

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
) Civil Action  
vs. ) No. 1:11-cr-10066-LTS  
) October 25, 2011  
JOHN CUSICK, ) @9:00 a.m.  
)  
Defendant. )  
)

JURY TRIAL

DAY II

BEFORE: THE HONORABLE LEO T. SOROKIN  
UNITED STATES MAGISTRATE JUDGE

John Joseph Moakley United States Courthouse  
1 Courthouse Way, Courtroom No. 20  
Boston, MA 02210

Helana E. Kline, RMR, CRR  
Official Court Reporter  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Room 5209  
Boston, MA 02210

APPEARANCES:

For the Plaintiff:

United States Attorney's Office  
(By: Suzanne M. Sullivan, Attorney at Law)  
1 Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
(617) 748-3146

For the Defendant:

Federal Public Defender Office  
(By: Timothy G. Watkins, Attorney at Law)  
51 Sleeper Street, 5th Floor  
Boston, Massachusetts 02210  
(617) 223-8061

## I N D E X

OPENING STATEMENTS					Page
By Ms. Sullivan					15
By Mr. Watkins					24
Testimony of:					
TAMARA BRYANT					
	Direct	Cross	Redirect	Recross	
By Ms. Sullivan	31		177		
By Mr. Watkins		132			193

## E X H I B I T S

In Evidence:		
Government Exhibits		
Nos.		Page
1 - 6	Photographs.	71
7	Harassment Notice.	52
Defendant's		
1	Three-page document identified as an excerpt from training manual.	
For Identification		
A	Chalk.	54
B	Three-page excerpt of document identified as training manual.	144

1 P R O C E E D I N G S

2 THE CLERK: The United States District Court for  
3 the District of Massachusetts is now in session, the  
4 Honorable Leo T. Sorokin presiding. Today is October 25th,  
5 2011. The case of the United States of America v. John  
6 Cusick, Criminal Action No. 11-10066 will now be heard  
7 before this court.

8 Will counsel please identify themselves for the record.

9 MS. SULLIVAN: Good morning, your Honor. Suzanne  
10 Sullivan on behalf of the United States; together at counsel  
11 table with Special Agent Daniel D'Ambruoso from NOAA.

12 THE COURT: Good morning.

13 MR. WATKINS: Good morning, your Honor. Tim Watkins  
14 who is present on behalf of John Cusick.

15 THE COURT: Good morning. All right. So I saw the  
16 motion. The only thing I've seen filed since yesterday is  
17 one motion from Mr. Watkins. I don't know if you've seen it  
18 yet?

19 MS. SULLIVAN: No, I haven't seen it.

20 THE COURT: Just give it to Ms. Sullivan. I just  
21 saw it a minute ago myself.

22 MS. SULLIVAN: Your Honor --

23 THE COURT: Any thoughts?

24 MS. SULLIVAN: Your Honor, we addressed this issue  
25 at the end of the day yesterday when Mr. Watkins indicated

1 that he did not believe the government should be able to  
2 call Ms. Bryant the alleged victim or victim in this case,  
3 and the government's position certainly is contrast to the  
4 defense.

5 She is in this case an alleged victim, and the  
6 defendant's acts upon her, if proven, constitute: sexual  
7 harassment, assault, interference, and impeding or  
8 intimidating the duties of this woman. She is not "simply  
9 a witness." She is the person upon which the defendant's  
10 criminal acts and behaviors were put on, and so I do not  
11 think it's vouching for the credibility of this witness to  
12 identify her as the "alleged victim." I did -- I have no  
13 thought process of calling her, when I say the government's  
14 first witness, saying the "alleged victim," but in my opening  
15 and closing I think it's completely proper; it's not vouching  
16 for the credibility of her, and I think that the motion in  
17 limine should be denied.

18 THE COURT: I certainly think in your opening you  
19 can say the evidence will show that she's here, and the  
20 evidence will show because that's what you believe the  
21 evidence will show so in that respect, to that extent I deny  
22 the motion in limine.

23 It might be different if in your opening you asserted  
24 that she was the victim, but that would raise issues not  
25 only to the motion, in the argument he raises, but also

1 about the difference between openings and closings, but in  
2 terms of saying the evidence will show that she's the  
3 alleged victim or the victim, that's different.

4 All right. Anything else to address this morning?

5 MS. SULLIVAN: No. Just a reminder that the jury  
6 needs to be sworn in?

7 THE COURT: Yes. All right. Ms. King, will you go  
8 get the jury? We're waiting for one juror, Juror No. 3, so  
9 we'll wait.

10 I assume all of you are seeking a sequestration order  
11 simply because I have no idea who the witnesses are?

12 MS. SULLIVAN: Yes.

13 THE CLERK: All rise for the jury.

14 (Whereupon, the jury entered the courtroom.)

15 THE COURT: Please be seated. Good morning, ladies  
16 and gentlemen. I trust everyone followed my instructions by  
17 not discussing the case among yourselves or with everybody  
18 else? All right.

19 Ms. Simeone, would you swear the jury?

20 THE CLERK: Please raise your right hands.

21 (Whereupon, the jury was duly sworn.)

22 THE COURT: All right. Thank you very much.

23 So ladies and gentlemen of the jury, this morning we  
24 will begin the trial. Before we start I want to explain  
25 to you a few legal rules about the trial and about your

1 conduct as jurors.

2 This is a criminal case brought by the United States  
3 government. I will sometimes refer to the government as  
4 the prosecution. The government is represented at this  
5 trial by an Assistant United States Attorney, Suzanne  
6 Sullivan. The defendant is John Cusick. He is represented  
7 by his lawyer, Tim Watkins.

8 First, let me explain to you the charges in this case  
9 and the burden of proof. The defendant has been charged  
10 by the government with two violations of one federal law.  
11 The federal law provides: "It is unlawful for any person  
12 to forcibly assault, resist, oppose, impede, intimidate,  
13 sexually harass, bribe, or interfere with any observer on a  
14 vessel under the Magnuson-Stevens Fishery Conservation and  
15 Management Act or any data collector employed by the  
16 National Marine Fisheries Service or under contract to  
17 any person to carry out responsibilities under the  
18 Magnuson-Stevens Fishery Conservation and Management Act."

19 Count 1 of the indictment charges that the defendant  
20 while working as a crew member on a fishing vessel  
21 violated this law during the period July 8th to July 14th,  
22 2010, by forcibly assaulting, impeding, intimidating,  
23 sexually harassing, and interfering with Tamara Bryant, a  
24 data collector.

25 Count 2 charges that the defendant, again while working

1 as a crew member on a fishing vessel, violated this law  
2 on July 15, 2010, by forcibly assaulting, impeding,  
3 intimidating, sexually harassing, and interfering with  
4 Tamara Bryant, a federal at-sea monitor and data collector  
5 by hugging Ms. Bryant without consent and inserting his  
6 tongue into Ms. Bryant's ear.

7 The charges against the defendant are contained in this  
8 indictment. The indictment is simply the description of  
9 the charges against the defendant. It is not evidence of  
10 anything. The defendant pleaded not guilty to both of  
11 these charges and denies committing the crimes.

12 He is presumed innocent and he may not be found  
13 guilty by you unless all of you unanimously find that the  
14 government has proven his guilt beyond a reasonable doubt.  
15 This is the highest standard of proof in our system of law.  
16 Bear in mind that this standard of proof is much higher  
17 than the "preponderance of the evidence," or "more likely  
18 than not" standard that you might be familiar with in civil  
19 cases. The burden of proof is on the government until the  
20 very end of the case. The defendant has no burden to prove  
21 his innocence, to testify, or to present any evidence.

22 At the end of the case it will be your duty to find  
23 the facts from the evidence presented at trial. You and  
24 you alone are the judges of those facts. You will then  
25 have to apply to those facts the law as I will explain it



1 to you in order to render a verdict.

2 You must follow my instructions whether or not you  
3 personally agree with the wisdom of the law, and at the end  
4 of the case I'll give you more detailed instructions about  
5 the laws that apply to this case. I want to explain to you  
6 now some of the law that just generally relate to this case.

7 Judging the credibility of witnesses is perhaps the most  
8 important task you will face as jurors. It will be up to  
9 you to decide which witnesses to believe, which witnesses  
10 not to believe, how much of any witness' testimony to accept  
11 or reject.

12 In performing this task there are some common sense  
13 factors you may want to consider: The witness' ability to  
14 have seen or heard the things that the witness testifies to,  
15 the degree of intelligence the witness shows, and whether  
16 his or her memory seems accurate, the impression that the  
17 witness makes on the witness stand, whether the witness was  
18 contradicted by anything he or she said before the trial,  
19 whether the witness has any motive or bias for testifying  
20 in a certain way, and whether the witness' testimony seems  
21 probable or improbable in the light of all of the other  
22 evidence in the case.

23 Since you and you alone will be called upon to decide  
24 the facts of this case, you should give careful attention  
25 to the testimony and the evidence presented to you for your

1 consideration. During the trial, however, you should keep  
2 an open mind. You should not form or express any opinion  
3 about the case one way or the other until you have heard all  
4 of the testimony and evidence, my instructions to you on the  
5 applicable law, and the lawyers' closing arguments. As I  
6 said, at the end of the case I will give you detailed  
7 instructions on the law, and those instructions will govern  
8 your deliberations.

9 I want to tell you a little bit about evidence. The  
10 evidence from which you will find the facts will consist  
11 of the testimony of witnesses, documents and other things  
12 received into evidence as exhibits during the trial, and  
13 any facts the lawyers might agree to or stipulate to or that  
14 I might instruct you to find.

15 You will not have transcripts of witness testimony  
16 available for your use in your deliberations. Even though  
17 you see Lainie over here, the court reporter, taking notes  
18 of everything said in court, it will be some time before the  
19 stenographic notes are transcribed in any fashion that any  
20 of us could read.

21 Certain things are not evidence and must not be  
22 considered by you. First, statements, arguments, and  
23 questions by lawyers are not evidence; second, objections  
24 to questions are not evidence. The lawyers have an  
25 obligation to make an objection when they believe the

1 evidence being offered is improper under the rules of  
2 evidence. You should not be influenced by the objection or  
3 by the Court's ruling on it. If the objection is sustained,  
4 then ignore the question. That is, do not draw any  
5 inferences from the question itself.

6 If it is overruled, then treat the answer like any  
7 other. If you are instructed that some item of evidence is  
8 received for a limited purpose only, then you must follow  
9 that instruction.

10 Three, testimony that the Court has excluded or told you  
11 to disregard is not evidence and must not be considered.

12 Four, anything that you may have seen or heard outside the  
13 courtroom is not evidence and must be disregarded. You are  
14 to decide the case solely on the evidence presented here in  
15 the courtroom.

16 Five, what I do is not evidence. During the course of  
17 the trial I might occasionally ask questions of a witness in  
18 order to bring out facts not fully covered in the testimony.  
19 Please do not assume or conclude that I hold any opinion on  
20 the matters to which my questions relate. Remember that  
21 you as jurors are at liberty to disregard all comments of  
22 the Court in arriving at your finding of the facts.

23 Additionally, I may take notes during the course of the  
24 trial. Do not make any inferences from the fact that I am  
25 or am not taking notes or make any assumptions about what I

1 am writing. You, the jury, decide the facts.

2 Now, a few words about your conduct as jurors. To  
3 ensure fairness, you must obey the following rules: first,  
4 do not talk among yourselves about this case or about anyone  
5 involved with it until the end of the case when you go to  
6 the jury room to decide on your verdict. Second, do not  
7 talk with anyone else about this case or about anyone who  
8 has anything to do with it until the trial has ended and you  
9 have been discharged by me as jurors.

10 Anyone else, which includes members of your family and  
11 friends, you may tell them you are a juror but do not tell  
12 them anything about the case until after you have been  
13 discharged by me. This means you may not communicate with  
14 anyone about the case on your cell phone, on e-mail, text  
15 messages, Twitter, social networks, or anything else.

16 Third, do not let anyone talk to you about the case  
17 or about anyone who has anything to do with it; and if  
18 someone should try to talk to you, please report it to me  
19 immediately.

20 Four, during the trial you should not talk with or  
21 speak to any of the parties, lawyers, or witnesses involved  
22 in this case. You should not even pass the time of day  
23 with any of them. It is important not only that you do  
24 justice in this case but that you give the appearance of  
25 doing justice. If a person from one side of the lawsuit

1 sees you talking to a person from the other side, even if  
2 it is simply to pass the time of day, an unwarranted and  
3 unnecessary suspicion about your fairness might be aroused.  
4 If any lawyer, party, or witness does not speak to you when  
5 you pass in the hall, ride the elevator or the like, it is  
6 simply because they are themselves obeying these rules.

7 Fifth, do not read any news stories or articles about  
8 the case or about anyone involved with it. Do not listen  
9 to any radio or TV reports about the case or about anyone  
10 involved with it.

