

1 A. His wife.

2 Q. When he said, "I ain't wanna do that shit in front of
3 her" --

4 THE COURT: Counsel, can you say "S" or whatever?
5 I mean, there is no need for this.

6 MS. LURIA: Yes, your Honor. Yes, your Honor.

7 Q. When he said, "I ain't wanna do that "S" in front of
8 her," what is the "S" you understood him to be referring to?

9 A. The phone call.

10 MS. LURIA: Your Honor, if I could just have one
11 moment?

12 May I have a moment to confer with Mr. Foster?

13 THE COURT: Sure.

14 (Counsel confer)

15 Q. Ms. [REDACTED], if you could turn to Page 2 of the
16 transcript that we are looking at, Government Exhibit 119EA?

17 A. Yes.

18 Q. Could you look in the middle of the page?

19 It says: "Um, I'm going to do try to do this S
20 when I get to work. I will you call you when I get," who
21 said that?

22 A. Kirk Eady.

23 Q. What did you understand the defendant to be referring
24 to?

25 A. The phone call.

1 Q. When you say "phone call," you are referring to a --

2 A. A recorded phone call.

3 Q. -- recorded phone call of two individuals?

4 A. Yes.

5 Q. Ms. [REDACTED], I am going to ask you to turn to Exhibit
6 121EA in your binder.

7 A. Yes.

8 MS. LURIA: Ms. Chrysostom, would you please play
9 Exhibit 121E?

10 (Tape played)

11 Q. Ms. [REDACTED], if you could just turn briefly to the
12 transcript of 121EA.

13 Who was speaking during this conversation?

14 A. Myself and Kirk Eady.

15 Q. If you could look at Page 2, one, two, three, four lines
16 down: "Okay, um, I can't do it from my phone, I gotta do, I
17 got to be in front of the computer."

18 A. Yes.

19 Q. Who said that?

20 A. Kirk Eady.

21 Q. And I ask for you to turn now to Government Exhibit
22 123EA.

23 A. Okay.

24 Q. Are you there?

25 A. Yes.

1 MS. LURIA: Ms. Chrysostom, could you please play
2 Government Exhibit 123AE?

3 (Tape played)

4 Q. Ms. [REDACTED], would you please look at Government's
5 Exhibit 123EA?

6 A. Yes.

7 Q. Who was speaking during this conversation that we just
8 listened to?

9 A. Myself and Kirk Eady.

10 Q. Let's go to Page 1 of the transcript.

11 Do you see in the middle of the page where it says:
12 "I stepped, yeah, I stepped out for a minute, um, 'cause the
13 S is on my computer at work. Not my computer at, um, not
14 here. I gotta, I gotta download that S on my f'g laptop."

15 Do you see where I am looking?

16 A. Yes.

17 Q. Who said that?

18 A. Kirk Eady.

19 Q. What did you understand the S to be that the defendant
20 was referring to having on his computer at work?

21 A. Whatever he needed to -- to do the phone call, to record
22 the phone call.

23 Q. Where did the defendant work during the time of this
24 telephone conversation?

25 A. Hudson County Jail.