent break-in at the Federation's offices at 53 W. Johnson here in Marshall City.

A: Yes. Some people broke the window to the office, let themselves in, and trashed the place. When I came in on the morning of the 24th, files were all over the office, someone had sprayed "screw the lake" in red on the wall, and our laptops were gone. It's still a mess. It's shocking. We never installed alarms, so I did not know about this until I came in that morning and one of the maintenance people told me that our office door window was broken. That was about 8 AM. We called the police. We did not touch anything until they came and had conducted an investigation. Then we cleaned up.

Q: How long did they stay?

A: They were around for a couple of hours. They dusted for fingerprints, and they took paint samples off the wall. We gave – the people in the office all gave their prints for comparison. The police sent someone over with fingerprint kits. The only prints that not belong to someone in the office were those of the cleaning woman who had come in the previous evening. The building security office had her prints, and there was no indication that she had anything to do with the break-in. She cleaned up around 8 PM, and she told the police that the office looked OK when she left around 8:15 PM. Whoever came in must have come in after that. The cleaning lady finished cleaning the offices on the third floor by 9 PM. She works from the second floor up to the 17th floor, doing about two floors and hour.

Q: Is there a security desk in that building that people must use to sign in, after hours?

A: No. Some of the offices have security systems, special timers, cameras, and so forth. We do not, as there was nothing worth taking except some used office furniture and the laptops. We usually take the laptops home, so usually there are no laptops in the office at night, either.

Q: According to the police incident report, there were two laptops stolen from the office, along with a common hard drive. Right?

A: Yes. At first I thought that all three of the laptops were stolen, along with all kinds of files, but we found out that Pat Siewert, who is on staff at the Federation, had taken one home that night. But that one was stolen, too, same night from Siewert's home. I don't know why, I don't know whether this is a coincidence or some misguided effort to obstruct the work of the Lake Kennedy Federation. A lot of people might want to destroy Lake Kennedy Federation. Going Green is controversial.

Q: Well, let's see everyone usually leaves their laptops in the office overnight?

A: Not often.

Q: My spouse Casey and I usually took our laptops with us when we went home. But that night was unusual. I was going to take Casey's laptop in for de-bugging. It was freezing up every once in a while. I was going to take it to the distributor, but it's gone. We have to get new ones, upgrades. We have insurance. I had to drive Casey to the airport. We left downtown about 6 PM We left the laptops in the office. I was tired and went straight home from the airport. I got home about 10 PM. I was not worried, because we've never had any thefts or break-ins in the five years we've in that building. It's at 53 W. Johnston Boulevard, and we are on the third floor. Anybody can walk up or down the stairway to get there, or of course they can take the elevator. They must have walked.

A: How do you know?

A: The elevators have a small camera installed, and there is a recorder – a digital recorder – to record visitors and to prevent funny business in the elevator. There are no other cameras in the stairwells or the hallways. Our security service says that the digital cameras in the elevator did not show anyone going up or down in the elevators after 7:45 PM and before 7 AM, except the cleaning woman.

Q: Have those laptops surfaced anywhere?

A: No, they seem to be gone. The police have the serial numbers, in case.

Q: Well, as you know, there was a break in – a burglary – in the home of Pat Siewert, of the Federation staff, that same night. A Federation laptop computer was taken in that burglary, along with a cable box, which has no value except to the cable company, and some family silverware that was found discarded the next day – as was the cable box. So, I think it is safe to say that the only thing the burglar was interested in was the laptop.

A: I don't know. I have no idea why anyone would want our laptops. They are worth a couple of thousand dollars. They are a year old and contain a lot of our files, and we are going to have a miserable time trying to reconstruct these files.

Q: So you are saying that you have no files, no records, that these were the files, all of the files, that you were supposed to bring in today?

A: Yes, but this burglary took place before I received the subpoena.

Q: Well, where were you that evening, that night, of the two burglaries?

A: Casey and I went to the airport. Casey went to stay with family in Maryland, to visit our twin boys Mike and Matt – they are almost ten years old - who are in summer camp nearby. I got home around 10 PM, watched a little TV -- the news, then went to bed around 11 PM, my usual time.

Q: What time did you get up?

A: 6:30. I left the house around 7:30 and arrived at the Federation's offices about 8:00. That's when we found the office broken into and everything in disarray. Pat Siewert did not show up on the 24th. We got a call a little later, like in the early afternoon, and that's when we found out about the burglary of Pat's home.

Q: Well, Siewert had, took home, a Federation laptop with Federation files. All that was taken from the Siewert house in that burglary.

A: I did not know until the afternoon of the 24th. Pat did not usually take a laptop home.

Q: That's where a set of Federation records, business and tax records and supporting documents might have been saved, electronically, on the laptop that was taken from the Siewert house?