11 Six, you may not try to locate information from any  
12 source outside the confines of this courtroom. You must  
13 not conduct any independent research about this case, about  
14 the subject matter of this case, or about the individuals  
15 involved in this case. In other words, you should not  
16 consult dictionaries, reference materials, or search the  
17 internet to obtain information about this case or to help  
18 you decide.

19 Seven, if you need to communicate with me, simply give  
20 a signed note to the court security officer to give to me.

21 Eight, do not make up your mind about what the verdict  
22 should be until after you have gone to the jury room to  
23 decide the case and you and your fellow jurors have  
24 discussed the evidence. Keep an open mind until then.

25 I'm going to permit you to take notes in this case, and

1 I think you already have notebooks and pads and pencils or  
2 pens for your use. I want to give you a couple warnings  
3 about taking notes. First, don't allow your note-taking to  
4 distract you from listening carefully to the testimony that  
5 is being presented. And during the trial and when you are  
6 in the jury room prior to your deliberations, do not share  
7 your notes with other jurors. If you would prefer not to  
8 take notes at all but simply to listen, please feel free to  
9 do so.

10 Take your notes to the jury room each time that we  
11 recess the trial. I will have my courtroom clerk collect  
12 them at the end of every day and secure them overnight.  
13 They will then be returned to you the next morning. When  
14 the case is over, we will destroy your notes.

15 If you have any problems hearing a witness or if your  
16 view of a witness is obstructed unintentionally by one of  
17 the lawyers, simply raise your hand to let me know. If you  
18 need anything such as a drink of water -- you'll see we all  
19 have pitchers of water and you don't. That's because  
20 there's nowhere to put a pitcher of water over there.

21 So if you need a drink of water, then raise your hand  
22 and we'll get you a cup of water; and if you need a break,  
23 if you're tired, or need to go to the bathroom or something,  
24 then raise your hand.

25 In terms of the schedule, so you understand, we try to

1 start at 9:00. We'll go until between 11 and 11:20. Then  
2 we'll take a break, 20 minutes or so. There will be some  
3 refreshments for you in the jury room and then we'll come  
4 back and go until 1:00; and as I said today, we may go into  
5 the afternoon.

6 Now the trial will begin. First, each side may make an  
7 opening statement. An opening statement is neither evidence  
8 nor argument. It's an outline of what the party intends to  
9 prove and is offered to help you follow the evidence. The  
10 government will make an opening statement and then counsel  
11 for Mr. Cusick will make an opening statement if he choses  
12 to do so.

13 Next the government will present its witnesses and  
14 counsel for the defendant may cross-examine them. Then,  
15 the defendant will present its witnesses, if any, and the  
16 government, if it chooses to do so, then the government may  
17 cross-examine them.

18 When all of the evidence is completed, then you'll hear  
19 closing arguments from the lawyers, and I will instruct you  
20 on the law governing the case, and at that point you will  
21 retire to deliberate on the case.

22 All right. Ready, Ms. Sullivan?

23 MS. SULLIVAN: Yes, your Honor.

24 THE COURT: Okay. You may proceed.

25 MS. SULLIVAN: Tamara Bryant was simply trying to

1 do her job. She was employed as what is known as a federal  
2 at-sea monitor, essentially, a data collector, and her job  
3 responsibilities included working on federally permitted  
4 commercial fishing boats and counting -- and calculating  
5 the data of the fish and the types and the amounts that were  
6 caught by the fisherman working on that boat.

7 When she was working on the boat during the course of  
8 the trip that occurred from July 8, 2010, through July 15,  
9 2010, on board a boat called the Sea Farmer II, this  
10 defendant, John Cusick, was working on that same boat trip  
11 as a commercial fisherman.

12 The evidence in this case, ladies and gentlemen, will  
13 prove to you beyond a reasonable doubt that during the  
14 course of that trip this defendant, Mr. John Cusick,  
15 forcibly assaulted Ms. Bryant. He sexually harassed  
16 Ms. Bryant repeatedly. He interfered and impeded her  
17 ability to do her job, and he intimidated her, and that,  
18 ladies and gentlemen, is illegal, it is criminal, and it is  
19 a violation of a federal statute.

20 Good morning, ladies and gentlemen. My name is Suzanne  
21 Sullivan. I'm an Assistant United States Attorney assigned  
22 to prosecute this case. Together with me at counsel  
23 table is the NOAA, National Oceanic and Atmospheric  
24 Administration's Special Agent assigned to this case,  
25 Daniel D'Ambruso, and together we represent the government



1 in this case in its prosecution of the defendant.

2 Now, as Judge Sorokin has indicated to you, ladies and  
3 gentlemen, the defendant has been charged with a two-count  
4 indictment in this case, and each of those counts alleges a  
5 violation of a particular statute.

6 The statute is 16, United States Code, Section  
7 1857(1)(L), and the statute is also known as the  
8 Magnuson-Stevens Fishery Conservation and Management Act,  
9 which Judge Sorokin alluded to in his preliminary  
10 instructions to you. That statute specifically states  
11 that it's unlawful for any person to forcibly assault, to  
12 intimidate, to impede, to interfere, or to sexually harass  
13 any observer on a vessel under this chapter or any data  
14 collector employed by the National Marine Fisheries  
15 Services or under contract to any person to carry out the  
16 responsibilities of the Magnuson-Stevens Act, and Ms. Bryant  
17 was that, the evidence will show. The evidence will show  
18 that the defendant is guilty beyond a reasonable doubt of  
19 not one, but both violations of the Magnuson-Stevens Act.

20 On July 8, 2010, the Sea Farmer II left port in  
21 Gloucester, Massachusetts. On board that boat was  
22 Ms. Bryant who was working as an at-sea monitor. Also,  
23 on board that boat was the captain, a man named Clark  
24 Sandler, and three crew members: the defendant, John Cusick,  
25 a man by the name of Pete Cusenza, and a man by the name of

1 Paul Beal.

2 The first person that Tamara Bryant encountered when she  
3 went on board that boat was this man, the defendant, and the  
4 first words that he said to her before he even left port  
5 was that she was the first female observer that they had on  
6 that boat, and that we were gonna have a fun time during  
7 the course of that trip or words to that effect.

8 Nonetheless, Ms. Bryant would not get paid if she did  
9 not go out and do her job so she decided to stay and work as  
10 a monitor for that eight-day trip. The evidence will show  
11 that the boat does not come in out of port overnight. It  
12 steams out many hours to an area in the ocean where there's  
13 no land in sight, and it stays out there for the period of  
14 time that the trip was, and then it comes back into port on  
15 the last day.

16 The evidence will show that Ms. Bryant was the only  
17 female on board that boat and the only minority aboard that  
18 boat; the remainder of the individuals were men who had  
19 worked together previously.

20 Now, the evidence in this case will show to you and  
21 prove to you beyond a reasonable doubt that that wasn't  
22 the only comment that the defendant John Cusick made to  
23 Ms. Bryant. In fact, his behavior, his actions, his  
24 gestures, and his acts escalated during the course of that  
25 trip.

1           The various comments made to Ms. Bryant during the  
2 course of this trip by this man, the defendant, I would  
3 suggest to you are going to include that he wanted to suck  
4 on her toes, that he wanted a pair of her panties, that he  
5 would rather see her in her birthday suit, which would be  
6 naked, that he was calling her and referring to her as a  
7 pancake, as Aunt Jemima, as an individual he wanted to pour  
8 syrup all over, that he had sucked on her personal washcloth  
9 and soap. He asked to shower with her. He told her that  
10 there was no lock on the bathroom door. He indicated to  
11 her that even if it takes a week, a month, or a year, I  
12 always get what I want.

13           He made gestures to her including a V-shape with his  
14 finger and putting his tongue through it. He told her that  
15 he wanted to spank her ass. He commented on more than one  
16 occasion on how large her butt was, and I would suggest to  
17 you that the evidence will show that Ms. Bryant changed how  
18 and where she performed her duties on that approximately  
19 60-foot boat because of what the defendant said, because of  
20 what the defendant did, and because of the defendant's  
21 actions and gestures towards her throughout this trip.

22           I would suggest to you that you're going to hear that  
23 Ms. Bryant at some point in time started walking backwards  
24 out of certain areas so that the defendant would not have  
25 access to observe her back side, and this was because of

1 what the defendant said to her and how he treated her.

2 He made comments to her about the fact that she was  
3 wearing a sports bra underneath her clothing when she was  
4 out on deck performing her job duties. He referenced that  
5 he thought that her nipples were hard, and he made comments  
6 to her about what he believed how she acted or behaved in  
7 the bedroom in terms of perceptual actions, and he said:  
8 Once you've experienced a piece of me, you won't want anyone  
9 else.

10 He started -- he tried to give her a handshake and  
11 prevented her from being able to get past him unless and  
12 until she shook his hand, and so the evidence will show that  
13 she did that, and that he made a sexual gesture in her hand  
14 with his own hand in hers.

15 And on the second to last day of this trip, ladies and  
16 gentlemen, Ms. Bryant presented the defendant with what is  
17 known as a harassment notice. She showed it to him, and in  
18 it the evidence will show or the government expects that  
19 it's going to show -- we're going to produce a copy of it  
20 as an exhibit during this trial, but in it it specifically  
21 says that he is prohibited from doing these actions and  
22 activities.

23 And what was the defendant's reaction and response when  
24 Ms. Bryant showed him that? He laughed. He then took it  
25 up to the wheelhouse to the captain, and he came down a

1 short time later, and he was still laughing. That's what he  
2 thought of what she presented to him.

3 Now, ladies and gentlemen, just to be clear, the first  
4 count in this indictment alleges the activities and the  
5 actions, the behaviors of the defendant from the first day  
6 until the second to last day. And separate and aside from  
7 that is the second count, and the second count alleges what  
8 the defendant did to the alleged victim in this case on the  
9 last day of this trip at about 6:45 in the morning when  
10 she was assaulted by the defendant. The pattern of the  
11 defendant's behavior, the evidence will show, continued  
12 throughout this trial -- I mean, throughout this trip.

13 One of the responsibilities that Ms. Bryant had was to  
14 document notes about the hauls with the fish that were being  
15 brought in and the types of fish, and she did that in the  
16 general area of the galley table in the kitchen, and the  
17 evidence will show that the crew members, outside of the  
18 captain, and Ms. Bryant shared a lot of meals together.  
19 A lot of these comments that were made to Ms. Bryant were  
20 made in the course of the galley area and outside of her  
21 bunk room or on the deck.

22 Relative to Count 2 in this indictment, ladies and  
23 gentlemen, the evidence will show that on the last morning  
24 of the trip Ms. Bryant, who was fully clothed when she went  
25 to bed, she wanted to get off that boat as quickly as

1 possible and get a ride to port.

2 She had packed all of her belongings, and she was ready  
3 to go but just before -- just when that boat went into port  
4 here in Boston, Massachusetts, Ms. Bryant had a conversation  
5 with two individuals. One of them was Pete Cusenza, one of  
6 the crew members who she was closest to on this boat. In  
7 addition, the evidence will show that she did not know any  
8 of these men prior to going on the trip in July of 2010.

9 Mr. Cusenza was not alone when he went to the bunk room  
10 of Ms. Bryant. He went to say goodbye to her. He's with  
11 the defendant John Cusick. Mr. Cusick didn't say goodbye to  
12 Ms. Bryant. What he did when he walked in is he told her  
13 that he wanted to hook up. She told him no, and she told  
14 him that that would not be appropriate; but just like with  
15 the harassment notice, he wouldn't listen, the defendant,  
16 from stopping and from not doing that, against her will he  
17 hugged her.

18 She will tell you how the hug happened. She will tell  
19 you that she tried to push him away; that's the evidence in  
20 this case, and she will also tell you in addition to hugging  
21 her, John Cusick then proceeded to put his tongue in her  
22 ear, flicking his tongue in her ear. She told him to stop.

23 The evidence will show that as a result of all of the  
24 behaviors, the actions, the activities, the gestures, and  
25 the actions of John Cusick, Tamara Bryant and her ability

1 to do her job on board that boat was impeded and interfered  
2 with.

3       Shortly after getting -- this occurred on the last day  
4 of the trip. When she was finally able to push away from  
5 the defendant, Ms. Bryant ran out and off that boat. She  
6 ran out to find out if her friend was there to pick her up;  
7 and when she saw that her friend was, she went and grabbed  
8 her items, and she actually brought them out of the  
9 wheelhouse so she would avoid contact with the defendant,  
10 and the wheelhouse is where the captain is during the  
11 course of the trip, so that's where the captain is generally  
12 working.

13       John Cusick threatened Ms. Bryant by his behaviors  
14 and his actions; he sexually harassed her throughout the  
15 entire trip, and he impaired her ability to do her job, he  
16 interfered with her ability to do her job; and on the last  
17 day of the trip, he committed forcible assault on her.

18       The government expects to show to you photos. You will  
19 see them and have an opportunity to look at them; and as  
20 Judge Sorokin indicated to you, the credibility of the  
21 witnesses is for you to collectively decide. It is up to  
22 you to decide who and what to believe. You can believe  
23 some of what a witness says, all of what a witness says, or  
24 none of what a witness says, and that, ladies and gentlemen,  
25 is a summary of the evidence the government expects to

1 prove to you in this case.

2 At the conclusion of this case I will have another  
3 opportunity to come before you and to address you again,  
4 and at that time I will ask you, ladies and gentlemen, to  
5 render a verdict in this case that is fair, just, and  
6 consistent with all of the evidence that the government  
7 expects to prove to you beyond a reasonable doubt during  
8 the course of this trial.

9 On behalf of the government, I want to thank you for  
10 your time, your attention, and the consideration of all of  
11 the evidence.

12 THE COURT: Thank you, Ms. Sullivan. Mr. Watkins?

13 MR. WATKINS: Thank you. Good morning, jurors.  
14 John Cusick was a class clown on the Sea Farmer II. The  
15 captain had worked with him for a couple of years, knew  
16 that, but by the fourth day of the trip, the day before  
17 they were to come into port, the newest crew member, Pete  
18 Cusenza, and Tamara Bryant, the observer, both learned that,  
19 that he could say almost anything and do almost anything and  
20 joke around.

21 On that day, the day before they came, in true clown  
22 fashion, Jack took this NOAA notice and took it from Tamara  
23 Bryant and went to his captain. He thought he was playing  
24 a big joke on the captain: Look what she gave me. Look  
25 what's going on; and as you can imagine -- well, maybe you



1 don't have to imagine. You're going to hear the captain  
2 didn't take it as a joke at all. There was an exchange  
3 between Jack and the captain about why that notice was  
4 given or what's going on here because the captain was quite  
5 concerned, and you'll hear about the exchange that happened  
6 on that.

7 Because the captain was quite concerned, he didn't take  
8 it as a joke at all. What he did was leave Jack up in the  
9 wheelhouse to keep drive of the boat, and he went right  
10 downstairs to Tamara Bryant to ask her what was going on.  
11 You know, what's up with this note?

12 When he went down to Tamara Bryant, he talked with her  
13 directly and asked her a series of questions or at least a  
14 couple of questions. The first one is: is there a problem  
15 here? The answer Tamara Bryant gave to the captain was:  
16 No, there's not a problem here.

17 Captain Sandler persisted because it's his boat and he's  
18 responsible. What Captain Sandler asked her then is: Is  
19 Jack bothering you? Tamara Bryant didn't say: Yeah, he's  
20 bothering me. She didn't say: Yeah, he's been harassing me  
21 for three days. She didn't say: Yes, you have to stop it,  
22 tell him to stop it, get him to stop bothering me.

23 What she said when Captain Sandler asked her, is Jack  
24 bothering you: Doesn't he bother everybody? That exchange  
25 with that NOAA notice is going to be a theme that you hear

1 throughout the trial because you're going to hear that  
2 that's true. Jack does bother everyone.

3 You'll hear from the crew members, from Ms. Bryant,  
4 about his antics, some of the things that he likes to do,  
5 jokes he likes to play, things he thinks are funny that  
6 perhaps other people do not, and he's capable of doing it in  
7 a pretty crude way. You know, he's got -- you'll hear a  
8 description that he has really no filter between his brain  
9 and his mouth when he's on deck and when he's talking.

10 So a lot of these comments you're going to hear are  
11 really, really crude. Depending on your tolerance level,  
12 you would think even disgusting, so that is certainly  
13 something that Jack's capable of and is capable of bothering  
14 people.

15 The second thing you're going to hear from that exchange  
16 that gets repeated is Tamara Bryant's lack of reaction. I  
17 think what you're going to hear throughout trial is she  
18 never confronts Jack and says: No, stop doing this. I  
19 don't like it. It's disgusting, and you gotta stop now.

20 I don't think you're actually going to hear that ever  
21 during trial. In fact, you're going to hear the opposite,  
22 that Tamara kind of joked around or laughed at some of  
23 these things, maybe even did some things that would  
24 indicate she condoned it for better or worse, but that's  
25 what you're going to hear during trial is that this is not

1 this kind of constant barrage where somebody saying: Stop,  
2 stop, stop, and someone keeps blasting through the stop  
3 signs, and really it wasn't until she got off the boat that  
4 anybody realized the depth of her reactions or anybody  
5 outside of Ms. Bryant herself. Certainly, the captain  
6 didn't understand it, and the crew members -- or at least  
7 one of the crews members certainly did not understand the  
8 depth of her reactions and her feelings there.

9 The third theme you're going to hear from that exchange  
10 repeated throughout is that this is really a case about  
11 verbal bothering. With the exception of the last hug that  
12 Ms. Sullivan described, there's no indication that there's  
13 physical contact or even kind of attempted physical contact.

14 You're not going to hear about grabbing of body parts  
15 or slapping people alongside; there is really no physical  
16 contact at all. So while it is disgusting language, it is  
17 in essence language certainly up until that very last hug  
18 there. So it's not the kind of case that you're going to  
19 hear constant physical incidents happen. Really, there's  
20 none of that, none of that's going to be in this trial at  
21 all, and that's really what is at the heart of this case.

22 This is a criminal case. As Judge Sorokin told you,  
23 it's different from a civil case, particularly different in  
24 what the government has to prove. It can't just prove that  
25 the comments were disgusting or unwanted; they're going to

1 have to show that Jack understood, really knew that they  
2 were unwelcome, unwanted, and that he did that with the  
3 intent, he continued on with the intent to somehow impede  
4 her from her job or intimidate her or some kind of nefarious  
5 intent there.

6 So, particularly, as to Count 1, they're going to have  
7 to show that he forcibly sexually assaulted Tamara Bryant;  
8 and you're going to hear that there weren't any physical  
9 acts as far as Count 1 other than incidental conduct that  
10 went on during the time on the deck, so I think that's one  
11 of the things that you may struggle with as you listen to  
12 the evidence. I would like you to listen about where that  
13 forceable sexual harassment is.

14 And Count 2 concerning the hug, I want you to think  
15 about what the context of that was, what was going on in  
16 the time leading up to that, whether again there was some  
17 kind of intent to forcibly assault ... because it's not  
18 just a hug. A hug's not going to do it; it's got to be a  
19 forceable assault on her, and, again, it's got to be with  
20 these other kinds of issues, whether he had impeded her,  
21 somehow intimidated her, and whether he knew that that's  
22 what he was doing by committing that kind of act.

23 So these are some of the things that are going to be  
24 going on during this trial; it's not really just listening  
25 to who said what, but, honestly, there's not going to be a

1 heck of a lot of dispute about the things that were said.  
2 They were said, and, again, crude; no doubt about it.  
3 Disgusting, no doubt about it. Things that most of us  
4 wouldn't say in polite company, and probably most of us  
5 would never say in any kind of company.

6 And, again, that's not going to be the issue during  
7 trial; it's certainly not going to be disputed. It's  
8 whether, and, certainly -- well, while these things happened,  
9 context is everything, right?

10 Ms. Sullivan has talked about a number of statements  
11 that were made. Again, most of them, if not all of them,  
12 are not going to be in issue, but it is all about context,  
13 and you're going to hear a lot more about what was going on.

14 This galley where they eat meals is also where the crew  
15 hung out; and, indeed, they did hang out there. Pete  
16 Cusenza, Jack, and Tamara Bryant, for sometimes long periods  
17 of time. It was not this constant harassment kind of thing.  
18 They talked about their personal lives. They talked about  
19 things they did. They talked about the weather. I mean,  
20 they talked about all the things we talk about, when, when  
21 we have long periods of time with really very little to do  
22 and with people we don't know very well, and we start to  
23 get to know them.

24 So you're also going to hear during trial how difficult  
25 really the job of fishing is. It's noisy, and it's very

1 smelly, and it's risky, and sometimes it can be very boring.  
2 Crew men spend four or five hours loading, uploading fish,  
3 and doing all kinds of really mundane and kind of dirty  
4 kinds of tasks on the boat, and it takes a certain kind of  
5 character to want to do this kind of job and a certain kind  
6 of character, sometimes with character flaws. People perhaps  
7 are capable of misperceiving social signals, for example,  
8 but all kinds of faults, and not everybody wants to do this  
9 kind of work working on this very difficult kind of fishing  
10 boat.

11 So those are a couple of the things that you are going  
12 to hear, so I do want you to focus on the context because  
13 there's not going to be that much dispute, and think about  
14 all the things that were going on with the boat, and think  
15 of all the personalities involved, and what exactly happened,  
16 who told who to stop, and what was said, what the context  
17 was, whether there were other people around; and as you  
18 focus on the context and really everything that was going  
19 on on the boat, you want to ask yourself about the statute  
20 that you're going to have to decide this under, and, that  
21 is, did Jack Cusick know he was creating some kind of  
22 hostile environment for Tamara Bryant?

23 Did he intend for that to happen? Did he intend to  
24 impede her from her job, stop her from doing the job? Was  
25 it his desire to intimidate her? Did he have in his mind

1 that he wanted to scare her, or is this a case of really a  
2 class clown, to make very boorish kinds of comments, and  
3 sometimes be inappropriate, but at the end just a class  
4 clown.

5 I'm confident that after you've had the opportunity to  
6 listen to all of the evidence and think about what the  
7 government has to prove, the answer to that question will be  
8 pretty clear. I'll be justified in coming before you and  
9 asking for a verdict of not guilty as to Count 1 and not  
10 guilty as to Count 2.

11 Thank you.

12 THE COURT: Thank you, Mr. Watkins. Ms. Sullivan,  
13 ready with your first witness?

14 MS. SULLIVAN: Yes, your Honor. The government  
15 would call Tamara Bryant to the stand. Your Honor, with the  
16 Court's permission, may I move the podium?

17 THE COURT: Yes, absolutely.

18 MR. WATKINS: May I have just one moment?

19 THE COURT: Yes, absolutely.

20 THE CLERK: Please raise your right hand.

21 (Tamara Bryant duly sworn.)

22 THE CLERK: Thank you.

23 DIRECT EXAMINATION BY MR. SULLIVAN:

24 Q. Good morning, ma'am.

25 A. Good morning.

1 Q. In a loud and clear voice could you just tell us what  
2 is your name?

3 A. Tamara Bryant.

4 Q. Ms. Bryant, just so you know the microphone that's in  
5 front of you will not amplify; it's for purposes so the  
6 court reporter can hear everything you say so you just have  
7 to make sure you speak up, okay?

8 A. Okay.

9 Q. How old are you?

10 A. 27.

11 Q. All right, and in what state do you currently live in?

12 A. California.

13 Q. And what's your highest level of education?

14 A. College.

15 Q. What year did you graduate from college?

16 A. 2007.

17 Q. Okay, and what was your undergraduate degree in?

18 A. Marine science and biology.

19 Q. Okay, and was that an undergraduate degree?

20 A. Yes.

21 Q. Okay. What is your ethnicity?

22 A. Black.

23 Q. And are you currently employed?

24 A. Yes.

25 Q. What do you do?



1 A. I'm a field biologist.

2 Q. And in what state or states do you work as a field  
3 biologist currently in?

4 A. California.

5 Q. How long have you had your current job?

6 A. About eight months.

7 Q. All right, and in general what duties and  
8 responsibilities do you have as a marine biologist?

9 A. Marine animals and making sure that things aren't  
10 getting into the water bodies and stuff.

11 THE COURT: Can you all hear Ms. Bryant? A little  
12 louder would be helpful. Try to -- what you think about,  
13 Ms. Bryant, is speaking louder than you normally would  
14 because this room is much bigger than the typical room you  
15 might be talking in. So if you think you're talking too  
16 loud, then you're probably just right so --

17 THE WITNESS: Okay.

18 THE COURT: -- you want to bring your voice up to  
19 louder than your normal tone than you would when you're  
20 meeting or talking with people because the room is so big,  
21 and some of the important people to hear it are the jurors.  
22 We want them to hear everything that you and every other  
23 witness has to say, so just you won't be talking too loud.  
24 If you think you're too loud, you're probably just right.