A: Right. I called Pat before coming here today, just to see if that laptop had been found. No luck. The police have the serial number, and we hope they find it.

Q: How far do you live from Pat Siewert's home?

Q: We are on the same block here in Marshall City. The Siewerts are at 5400, and we are at 5446. We are right up the block. It's a one minute walk.

Q: Have you ever been in that house?

A: Oh, yes, many times. We are neighbors. In fact, that's how we brought Pat into the Federation. We met at a block party several years ago, got along, and so, when the Federation needed a good staff person, I -- Casey and I agreed to ask Pat to join us. Pat is a very good worker, very knowledgeable, very good person. Pat was hired about five years ago, shortly after the Federation was formed. We are good friends.

Q: Is there anything unusual about the Siewert house?

A: No. It's a nice place. It's big. It's a corner house. The front door is not on Lombard, but around the corner on Lake Avenue. Maybe they are a little too trusting.

Q: How so?

A: Well, for some reason they almost never lock the front doors. I don't know about the back door, which leads to a fenced-in back yard. But most of the time you can just walk in through the two front doors, an outer door and an inner door, that are usually unlocked. I mean, when Casey and I go over, we always ring the doorbell and wait, but I know other people just walk in, sometimes without even ringing, like the guy who does occasional maintenance -- he walks in whenever he wants, even during meals or when people are half dressed, and he never rings or knocks. It drives Pat nuts, but he is some kind of friend of the family, and not very sensitive to this being pretty rude. Probably everyone knows that the doors are not locked at night. Pat thinks that the dogs are the best barrier to strangers coming in, but those dogs are worthless. They are totally socialized, never bark at anyone, and will sell out for a Cheerio. Pat told me that one of the dogs got up and barked a couple of times that night, the night of the burglary, then went back to bed. Those dogs are friendly. Whenever Casey or I or the boys go there, the dogs are very friendly.

Q: You go there often?

A: Yes. Evenings, weekends, you know -- we are neighbors, friends. Our children get along really well.

A: You ever go over in the middle of the night?

A: I don't think I ever went over in the middle of the night. Even though we are neighbors, I did not go to that house more than a handful of times until Pat came to work at the Federation; since then, about five years ago, we visit back and forth a lot.

Q: Ever go in the house without being invited?

A: No. In fact we always knock or ring the doorbell, and never go in without someone coming to the door and letting us in.

Q: This was when the dogs were there?

A: There were always dogs there. At least two, and sometimes three or four. One time there were nine dogs because one of the dogs, a black lab, had seven puppies That was maybe seven or eight years ago before Pat came to work for us All the puppies went to good homes, except one, Oliver. Oliver is one of the dogs there now. Pat carries around a picture of Oliver. He does not look like a lab at all, and seems to have a lot of terrier in him.

Q: Would Oliver challenge a stranger?

A: That dog is a pussycat, and anyone could just walk in and be greeted as a member of the family.

Q: The other dog?

A: The mother of the puppies, a black lab who took off one day when Pat was visiting a friend over on the other side of the lake, found a boy friend so to speak, and had the puppies a few weeks later.

A: Was that black lab a good guard dog?

A: Forget it. She might growl or bark, but she is just putting on a show. She befriends everyone.

Q: Was there anything ispecial about those three laptop computers that someone might want?

A: Other than the files you asked me to bring over, nothing that I can think of. We don't have any government secrets, or any secrets of any kind. The laptops are worth a couple of thousand dollars each and we did not really have any security codes to get into the hard drives. We have a pretty open system.

Q: No sensitive information?

A: Not really. Some emails might have been personal, but nothing that could not see the light of day.

Q: How about Federation records? Were those in the hard drive, as well as in the laptops?

A: Yes, we kept our budget information there, and our expenses, tax returns, staff salaries and social security information. The paychecks were handled by the local bank, but we kept everything else in-house.

Q: Invoices, receipts?

A: Yes. We scanned all that stuff so that we had backup for our hard copies. All those backups are missing, but we may still have the paper originals. The bank has a list of the checks we cashed, but no invoices, no receipts. The Federal MasterCard will show expenditures, but no invoices or receipts. We are still going through the damage that was done by the vandals who came in and trashed the place, you know, left the writing on the wall with the crimson ink.

Q: Anything else you might offer here?

A: Nope. I'm sure Casey will be glad to help. Casey is out of town visiting family, as I said, for two weeks. Should be back on the 8th. I am in a bit of a bind because of all this. Casey and I planned to drive to Washington, D.C., on the 28th, for a conference, and I was going to visit the boys who are in the camp in Maryland. Chesapeake Bay. I am not sure we should go now. There's so much to sort out, clean up.

Q: We may ask you to come back, especially if you find any of the documents this grand jury subpoenaed show up. Do your best to find them. We will be in touch.

A: Of course. We intend to comply completely with the subpoenas.

Thereupon the Witness concluded testifying.