25 THE WITNESS: Okay.

1 Q. Do you work full time currently?

2 A. Yes.

3 Q. All right, and prior to this job were you employed by  
4 another company?

5 A. Yes.

6 Q. And what was the name of your prior employer?

7 A. It was MRAG.

8 Q. M-R-A-G?

9 A. Yes.

10 Q. And what does that stand for?

11 A. Marine Research Assessment Group.

12 Q. Okay, and where was that located, that job; where did  
13 you work, what state?

14 A. In Massachusetts.

15 Q. Okay, and what was your position when you worked for  
16 the company called MRAG?

17 A. At-sea monitor.

18 Q. Okay, and is that a federal position?

19 A. Yes.

20 Q. How long did you work for MRAG as an at-sea monitor?

21 A. About six or seven months.

22 Q. Okay, and was that full time?

23 A. Yes.

24 Q. And did you stop on or about February of this year,  
25 2011, that job?

1 A. Yes.

2 Q. And then you relocated out to California?

3 A. Yes.

4 Q. Okay. Could you just tell the members of the jury when  
5 you worked as a federal at-sea monitor, what is that?

6 A. Basically you go out on the boats, and you collect  
7 discards, just the things that the fishermen are going to  
8 throw over and that they don't want, and just check for  
9 safety equipment on board.

10 Q. And when you say "things that they throw over," is that  
11 fish?

12 A. Fish, yes.

13 Q. That are thrown back into the ocean?

14 A. Yes.

15 Q. Okay, and would your responsibilities include collecting  
16 data?

17 A. Yes.

18 Q. And what type of data would you collect?

19 A. What is getting thrown overboard and an estimate of  
20 what they're keeping.

21 Q. Do you know what the word haul means, h-a-u-l?

22 A. Yes.

23 Q. What does that mean?

24 A. It's to determine each bag of fish that they bring up.

25 Q. "They" being the fishermen?

1 A. Yes, the fishermen.

2 Q. When was your last commercial -- by the way, when you  
3 worked as an at-sea monitor, did you go out on federally  
4 permitted commercial fishing boats?

5 A. Yes.

6 Q. All right, and when approximately was the last  
7 commercial fishing trip you took as an at-sea monitor?

8 A. I believe it was sometime in October.

9 Q. Of 2010?

10 A. Of 2010.

11 Q. Could it have gone into the early part of November 2010?

12 A. Yes.

13 Q. Okay, and do you know what the observer program is?

14 A. Yes.

15 Q. What is the observer program?

16 A. The observer program is they have observers going out  
17 on vessels, but they're doing -- I guess, their tasks are  
18 more tedious than mine would be.

19 Q. When you say "more tedious," let me just ask you: do  
20 you know about some of the responsibilities of what a  
21 federal observer is?

22 A. Yes.

23 Q. Okay, and what do you believe that the responsibilities  
24 of an observer are?

25 A. They are doing a lot more measurements and calculations

1 as far as the gears, marine mammals, watches, and I believe  
2 oil -- I guess, documenting oil spills.

3 Q. Would they also be responsible for collecting data?

4 A. Yes.

5 Q. And in addition would observers be responsible for  
6 conducting autopsies on certain fish while they were on  
7 board that fishing trip boat?

8 A. Yes.

9 Q. Okay. When you finished working as a federal at-sea  
10 monitor, did you have to do what's called an exit interview?

11 A. Yes.

12 Q. And do you remember doing that sometime in February of  
13 2011?

14 A. Yes.

15 Q. And is that exit interview conducted with the observer  
16 program?

17 A. Yes.

18 Q. Your job as a federal at-sea monitor, is it a federally  
19 contracted job?

20 A. Yes.

21 Q. And are you familiar with the two agencies, one of  
22 them identified as N-O-A-A, NOAA, National Oceanic and  
23 Atmospheric Administration?

24 A. Yes.

25 Q. And the second one I want to ask you has the acronym N,

1 as in Nancy, M, as in Mary, FS, the National Marine Fisheries  
2 Service?

3 A. Yes.

4 Q. Okay. To your knowledge, did your employer, MRAG, have  
5 federal contracts with NOAA and NMFS?

6 A. Yes.

7 Q. All right. Now, when you worked as an at-sea monitor  
8 for MRAG and it had a contract with NMFS and NOAA, was that  
9 to provide only monitors to commercial fishing vessels?

10 A. Yes.

11 Q. Okay. To your knowledge, did your company, MRAG,  
12 employ observers or did it just employ monitors?

13 A. I believe it had both.

14 Q. But the contract was to only provide monitors on  
15 commercial fishing boats?

16 A. Yes.

17 Q. Okay. Are you familiar with the term TAC, Total  
18 Allowable Catch?

19 A. Yes.

20 Q. And let me ask you, as an at-sea monitor, would you  
21 be responsible for collecting fisheries data which is used  
22 to determine what the total allowable catch is for that  
23 particular boat?

24 A. Yes.

25 Q. To your knowledge, Ms. Bryant, I'm going to ask you,

1 you said you worked full time as an at-sea monitor, correct?

2 A. Yes.

3 Q. Could you give us an estimate of approximately how many  
4 boats, commercial fishing boats, you worked on as an at-sea  
5 monitor overall in your career?

6 A. I believe over 20, I believe.

7 Q. Was that all as an employee of MRAG or did you work for  
8 another company?

9 A. For another company as well.

10 Q. Okay. And that other company, was it prior to working  
11 or being employed by MRAG?

12 A. Yes.

13 Q. Was that other company in Massachusetts or in another  
14 state?

15 A. It was in another state.

16 Q. Where was that?

17 A. Alaska.

18 Q. Okay, and how long did you work as an at-sea monitor  
19 while you were out in Alaska?

20 A. It was, I think, about a year-and-a-half.

21 Q. Again, full time?

22 A. Yes, full time.

23 Q. And are you familiar with a program known as the  
24 Sector Management Program?

25 A. Yes.

1 Q. And could you just tell us briefly what's that?

2 A. I couldn't actually remember the right terms for it.

3 THE COURT: Keep your voice up, Ms. Bryant.

4 THE WITNESS: Oh, sorry.

5 THE COURT: That's all right.

6 Q. Let me ask you: in May of 2010, to your knowledge,  
7 did federal laws or regulations change as it pertains to  
8 commercial fishing?

9 A. Yes.

10 Q. And as of May of 2010 is that when monitors were first  
11 permitted to go out onto commercial fishing boats?

12 A. Yes.

13 Q. Okay, and that was approximately two boats before you  
14 went on the Sea Farmer II as an at-sea monitor, correct?

15 A. Yes.

16 Q. All right. To your knowledge, are sector monitors  
17 deployed on NMFS-permitted vessels which participate in the  
18 Sector Management Program?

19 A. Yes.

20 Q. Okay. By the way, just tell us what types of fishing  
21 boats do you go on, any private personally-owned ones for  
22 fun?

23 A. No.

24 Q. Okay. Tell us.

25 A. There's just gill net patrols with the long line.



1 Yeah, those are the only boats that I've gone on.

2 Q. And are those boats federally permitted commercial  
3 fishing boats?

4 A. Yes.

5 MR. WATKINS: I'm going to object, your Honor. I  
6 don't know how she knows, the basis of knowledge.

7 THE COURT: Well, all these questions are based on  
8 her personal knowledge I'm presuming so I'll overrule it.

9 Q. Did you go on a boat trip on the Sea Farmer II, a trip  
10 that occurred on July 8, 2010, through July 15, 2010?

11 A. Yes.

12 Q. Prior to July 8, 2010, Ms. Bryant, had you ever been on  
13 board the Sea Farmer II?

14 A. No.

15 Q. As of -- after July 15th of 2010, Ms. Bryant, how many  
16 times have you ever gone back on the Sea Farmer II?

17 A. None, zero.

18 Q. In total how many trips have you worked as a sea  
19 monitor -- as an at-sea monitor where there was a crew  
20 member by the name of John Cusick on board?

21 A. Just the Sea Farmer.

22 Q. Just that July 2010 trip?

23 A. Yes.

24 Q. And, by the way, do you see Mr. Cusick in court today?

25 A. Yes.

1 Q. Could you just indicate an article of clothing that  
2 he's wearing today?

3 A. A tan jacket.

4 MS. SULLIVAN: And, your Honor, may the record  
5 reflect identification of the defendant by this witness?

6 THE COURT: Yes.

7 MS. SULLIVAN: Thank you.

8 Q. So let me just ask you because you talked about  
9 different companies that you worked for as an at-sea  
10 monitor, focus on the Sea Farmer II trip --

11 A. Right.

12 Q. -- as a date for me if you would? Prior to July 8th of  
13 2010, the day you left to work out on the Sea Farmer II, how  
14 many trips would you say you had gone on as an at-sea  
15 monitor before that date?

16 A. Well, maybe 11 or so.

17 Q. In Massachusetts?

18 A. Yes.

19 Q. Okay, and then how many in Alaska?

20 A. Um, maybe -- I don't remember.

21 Q. But you did talk about in total you thought you had an  
22 estimate of how many boats you worked on as an at-sea --

23 A. A little over 20.

24 Q. Okay. Since the trip ended on the Sea Farmer II, did  
25 you go on any other commercial fishing boats after that day

1 as an at-sea monitor?

2 A. Yes.

3 Q. How many?

4 A. Maybe anywhere from five to ten.

5 Q. Were any of the trips that you went on after this trip  
6 eight days in duration or were they all less than that?

7 A. All less than that.

8 Q. How much less would you estimate that they were  
9 compared to the trip on the Sea Farmer?

10 A. One to two days.

11 Q. And did you specifically decide you would not go on  
12 much longer trips?

13 A. Yes.

14 Q. Would that have any relation to --

15 MR. WATKINS: Objection.

16 THE COURT: Sustained.

17 Q. How many federal at-sea monitors go out on the boats  
18 for each trip?

19 A. It's usually one per boat.

20 Q. Okay. To your knowledge, are monitors both males and  
21 females?

22 A. Yes.

23 Q. And what about observers, to your knowledge are they  
24 both sexes, males and females?

25 A. Yes.

1 Q. All right. In general, in your experience working on  
2 commercial fishing boats, is the captain and the crew  
3 generally one sex or the other?

4 A. Yes.

5 Q. And, generally, what is the sex of the captain and the  
6 crew on the boats that you've worked as a monitor on?

7 A. Male.

8 Q. Using the Sea Farmer II as a reference, all of the  
9 boat trips that you went on leading up to and including the  
10 Sea Farmer II, so not any that you went on after the Sea  
11 Farmer II, could you tell us on an average what was the  
12 length of each of the boat trips that you went out on?

13 A. I had one trip that was -- it was close to about ten  
14 days, and then the rest of my trips were maybe one to three  
15 days, and then some were just day trips.

16 Q. And then this trip was an eight-day trip?

17 A. Yes.

18 Q. And I want to focus your attention on July 8th of 2010  
19 where -- what port did the Sea Farmer II leave from?

20 A. Boston.

21 Q. And on July 15, 2010, what port did the Sea Farmer II  
22 dock into?

23 A. Boston.

24 Q. All right, and so that trip occurred from the 8th  
25 through the 15th?

1 A. Yes.

2 Q. During the course of that trip, ma'am, did you ever  
3 come in and out of port each night or did you stay out at  
4 sea?

5 A. I stayed out at sea.

6 Q. Would you tell the members of the jury when the boat,  
7 when the Sea Farmer II, left port in Gloucester on July 8th  
8 how far out would you estimate that it steamed into the  
9 ocean?

10 A. Anywhere from 8 to 12 hours --

11 Q. Okay.

12 A. -- probably.

13 Q. So there's no fishing while it's steaming?

14 A. No.

15 Q. Okay. While you were out at sea once the vessel  
16 steamed out the 8 to 12 hours, could you see any land in  
17 sight?

18 A. No.

19 Q. So other than coming back into port eight days later,  
20 did you ever see any land when you were out on that boat?

21 A. No, not that I remember.

22 Q. Can I ask you if you know what is referred to as a  
23 safety check as it relates to your job responsibilities as a  
24 monitor?

25 A. Yes.

1 Q. Could you just tell the members of the jury what's a  
2 safety check?

3 A. A safety check is to make sure that they have the  
4 proper equipment such as, I guess, a device to locate us  
5 if there was an emergency or if we needed to get off of the  
6 boat, and, also, there's safety jackets, and just equipment.  
7 Also, to make sure like the boat is up-to-date as far as the  
8 Coast Guard stickers that they have. They have to have a  
9 certain check from the Coast Guard to just make sure that  
10 that is current.

11 Q. And who is responsible for performing this safety check?

12 A. The at-sea monitors.

13 Q. And that would be your responsibility?

14 A. Yes.

15 Q. Did you do that in this case?

16 A. Yes.

17 Q. And do you routinely do it on all of the boats that you  
18 worked on as a monitor?

19 A. Yes.

20 Q. All right, and who is it performed either with or in  
21 front of generally?

22 A. With the captain or the mate of the boat.

23 Q. And, by the way, let me just ask you, how does it work,  
24 and how do you get selected to go and work as a monitor on  
25 a particular boat such as how you were selected on the Sea

1 Farmer II boating trip?

2 A. Usually the National Marine Fisheries Service selects,  
3 you know, a company, and then your coordinator will just tell  
4 you which boat or assign you to a boat.

5 Q. When you say "the National Marine Fisheries Service  
6 works for a company," would it be a company such as MRAG?

7 A. Yes.

8 Q. Your employer?

9 A. Yes.

10 Q. And then someone in your agency would pick you --

11 A. Yes.

12 Q. -- for selection? Would you have a right to accept or  
13 decline to go out on the boat when you're picked?

14 A. Yes.

15 Q. Okay.

16 A. Yeah.

17 Q. But if you decline, do you get paid?

18 A. No.

19 Q. And I want to ask you about two other acronyms if I  
20 could?

21 A. Okay.

22 Q. The first one I want to ask you is E-V, as in Victor,  
23 I-C; do you know what is referred to as an EVIC card?

24 A. Yes.

25 Q. Just tell us what does that mean?

1 A. It's a bright yellow card and usually someone who's on  
2 the vessel or an at-sea monitor that was on the vessel  
3 beforehand will check their locator device to see if it's  
4 up-to-date -- well, actually, the captain or one of the  
5 crew members is allowed to look and show us the expiration  
6 date because they don't want us to, you know, like damage  
7 their equipment. And so one of the at-sea monitors will  
8 write it on the card and say: Yes, this date is correct  
9 and up-to-date; and so then when the next at-sea monitor  
10 goes on board, then they can just -- the captain can just  
11 show us the card, and then we can check it off on our  
12 safety checklist.

13 Q. So who's responsible for keeping the EVIC card?

14 A. The captain.

15 Q. So it's on the boat?

16 A. Yes.

17 Q. It's not something that you have to bring as the at-sea  
18 monitor working on that boat?

19 A. No.

20 Q. All right, and do you know do you remember seeing any  
21 EVIC card in this case on the Sea Farmer II?

22 A. I don't remember.

23 Q. Is it something that's routinely shown to you as an  
24 at-sea monitor?

25 A. Yes.



1 Q. Okay. Now, I want to you ask you about a second  
2 acronym, if I could?

3 A. Okay.

4 Q. And this acronym is E-P, as in Paul, I-R, as in Robert,  
5 B as in boy?

6 THE COURT: Can you just repeat that?

7 Q. E-P, P as in Paul, I-R, as in Robert, B, as in boy. Do  
8 you know what is called EPIRB?

9 A. Yes.

10 Q. And just in general what does that mean?

11 A. It's basically a locator beacon if ever, you know, if  
12 we need to abandon the ship or some emergency so we press it  
13 and then like someone will be able to locate our position.

14 Q. Is it fair to say that that's used only in extreme  
15 emergencies?

16 A. Yes.

17 Q. And all of your experience as an at-sea monitor, has it  
18 ever been used?

19 A. No.

20 Q. You've never had to abandon ship?

21 A. No.

22 Q. Okay. And as an at-sea monitor, what, if anything, do  
23 you have to bring or do you bring on the boats that you work  
24 on in terms of gear and clothing and personal items?

25 A. Yeah, I bring our National Marine Fisheries Service

1 issued equipment: baskets, scales, like our forms to fill  
2 out, our standard data collection forms, and then personal  
3 equipment: bags, sleeping bag, pillow, you know, for long  
4 trips, overnight trips.

5 Q. And what about personal items such as washcloths or soap  
6 or toothpaste or a toothbrush?

7 A. Yes. Toiletries, we always bring toiletries.

8 Q. And what type of clothing do you generally wear when  
9 you work on a commercial fishing boat as an at-sea monitor?

10 A. Usually, long pants, T-shirt; I have, you know, rubber  
11 boots, a life jacket. And then there's also, on top of that,  
12 there's bibs like bright orange; it's just a rain suit, and  
13 sometimes if it's actually like raining we'll have like a  
14 cold weather jacket to go along with it.

15 Q. All right, and is that in general what you would wear  
16 no matter what boat you were on?

17 A. Yes.

18 Q. Okay. Where does your job responsibility as a monitor  
19 on the boat, where do you -- where's your area of work or  
20 work area in general located on a boat such as the Sea  
21 Farmer II?

22 A. It's located just out on deck usually near where the  
23 fish get pulled on board.

24 Q. Okay. In addition to the other items that you just  
25 told the jury that you were responsible for bringing on the

1 boat, do you ever carry with you what is known as a  
2 harassment notice?

3 A. Yes.

4 Q. Please tell the jury what is known as a harassment  
5 notice?

6 A. There's this piece of paper, and it just says on there  
7 that harassment of an at-sea monitor observer won't be  
8 tolerated; and it has, you know, a picture, with a circle  
9 and a slash through it and some other -- there's some other  
10 writing on there as well.

11 MS. SULLIVAN: Your Honor, with the Court's  
12 permission, may I approach?

13 THE COURT: You may.

14 Q. Ms. Bryant, I'm going to show you a one-page document  
15 that's been marked as Government Exhibit 7, and I'm going to  
16 ask you to take a look at it; and then when you've had a  
17 chance to look at it, just to look up so that I know that  
18 you've reviewed it.

19 Have you had a chance to look at that, ma'am?

20 A. Yes.

21 Q. And do you recognize the one-page document that I've  
22 just placed before you that you've now reviewed?

23 A. Yes.

24 Q. What is it?

25 A. It's the observer harassment form.

1 Q. Okay. Is that the notice that you just testified to  
2 this jury about?

3 A. Yes.

4 Q. Okay. Is it a fair and accurate representation of the  
5 harassment notice that you just testified about?

6 A. Yes.

7 Q. Do you routinely bring that on each of the commercial  
8 fishing boats that you go on?

9 A. Yes.

10 Q. Did you do that in this case?

11 A. Yes.

12 MS. SULLIVAN: The government would move to  
13 introduce Government Exhibit No. 7?

14 MR. WATKINS: No objection.

15 THE COURT: All right. Government Exhibit 7 is in  
16 evidence.

17 (Government Exhibit No. 7 admitted in evidence.)

18 MS. SULLIVAN: May I ask if I may have the Court's  
19 permission to place it on the overhead?

20 THE COURT: You may.

21 MS. SULLIVAN: Thank you.

22 Q. Ms. Bryant, there's no computer in front of you, but  
23 I'm going to just ask you, and if you need to stand up, with  
24 the Court's permission I'd ask that she be able to?

25 THE COURT: Yes. If it's helpful for Ms. Bryant to

1 step down next to the monitor, that's fine. Can you all see  
2 what's on the monitor....

3 Q. Ms. Bryant, this is Government Exhibit No. 7 that I  
4 just showed to you, and I'm just going to show you the  
5 entire thing on this screen so I'm going to move it up.

6 Starting at the top, this is the harassment notice that  
7 you just talked about; is that correct?

8 A. Yes.

9 Q. All right, and it specifically states, "Warning:  
10 Harassment of an observer will not be tolerated," correct?

11 A. Yes.

12 Q. All right, and you also bring this on as a monitor?

13 A. Yes.

14 Q. Fair to say that a lot of the duties and  
15 responsibilities of the monitor are the same as the  
16 observer?

17 A. Yes.

18 Q. And, by the way, up until May of 2010 was it only  
19 observers that were allowed to go out on commercial fishing  
20 boats?

21 A. Yes.

22 Q. Okay. So ... "will not be tolerated. Violators will  
23 be prosecuted." And then it talks about what they could be  
24 subject to on penalties, and it talks about the Magnuson  
25 Act, and then it specifically goes into what it is unlawful

1 to do, correct?

2 A. Correct.

3 Q. Okay, and in it it talks about "intimidate, resist,  
4 oppose, impede, sexually harass, bribe, or interfere with  
5 an observer, interfere with or bias a sampling procedure  
6 employed by the observer, tamper with, destroy, or discard  
7 observer's collected samples, equipment, records, photos,  
8 papers, or personal effects, prohibit" --

9 MR. WATKINS: I'm going to object, your Honor. I  
10 think there's a question there someplace, but it's a leading  
11 question.

12 MS. SULLIVAN: With the Court's permission, I'm  
13 going to have to ask to have a chalk put on the overhead.

14 THE COURT: So you're withdrawing whatever question  
15 you were asking?

16 MS. SULLIVAN: I'll withdraw that question and move  
17 to put on the chalk?

18 THE COURT: All right. The question is withdrawn,  
19 so the objection is moot. If you want to use a chalk, you  
20 may.

21 MS. SULLIVAN: And I would ask, I'm marking the  
22 chalk as A for ID?

23 THE COURT: All right, A for identification.

24 (Government Exhibit A marked for identification.)

25 MS. SULLIVAN: May I approach the witness again?

1 THE COURT: Yes.

2 Q. Ms. Bryant, I have Government Exhibit 7. I'm showing  
3 you that placed to the right side of you, and I just have  
4 the chalk marked A for ID on the left side. Are those the  
5 same documents except the one on the left side's in color?

6 A. Yes.

7 Q. Fair to say that which one of the two is easier to read?

8 A. The chalk.

9 Q. Okay.

10 MS. SULLIVAN: With the Court's permission, may I put  
11 the chalk on the overhead?

12 THE COURT: You may.

13 MS. SULLIVAN: Thank you.

14 Q. And keep Exhibit 7 in front of you, and I'm going to  
15 take A for ID and place that on the overhead. Fair to say  
16 it's easier to see this one?

17 A. Yes.

18 Q. Other than the fact that this chalk is a color copy,  
19 it's identical to the black and white in substance, correct?

20 A. Yes.

21 Q. Have you had a chance to see these two before?

22 A. Yes.

23 MS. SULLIVAN: Your Honor, the government requests  
24 to have Exhibit No. 7, which is the chalk, published to the  
25 jury?

1 MR. WATKINS: Well, the chalk I would object to, but  
2 Exhibit 7 of course.

3 THE COURT: It's fine to publish the exhibit, just  
4 pass the exhibit around, but not the chalk.

5 MS. SULLIVAN: And, your Honor, I'm going to move to  
6 request to approach the witness again with the chalk for ID.

7 Q. Could you just tell us, ma'am, how many subsections are  
8 there on this chalk under the phrase "it is unlawful"?

9 A. Six.

10 Q. Six?

11 A. Yes.

12 Q. And if you would please read to the jury what No. 5  
13 says?

14 A. "Harass an observer by conduct that has sexual  
15 connotations or otherwise creates an intimidating, hostile,  
16 or offensive environment."

17 Q. Did that happen to you on board the Sea Farmer II?

18 MR. WATKINS: Objection, your Honor.

19 THE COURT: Overruled. You can answer.

20 A. Yes.

21 Q. And who was responsible for doing that to you during  
22 the course of that trip?

23 MR. WATKINS: Objection again.

24 THE COURT: Overruled.

25 A. Jack.



1 Q. And "Jack" is the defendant?

2 A. Yes.

3 Q. Did you refer to him as the name Jack during the course  
4 of this trip?

5 A. Yes.

6 Q. Before this trip did you know who Jack or John Cusick  
7 was?

8 A. No.

9 Q. And prior to this trip did you know Clark Sandler, Paul  
10 Beal, or Peter Cusenza was?

11 A. No.

12 Q. Have you been on a boating trip since that date with  
13 any of those four individuals?

14 A. No.

15 Q. The boat trip that you went on on the Sea Farmer II in  
16 July of 2010, were the procedures followed by your employer  
17 meaning your employer was selected to have somebody go on  
18 this boat trip on the Sea Farmer II?

19 A. Yes.

20 Q. Were you the monitor that was selected to go on it?

21 A. Yes.

22 Q. And did you accept that appointment?

23 A. Yes.

24 Q. To your knowledge is the Sea Farmer II a large or a  
25 small boat?

1 A. It was a large boat.

2 Q. Okay, and had you ever been on the Sea Farmer before  
3 that trip?

4 A. No.

5 Q. So there was only one fishing trip on that boat that  
6 you ever worked?

7 A. Yes.

8 Q. Throughout the course of the entire trip on board the  
9 Sea Farmer II did you -- were you employed as a federal  
10 at-sea monitor?

11 A. Yes.

12 Q. And did you have the same general duties and  
13 responsibilities for that trip that you've previously  
14 described to the jury as an at-sea monitor?

15 A. Yes.

16 Q. What kind of boat was the Sea Farmer II?

17 A. It was like a Dawley.

18 Q. Okay. A commercial fishing vessel?

19 A. Yes.

20 Q. To your knowledge was it an NMFS permitted vessel?

21 A. Yes.

22 MR. WATKINS: I'm going object again, your Honor,  
23 first, asked and answered, but also the objection is that I  
24 don't know that she has personal knowledge.

25 THE COURT: Okay. Well, why don't you ask her if

1 she has personal knowledge.

2 Q. Do you have knowledge of that, that the Sea Farmer II  
3 was a National Marine Fisheries Service permitted vessel?

4 A. Yes.

5 Q. How do you have that knowledge?

6 A. I checked the Coast Guard certificate, and you get  
7 assigned to the boats that are permitted by the National  
8 Marine Fisheries Service.

9 Q. Are you ever allowed to work as an at-sea monitor on  
10 boats that are not NMFS permitted vessels?

11 A. No.

12 Q. No, okay. And to your knowledge the commercial fishing  
13 vessels, do they have to have a federal permit in order to  
14 go off to sea?

15 A. Yes.

16 Q. Okay, and do you check that?

17 A. Yes.

18 Q. How do you check that?

19 A. Just usually by their Coast Guard sticker and then --  
20 well, we're just usually assigned to them so I don't  
21 actually see the permit.

22 MR. WATKINS: So I move to strike then, your Honor.

23 THE COURT: No, I'll overrule it.

24 Q. So you get selected by MRAG to work on a boat as an  
25 at-sea monitor?

1 A. Yes.

2 Q. And then what, if anything, do you have to do  
3 proactively once they say: You're going to work on the  
4 Sea Farmer II for a trip that's going to leave Boston on  
5 July 8th of 2002, what do you do?

6 A. I call the captain and usually get the captain's  
7 contact information. I give him a call to see if he is  
8 going to actually leave that day and see what I -- what I  
9 would need to bring as far as do I need to provide my own  
10 food, if I'll have my own room, or if I need to bring  
11 bedding.

12 Q. Okay, and about how much time in advance of leaving on  
13 the trip do you reach out and contact the captain?

14 A. It's usually the day before, sometimes it might be two  
15 days.

16 Q. Okay, and did you do that in this case?

17 A. Yes.

18 Q. Yes or no did you call and have a phone conversation  
19 with Captain Clark Sandler in relation to the July Sea  
20 Farmer trip?

21 A. Yes.

22 Q. Okay. And without going into the statements or the  
23 substance of it, what was his tone of voice toward you when  
24 you identified yourself and told him you were the at-sea  
25 monitor to work on that boat trip?

1 A. He seemed frustrated, maybe rude like.

2 Q. And I asked you about May of 2010 and the change in  
3 the federal regulations as they relate to commercial fishing,  
4 do you know anything else about prior to the regulations  
5 changing what occurred on the boat trips that changed in  
6 May of 2010?

7 A. Can you repeat the question?

8 Q. Sure. Federal regulations regarding commercial fishing  
9 changed in May of 2010, correct?

10 A. Yes.

11 Q. And do you know how they changed other than you talked  
12 about that monitors were now allowed on boats, do you know  
13 anything else?

14 A. Their discards were being counted against them.

15 Q. After the regulations changed?

16 A. Yes.

17 Q. And what do you mean the discards were being counted  
18 against them -- well, who's "them" first of all?

19 A. Well, the fishermen. I believe now, they were  
20 discarding fish, and no one was documenting it, but I  
21 believe now that it goes towards their quota until the quota  
22 is being effected by what they're throwing overboard.

23 Q. So the total allowable catch after the May 2010 change  
24 included what was caught?

25 A. Yes.

1 Q. And you also added what was discarded?

2 A. Yes.

3 Q. Okay. What type of fish was the Sea Farmer II allowed  
4 to catch, if you know, during the trip you were on that boat?

5 A. Groundfish, Pollard, Cod, Haddock, and some other  
6 groundfish.

7 Q. So as a result of your phone conversation with the  
8 captain -- by the way, was that a very short or a very long  
9 phone conversation?

10 A. It was pretty short.

11 Q. And yes or no, did you receive instructions as to where  
12 the boat was going to leave and the approximate time and  
13 date?

14 A. Yes.

15 Q. And that was provided to you by the captain?

16 A. Yes.

17 Q. All right. So let me ask you, focusing your attention  
18 now to the date the boat was leaving, July 8th of 2010, did  
19 you bring the items that you talked about with you?

20 A. Yes.

21 Q. All right, and did you board that boat?

22 A. Yes.

23 Q. Who was the first person that you encountered when you  
24 went on that boat?

25 A. Jack.

1 Q. And that would be the defendant?

2 A. Yes.

3 Q. Did you identify yourself to him?

4 A. Yes.

5 Q. By name?

6 A. Yes, and I just said: I'm Tamara, the at-sea monitor.

7 Q. And do you remember where on the boat you actually  
8 first encountered who you referred to as Jack?

9 A. I believe it was out on deck.

10 Q. All right. What's the first thing that the defendant  
11 said to you when you encountered him after you identified  
12 yourself and what your job was?

13 A. He said that they never had a girl at-sea monitor or a  
14 girl on their boat before and that we were gonna have fun.

15 Q. And what was he telling you when he was saying that to  
16 you?

17 A. It was an awkward tone like.

18 Q. How, if at all, did you respond or react?

19 A. I just kind of brushed it off and went to my stateroom.

20 Q. Okay. And you said your stateroom, did you have your  
21 own room?

22 A. Yes.

23 Q. And to your knowledge -- well, let me back up for a  
24 second. In addition to Jack, were there other crew members  
25 that you met that went on the Sea Farmer for that trip?

1 A. Yes.

2 Q. Okay. How many crew members were there in addition to  
3 Jack?

4 A. There was Jack, the captain, and then two others, the  
5 mate and one other deckhand.

6 Q. Okay. So the captain was Clark Sandler?

7 A. Yes.

8 Q. Okay, and who was the mate and the deckhand?

9 A. Paul was the mate, and then Peter was the deckhand.

10 Q. Okay. All male?

11 A. Yes.

12 Q. From your visualization of these men, did they appear to  
13 be white/caucasians?

14 A. Yes.

15 MR. WATKINS: Your Honor, I'm going to object. May  
16 we be seen at side bar for a second?

17 THE COURT: Sure. Ladies and gentlemen, this is an  
18 opportunity if you wish to stretch your legs.

19 (The following sidebar discussion commenced.)

20 MR. WATKINS: Two things: first, I thought the  
21 government's position was that they weren't going to go  
22 into the racial aspect of this. That was the stated  
23 position at least as stated in their voir dire, so I don't  
24 understand why the repeated questions now about her and now  
25 the white people.



1           The second thing is I haven't objected, I haven't  
2           objected about the leading because everything else was  
3           preliminary, but there is a lot of leading going on here,  
4           and I don't think she should be able to lead at this point  
5           when we're talking about the direct examination of her  
6           witness.

7           MS. SULLIVAN: Regarding the first objection that  
8           the defense has raised, one of his three voir dire questions  
9           the Court inquired of the jury, we expect that Ms. Bryant  
10          is going to testify or we expect that Ms. Bryant is going  
11          to testify about comments such as "Aunt Jemima" and  
12          "Mrs. Butterworth" that the defendant made to her ... so  
13          for context I think it's appropriate to be able to have her  
14          testify about what her ethnicity is and what she believed  
15          the ethnicity of the three males were; and, secondly, I  
16          object to defense saying that the government is repeatedly  
17          asking about this.

18          THE COURT: Well, I'm not sure you can object to  
19          his objection.

20          MS. SULLIVAN: Then I don't agree with his  
21          objection, okay? Secondly, I'm happy to rephrase in order  
22          to move things along.

23          THE COURT: The first objection's overruled. As  
24          to the second, I haven't said anything in part because  
25          Mr. Watkins objected as a preliminary matter, but,

1 obviously, this goes to the heart of the case which is what  
2 happened on the boat so I do think you shouldn't be leading.

3 MS. SULLIVAN: Fine.

4 THE COURT: Proceed.

5 MS. SULLIVAN: Thank you, your Honor.

6 (The sidebar discussion concluded.)

7 Q. Ms. Bryant, did Captain Sandler mingle with the crew  
8 throughout the trip in general?

9 A. Not really.

10 Q. Okay. Was there a particular location on board where  
11 you and the crew members, whether they're mates or deckhands  
12 or crew, would eat your meals?

13 A. Yes.

14 Q. Where was that?

15 A. In the galley.

16 Q. Just describe so the members of the jury have an idea  
17 how large or small the galley is?

18 A. The galley's not really big, but the table can maybe  
19 fit six people. It wouldn't be very comfortable, but it's  
20 also right next to the rooms so it's probably a pretty small  
21 space.

22 Q. And in that galley is there -- well, strike that. In  
23 addition to the table and appliances in order to cook meals,  
24 is there an area inside that boat where you would have the  
25 ability to watch television?

1 A. Yes.

2 Q. And where is that located?

3 A. At the galley there's a TV that if you're sitting  
4 around the table you can see it; it's mounted on the wall.

5 Q. Where is your bunk room or stateroom located in relation  
6 to the galley?

7 A. It's actually right off the galley. Once you leave the  
8 stateroom, then you're in the galley so it's pretty close.

9 Q. Did you eat your meals generally with the other members  
10 of the crew?

11 A. Yes.

12 Q. What about the captain, did he generally eat meals with  
13 you or eat meals elsewhere?

14 A. We ate meals in the wheelhouse.

15 Q. And what is the wheelhouse?

16 A. It's above the galley like the next port up, and that's  
17 where he drives the boat, and that's where he would eat;  
18 he'd come down to the galley, get his food, and then go  
19 back up.

20 Q. Okay. During the course of this trip who had the  
21 responsibility of cooking the meals that you all would eat?

22 A. Jack.

23 Q. Okay. Was that any of your duties and responsibilities?

24 A. No.

25 Q. All right. To your knowledge, did -- or strike that.

1 During the course of this trip who, if anyone, did you speak  
2 with the most or feel the most comfortable with?

3 A. Peter.

4 Q. Okay. And when the captain would come down to get his  
5 food or use the bathroom, would there be somebody else that  
6 would have to be responsible for being up in the wheelhouse  
7 to steer the boat?

8 A. Yes --

9 Q. Okay.

10 A. -- there would.

11 Q. And was there a particular person during the course of  
12 this trip that went up when the captain came down?

13 A. The mate.

14 Q. And that would be who?

15 A. Paul.

16 Q. All right. Was anyone else picked up to work on this  
17 boat during the course of this trip?

18 A. No.

19 Q. Okay. So were you the only female?

20 A. Yes.

21 Q. Okay. Did any other monitor come on and accompany you  
22 during this trip?

23 A. No.

24 Q. To your knowledge how many trips have you gone on as a  
25 monitor where there's been more than one monitor on that

1 trip, if at all?

2 A. There was one in Alaska. There was one where there  
3 were two monitors.

4 Q. Was that before the regulations changed in May of 2010?

5 A. Oh, yes, I think so.

6 Q. And, by the way, during the course of the entire trip  
7 when, if at all, did you have any alcohol on board that boat?

8 A. None.

9 Q. And during the course of the trip when, if at all, did  
10 you observe anybody else to drink any alcohol on board that  
11 boat?

12 A. I didn't.

13 Q. To your knowledge is alcohol allowed?

14 A. No.

15 Q. All right. During the course the trip the same  
16 question: when, if at all, did you utilize any narcotics or  
17 medication, whether they were legal or illegal?

18 A. I did not.

19 Q. Did you observe any of the crew members, the mate, or  
20 the captain to do that?

21 A. No.

22 Q. Okay. Again, to your knowledge that's not allowed as  
23 well?

24 A. Yes.

25 Q. And the boat itself that I asked you some questions on,

1 with the Court's permission I'm going to approach you.

2 THE COURT: You don't need further permission to  
3 approach. You can approach whenever you need.

4 MS. SULLIVAN: Great. Thank you, your Honor. It's  
5 been previously provided to defense, your Honor.

6 Ms. Bryant, I have six photos. I want you just to take  
7 a look at each one of them and then look up when you're done.

8 Have you had a chance to look at these six?

9 A. Yes.

10 Q. Have you had a chance to look at the boat in Exhibits 1  
11 through 6?

12 A. Yes.

13 Q. And what boat is that?

14 A. The Sea Farmer II.

15 Q. In general does it appear to look the same as it did  
16 when you went on the trip?

17 A. Yes.

18 Q. Okay. Is that a fair and accurate representation of  
19 that boat?

20 A. Yes.

21 MS. SULLIVAN: Your Honor, the government moves to  
22 introduce Exhibits 1 through 6.

23 THE COURT: Any objection?

24 MR. WATKINS: No.

25 THE COURT: All right. Government Exhibits 1 through

1 6 are in evidence.

2 (Government Exhibit Nos. 1 - 6 admitted in evidence.)

3 MS. SULLIVAN: With the Court's permission, might I  
4 publish them to the jury?

5 THE COURT: You may.

6 Q. Okay. Do you know who if anyone Pete shared a bunk room  
7 with during this trip?

8 A. Yes, I believe he shared one with Jack.

9 Q. Okay. And what about Paul, do you know did he have a  
10 separate bunk room?

11 A. Yes.

12 Q. Did you have to share with anyone?

13 A. No.

14 Q. I want to ask you, were there any appliances in the bunk  
15 room that you were assigned?

16 A. Yes.

17 Q. What?

18 A. There was a freezer.

19 Q. Okay. What type of freezer?

20 A. There's just like a storage freezer. There was like  
21 ice creams and just frozen goods, and there was just like  
22 drinks and stuff outside of the freezer.

23 Q. And did everyone on board that boat have access to be  
24 able to use or get some of that, those items?

25 A. Yes.

1 Q. All right. Was there a lock on your bedroom door?

2 A. No.

3 Q. All right. How far away from your bunk room would Pete  
4 and Jack's bunk room be?

5 A. Like a door down. Paul's was next to mine, and then  
6 theirs was the next door down on the other side of Paul's  
7 room.

8 Q. So which of the bunk rooms is closest to the galley:  
9 yours, Paul's, or Pete's and Jack's?

10 A. I'd say, well, all the doors like led into --

11 Q. Sure. Of the three bunk rooms --

12 THE COURT: Keep your voice up, Ms. Bryant.

13 THE WITNESS: Okay.

14 Q. Of the three bunk rooms: yours, the one that Pete and  
15 Jack shared, and the one that Paul had, was one of those  
16 closest to the galley or not?

17 A. They all led into the galley.

18 Q. How many bathrooms were there on board that boat?

19 A. One to my knowledge.

20 Q. Where was that located?

21 A. It was on the galley floor across from Peter and Jack's  
22 room.

23 Q. Was that the one -- was that a commonly shared one?

24 A. Yes.

25 Q. All right. Do you know if there was a lock to that



1 door?

2 A. Yes.

3 Q. So the refrigerator or freezer that was in your room,  
4 who had access to it?

5 A. Everyone.

6 Q. Okay, and how large or small was your bunk bed; could  
7 you give any dimensions?

8 A. I would say like four feet by -- well, it was kind of an  
9 L shape. It was four feet by maybe like eight feet.

10 Q. Best estimate?

11 A. Yes.

12 Q. How many beds were in there?

13 A. There were two.

14 Q. Okay. On other trips that you've gone on have you  
15 stayed in even smaller bunk rooms?

16 A. Yes.

17 Q. Yeah, okay. In the bathroom could you just tell us  
18 what was located in the bathroom?

19 A. A sink, toilet, and then the shower.

20 Q. Okay, and where did the captain sleep during the course  
21 of this trip?

22 A. In the wheelhouse.

23 Q. Was there a bed up there?

24 A. Yes.

25 Q. And did you perform the -- you talked about that you

1 first encountered Jack when you came on that boat?

2 A. Yes.

3 Q. At some point did you have an opportunity to see the  
4 captain when you -- after you got on that boat on July 8th?

5 A. Yes.

6 Q. And the other two crew members?

7 A. Yes.

8 Q. Did you perform a safety check on that day?

9 A. Yes.

10 Q. Who did you perform it with?

11 A. Paul. First we were going over the safety, if I had any  
12 safety questions and concerns; and then when Clark came on  
13 board, he took over.

14 Q. In addition to Jack, did you identify yourself to Paul  
15 and to the captain and also to Pete?

16 A. Yes.

17 Q. And who did you identify yourself as and what?

18 A. Tamara, the at-sea monitor for this trip.

19 Q. When you first encountered the captain on board that  
20 boat, what was his tone of voice toward you?

21 A. He -- just he seemed just a little I guess frustrated  
22 but it seemed to go okay afterwards.

23 Q. When you contacted Mr. -- Captain Sandler by phone,  
24 just to back you up for one second, in addition to  
25 identifying who you were --

1 A. Yes.

2 Q. -- and what your job was, were you also responsible for  
3 explaining what your duties would be?

4 A. Yes.

5 Q. Now, when you went on the boat, did you have that same  
6 responsibility of explaining what your duties were?

7 A. Yes.

8 Q. Did you do that --

9 A. Yes.

10 Q. -- to the captain?

11 A. Yes.

12 Q. Once all of the crew members, Paul, Peter, Jack,  
13 yourself and the captain were on board that boat, did the  
14 board leave port in Gloucester?

15 A. Yes.

16 Q. And approximately how long did it steam out?

17 A. Between I think 8 to 12 hours.

18 Q. I'm sorry, I already asked you that; I apologize.

19 Focus your attention on the deck of that boat, did you have  
20 a particular work space area?

21 A. Yes.

22 Q. And generally could you just tell us in relation to  
23 where the nets would be located on deck where would your work  
24 space be?

25 A. My actual work space was right near the nets on the

1 boat. It was just like in a checker pen where they dumped  
2 the fish in that little area, and then that's where I would  
3 stand and do my collection.

4 Q. Can I have the exhibits being published to the jury?

5 THE COURT: That's fine.

6 Q. Can I put up another copy of the same, which is Exhibit  
7 No. 2 on the overhead?

8 Ms. Bryant, Exhibit No. 2 is -- let me put it on the  
9 overhead. Is there anywhere on this particular exhibit of  
10 the Sea Farmer II that would depict where your work area was  
11 located?

12 A. Yes.

13 Q. And if, with the Court's permission, if she can come  
14 down and just indicate on the screen area so that the jury  
15 can see where would your work area be?

16 A. It's kind of on the other side of the sign, but there's  
17 like an area of the checker pen --

18 Q. You have to speak up.

19 A. There's a checker pen on the other side where they  
20 would dump the fish from the coddling, and so I would work  
21 in this area (gesturing) and sometimes just like right  
22 behind this sign (gesturing).

23 Q. What is located in the top right side of Exhibit 2?

24 A. There's a net they're coddling.

25 Q. And what's coddling?

1 A. It's just a net where they dump their fish they've  
2 selected while fishing.

3 Q. And you talked about the word checker pen?

4 A. Yes.

5 Q. Could you just tell us what does that mean?

6 A. A checker pen is just they'll put boards up just to  
7 keep the fish in one place, and then remove it when they  
8 need to.

9 Q. Okay. You can step back down, if you would, and I want  
10 to ask you: when a haul came in on the Sea Farmer II and  
11 you were working on the deck, would there be anyone else on  
12 the deck?

13 A. Yes.

14 Q. And who else would be on the deck?

15 A. Peter, Paul, and Jack.

16 Q. Okay. And would there be particular locations that  
17 either Peter, Paul, and/or Jack would be when they were on  
18 the deck or did it vary?

19 A. They usually were in the same location, but they would  
20 switch. Sometimes they would switch amongst themselves  
21 where they were positioned.

22 Q. And where would they be positioned in relation to you  
23 just in general; and if you need to get up, you can.

24 A. Usually, if I was just right say in here (gesturing),  
25 they would be like right there. It was pretty close

1 quarters so we were pretty close to each other.

2 THE COURT: Keep your voice up.

3 A. So we were pretty close to each other.

4 Q. So when a haul would come in, tell us, you can sit down,  
5 what would happen in terms of what would you do, what would  
6 they do, if you know?

7 A. Well, the captain said not to go out on deck when they  
8 were bringing the bag on board so I'd stay kind of not in  
9 the galley but there's a little deck kind of inside the boat  
10 where I would stand and wait for it to come -- to cut the  
11 bag to come on board; and then when they dumped it into the  
12 checker pen, then I'd go outside and start.

13 Q. Okay, and I'm going to ask you, I'm going to put a copy  
14 of Government Exhibit 1 on, and ask you: is the wheelhouse  
15 depicted anywhere in this Government Exhibit 1?

16 A. Yes.

17 Q. Okay, and could you just step down and just point out  
18 to the jury where is the wheelhouse located where the  
19 captain is located?

20 A. Right here (gesturing).

21 Q. Okay, and where in relation to the wheelhouse would  
22 the deck area be located that you would have to work on?

23 A. It's below like down, down here (gesturing).

24 Q. Okay. Just for orientation, could you point out  
25 where's the front of the boat?

1 A. Right here (gesturing).

2 Q. And the rear of the boat?

3 A. Right there (gesturing).

4 Q. Okay. It's on the left side in this photo?

5 A. Yes.

6 Q. And the front is on the left?

7 A. Yes.

8 Q. And where are the fishing nets located?

9 A. They're on the back of the boat.

10 Q. Okay. And your work space, do you work on the floor of  
11 the deck itself or do you work elsewhere when you're out  
12 there?

13 A. It's usually on the floor like.

14 Q. What, if any, responsibility do you have as it relates  
15 to the discards, fish that came on the boat that had to be  
16 discarded?

17 A. I just need to get a weight, and sometimes I count what  
18 they're not keeping.

19 Q. Okay, and you can resume your position on the stand.  
20 When you have to do the weight and the count, what position  
21 or positions are you in when you're working on that boat?

22 A. Sometimes I have to bend over, sometimes I'm on the  
23 ground studying, sometimes standing up, but, mostly, I have  
24 to bend over because the checker pen's so low.

25 Q. So the haul comes in and the crew members do their

1 jobs, and then at what point do you get to go on the deck  
2 and do your job after the haul comes in?

3 A. After the fish gets dumped into the checker pen, yeah.

4 Q. And is there a certain percentage of hauls that you're  
5 supposed to sample or monitor during the course of a trip?

6 A. About 75% of the hauls.

7 Q. And, by the way, when you first encountered Jack, the  
8 defendant, when you first walked on the boat, how long  
9 would you estimate you were on the boat before you came  
10 into contact with him?

11 A. Maybe a couple minutes, not even. It was pretty fast.

12 Q. Had the vessel -- no, strike that. When the defendant  
13 made the comment to you, where was the boat located?

14 A. At the dock.

15 Q. Did others get on the boat after you?

16 A. Yes.

17 Q. Was anybody else around when the defendant made that  
18 first comment to you?

19 A. No.

20 Q. After he made that comment to you what, if anything,  
21 did you do?

22 A. I just, you know, brushed it off and I just went to my  
23 room, and I just laughed it off.

24 Q. Why did you do that?

25 A. I wasn't sure how to take it.



1 Q. When, if at all, did you ever make any sexual gesture  
2 or sexual statement to the defendant?

3 A. Never.

4 Q. Okay. And when you went to your room, did you bring  
5 your items, your personal items, with you?

6 A. Yes.

7 Q. The boat left, it steamed out for approximately 8 to 12  
8 hours; what, if any, responsibilities did you have as a  
9 monitor during the course of the steaming of the vessel?

10 A. I just made sure, you know, all of my, you know, papers  
11 and everything and my sampling equipment was working and  
12 ready when -- so when fishing occurred, I was prepared.

13 Q. You can't do any of your data collecting until there's  
14 an actual haul, correct?

15 A. Yes.

16 Q. And were there any hauls during the course of the 8 to  
17 12 hours of steaming out in that vessel?

18 A. No.

19 Q. And did you remain in a particular area or where did  
20 you stay during the course of the steaming of that vessel  
21 out to the ocean?

22 A. I stayed in my stateroom.

23 Q. How, if at all, did Jack's behavior toward you change  
24 during the course of that trip?

25 A. He was starting getting more, I guess, friendly, more

1 comfortable with his comments, his sexual comments to me and  
2 gestures.

3 Q. Okay, and did this continue during the course of the  
4 trip?

5 A. Yes.

6 Q. How?

7 A. It just kept getting worse. He made statements more  
8 often and started to become, I guess, more physical.

9 Q. What type of or types of comments or words was Jack  
10 saying to you, not specifically but just in general what  
11 types of comments were they?

12 A. They were sexual comments.

13 Q. Okay. Isolated or throughout the course of the trip?

14 A. Throughout the course of the trip.

15 Q. When, if at all, were these comments graphic?

16 A. They were pretty graphic most of the time.

17 Q. How did the comments make you feel?

18 A. Scared and insulted, sad.

19 Q. In general, where on the boat did these comments occur?

20 A. Mostly out on deck or in the galley.

21 Q. Okay. Were you doing -- physically performing your  
22 job duties during the time that the defendant made some of  
23 these comments to you?

24 A. Yes.

25 Q. You said that you were scared?

1 MR. WATKINS: Objection, your Honor, leading again.

2 THE COURT: Is that the whole question or is there  
3 more to the question?

4 Q. There's more. You said you were scared. Who were you  
5 scared of?

6 A. Jack.

7 Q. Why?

8 A. Because I thought he was going to hurt me or do  
9 something, you know, that I didn't want him to do.

10 Q. Okay. Did Jack refer to you by any nicknames during  
11 the course of this trip?

12 A. Yes.

13 Q. Tell us, please.

14 A. Pancake, pumpkin.

15 Q. All right. And when he referred to you as pancake or  
16 pumpkin, what, if anything, did you tell him when he said  
17 that to you?

18 A. I told him I didn't like him calling me, you know,  
19 those names, especially pumpkin because that's what my dad  
20 calls me, you know, because I'm his little girl; and I  
21 didn't like that at all, that he was saying that to me.

22 Q. Did you tell him not to call you that?

23 A. Yes.

24 Q. Did he comply with your request?

25 A. No.

1 Q. Did he continue to call you that?

2 A. Yes.

3 Q. Regarding the word pancake that you talked about,  
4 what, if anything, did Jack say to you besides calling you a  
5 pancake?

6 A. He said he wanted to butter me up. He also called me  
7 Mrs. Butterworth and Aunt Jemima.

8 Q. Did he make any comment to you about syrup?

9 A. Yeah, he said that he wanted to pour it all over me.

10 Q. What was your reaction, if any, to these statements?

11 A. I was horrified, upset.

12 Q. During any of the comments that I've just asked you  
13 about, to your knowledge was there ever anyone else present  
14 when Jack said these things to you?

15 A. Yes.

16 Q. All right. And what, if any, reactions or observations  
17 did you make about the other or others that were present  
18 when Jack made these comments to you?

19 A. They --

20 MR. WATKINS: I'm going to object, your Honor.

21 THE COURT: Can you please repeat the question  
22 again, Ms. Sullivan?

23 MS. SULLIVAN: Sure.

24 Q. What, if any, reaction did you observe on the person or  
25 persons that were present when Jack made these comments to

1 you?

2 MR. WATKINS: Objection.

3 THE COURT: Overruled. Go ahead, you can answer.

4 A. They looked --

5 MR. WATKINS: Objection. I don't know who "they" is.

6 Q. Who is "they"?

7 A. Paul and Peter --

8 Q. Thank you.

9 A. -- were shocked that he said some of these things, and,  
10 you know, Peter also said that --

11 MR. WATKINS: Objection, your Honor.

12 THE COURT: Sustained.

13 Q. Not what but yes or no, did somebody say something to  
14 Jack after he made these statements to you, not what was  
15 said but did anybody say anything to him?

16 A. Yes.

17 Q. And which person or persons said something to Jack  
18 after he made these comments to you?

19 A. Paul.

20 Q. Okay. Now, let me ask you: was Captain Sandler  
21 present during the course of the comments that Jack made to  
22 you throughout the course of this trip?

23 A. No.

24 Q. Where was he located primarily during the entire trip?

25 A. The wheelhouse.

1 Q. Did you take these comments to be sexual comments?

2 A. Yes.

3 Q. How did they make you feel?

4 A. Like scared, I was disgusted, felt violated.

5 Q. I want to ask you to focus on what, if any, comments  
6 Jack made to you about your body during the course of that  
7 trip. Could you tell us if he made any comments about your  
8 body?

9 A. Yes, he did.

10 Q. Okay. What did he say?

11 A. He said that he wanted to, he just kept mentioning  
12 stuff that he wanted to do to me and --

13 Q. Okay. Let me ask you, did he focus on a particular  
14 area of your body? I want you to focus on your back side  
15 or buttocks area.

16 Did Jack Cusick make any statements to you about your  
17 buttocks?

18 A. Yes.

19 Q. What statements did he make to you?

20 A. He said he wanted to slap it, and he just would talk  
21 about how big he thought it was, and that he could see it  
22 from certain places where I was working or just walking  
23 around.

24 Q. And did he call your back side your back side or your  
25 buttocks?

1 A. No.

2 Q. What word or words did Jack refer to your buttocks as?

3 A. Ass.

4 Q. Okay. What, if any, comments did he make about the  
5 size as he described your ass?

6 A. He said it was really big.

7 Q. Okay. As a result of the comments that he made, what,  
8 if anything, did you do in terms of how you walked when you  
9 would be in the presence of Jack?

10 A. I tried to walk so that I was always facing him, never  
11 turned like back to him because he could always say something  
12 that I didn't like.

13 Q. How often did you refer to your ass?

14 A. Very often.

15 Q. What, if anything, did Jack say to you when he was  
16 across the room from you about your back side?

17 A. I think one is I can really see that thing from over  
18 here.

19 Q. Focus your attention during the course of this trip  
20 between July 8th and July 14th, do you recall being out on  
21 deck working as a monitor, bending over, collecting your  
22 discards for one of the hauls?

23 A. Yes.

24 Q. And during the course of doing that, what, if anything,  
25 did the defendant say to you when you were bending over?

1 A. He liked the view from here in like this really sexual  
2 manner.

3 Q. How so?

4 A. He was holding it in front of him, and then he just  
5 sprayed it on me, and I was still like collecting my samples  
6 and the discards.

7 Q. As a result of the statements and the actions of Jack,  
8 when, if at all, did you move on deck where you were doing  
9 your job?

10 A. Well, I moved so that I wasn't -- when I like had to  
11 bend over to pick things up so that I wouldn't do that so he  
12 couldn't make a comment.

13 Q. And did you work elsewhere on the boat farthest away  
14 from him?

15 A. Yes.

16 Q. How often?

17 A. As much as I could.

18 Q. Why?

19 A. Because I felt like -- I don't know; I guess I just  
20 felt trapped when I was near him and --

21 Q. Ms. Bryant, do you recall a time during the 8th through  
22 the 14th, but not the last day, excluding the last day of  
23 the trip, when you were in the wheelhouse speaking with  
24 the captain and had an opportunity to hear Jack say  
25 something to you?



1 A. Can you repeat that, please?

2 Q. Sure. First of all, the wheelhouse itself, is there a  
3 doorway anywhere connecting the wheelhouse to the deck?

4 A. Yes, there's stairs. Yes.

5 Q. Okay. And do you remember at any point in time being  
6 in that area of the stairs that connects up to the  
7 wheelhouse and having a chance to speak with the captain  
8 when the defendant made a statement to you while he was down  
9 in the stern area?

10 A. I don't really remember.

11 Q. Okay. What, if any, comments did Jack Cusick make to  
12 you about a swimsuit or your birthday suit?

13 A. Oh, we were at the galley and he asked me if I brought  
14 my swimsuit on board, and I told him: No, I don't, I don't  
15 bring my swimsuit, you know, to work. And he said: Well,  
16 if you don't, you know, have one, you can wear a pair of my  
17 underwear or -- but I prefer you in your birthday suit.

18 Q. And what did you believe he meant by the phrase  
19 "birthday suit"?

20 A. Without clothes on.

21 Q. Did you agree to do that?

22 A. No.

23 Q. Did you ever put on a bathing suit?

24 A. No.

25 Q. Did you ever borrow his underwear?

1 A. No.

2 Q. Were you appropriately dressed in your estimation when  
3 you were doing your job?

4 A. Yes.

5 Q. Based on the job responsibilities that you had as an  
6 at-sea monitor, would it be fair to say you had to be in  
7 close physical contact with the deck and crew members when  
8 they were on board doing their jobs too?

9 A. Yes.

10 Q. When, if at all, did you ever leave an area after the  
11 defendant made a comment about you?

12 A. Could you repeat that?

13 Q. Sure. When, if at all, did you ever leave an area or a  
14 room as a result of the comments that the defendant made to  
15 you?

16 A. Mostly as much as I could.

17 Q. How often did you make eye contact with Jack Cusick  
18 after he started making these statements to you?

19 A. Not much. I usually just looked down or just looked  
20 away.

21 Q. When you would have to have meals in the galley with  
22 Jack, how often -- how fast or slow would you eat your  
23 meals?

24 MR. WATKINS: I'm going to object, again, your Honor,  
25 to the leading here.

1 THE COURT: It is leading. Why don't you rephrase  
2 it.

3 Q. Tell us about the meals you ate in the presence of Jack  
4 Cusick.

5 A. They became awkward. Paul, Peter, and Jack would all  
6 sit at the galley, and at first everything was fine, you  
7 know, and then all of a sudden comments were made and just  
8 I started -- usually, I would try to eat my food really fast  
9 if something was going in a not so nice a direction so I'd  
10 leave.

11 Q. And go where?

12 A. In my room, my stateroom.

13 Q. And who was making the comments?

14 A. Jack.

15 Q. What, if anything, did Jack say to you about your hair?

16 A. He said that he wanted to pull my hair.

17 Q. How long would you estimate your hair was back on the  
18 trip that you took out on July of 2010?

19 A. Shoulder length.

20 Q. What, if anything, did you wear in your hair when you  
21 would perform your duties out on deck?

22 A. I'd wear a bandana.

23 Q. Okay. When, if at all, did Jack Cusick ask you for sex  
24 while you were on that trip?

25 A. All the time.

1 Q. Do you recall two occasions on the same day?

2 A. Yes.

3 Q. How far into the trip would you estimate you were when  
4 he made these statements, if you know?

5 A. I'm not sure.

6 Q. Okay.

7 THE COURT: Is this a good time to take the morning  
8 break?

9 MS. SULLIVAN: If I could just follow up with one or  
10 two questions and then sure, with the Court's permission?

11 THE COURT: Sure.

12 Q. Would your memory be refreshed if I showed you a prior  
13 statement?

14 MR. WATKINS: I don't think she said she didn't  
15 remember, your Honor; that's not how I remember the answer.

16 THE COURT: I thought she said she didn't remember,  
17 all right.

18 Q. Showing you -- you testified in the grand jury in this  
19 case?

20 A. Yes.

21 Q. I'm showing you your grand jury transcript from  
22 November 3rd of 2010; for reference, Page 272. I'm going  
23 to ask you if you would read to yourself lines 4 through  
24 Line 10; and when you're done, you can look up?

25 Have you had a chance to review that?

1 A. Uh-huh.

2 Q. Does it refresh your memory as to how far into the trip  
3 you were when Jack made the two requests for sex on the same  
4 day?

5 A. Mid trip.

6 MS. SULLIVAN: Okay. Thank you, your Honor.

7 THE COURT: All right. Ladies and gentlemen, we'll  
8 take the morning break now, and we'll come back at about  
9 11:30 or 11:35. All rise for the jury.

10 (Whereupon, the jury exited the courtroom. )

11 THE COURT: You can be seated. Just in terms of  
12 timing, Ms. Sullivan -- you can sit down, Ms. Bryant --  
13 about how much longer do you think you'll be to the extent  
14 you can reasonably estimate?

15 MS. SULLIVAN: I'd say 45 minutes.

16 THE COURT: Okay.

17 MS. SULLIVAN: Maybe a little less.

18 THE COURT: All right.

19 MS. SULLIVAN: That's my best guess.

20 THE COURT: So we'll go until 1 and then we'll take  
21 a break and then come back probably 2:15 so the jurors can  
22 have lunch and then we'll go until we're done or we should  
23 finish before the end of the day, don't you think?

24 MR. WATKINS: So we're only going to the extent  
25 it's Ms. Bryant, we're not going onto another witness to the

1 extent --

2 THE COURT: We'll only go on to another witness if  
3 it's before 1:00. So if we finish Ms. Bryant before 1:00,  
4 then we'll proceed with another witness and keep going  
5 until 1 and then we'll be done.

6 The only reason I'm going past 1 is because I understand  
7 that Ms. Bryant came in from California, and I think we  
8 should just try to finish Ms. Bryant so she can go back to  
9 California either as soon as she's done or whenever she  
10 wishes.

11 So if we go into the afternoon, we'll go into the  
12 afternoon and we'll go until we're done with Ms. Bryant and  
13 then we'll suspend for the day. If we're close one thing  
14 I'll probably ask you, Mr. Watkins, if it's 1:00 and you  
15 think you have 15 more minutes, I might prefer to keep going  
16 than break for lunch and then come back for 15 minutes.  
17 We'll just see where we are.

18 MS. SULLIVAN: I would prefer that given her flight  
19 schedule. That would be great. Thank you.

20 THE COURT: Right. Okay. We're adjourned. Why  
21 don't you come back a couple minutes before, a little before  
22 say 11:35 so we can get the jury at 11:35 and begin then.  
23 Thank you.

24 THE CLERK: This matter's adjourned.

25 (Whereupon, a brief recess convened at 11:13 a.m.)

1 THE CLERK: All rise. The Cusick session is back in  
2 session.

3 THE COURT: Everyone ready to go? Ms. Bryant, why  
4 don't you take the stand again; and, Maria, want to go get  
5 the jury?

6 THE CLERK: Yes.

7 THE COURT: Remember to keep your voice up in a nice  
8 loud voice. It needs to be louder than you normally think  
9 it needs to be.

10 THE CLERK: All rise for the jury.

11 (Whereupon, the jury entered the courtroom.)

12 THE COURT: Please be seated. Thank you.  
13 Ms. Sullivan, you can continue.

14 Q. Ms. Bryant, when we left off before the break I asked  
15 you some questions about Jack wanting you to have sex with  
16 him. I want to ask you now if you can tell us what specific  
17 statements you remember him saying relative to that, to you  
18 I mean to say?

19 A. Asking me if I wanted to go downstairs in the fish hold.

20 Q. Where's the fish hold?

21 A. It's under the deck.

22 Q. And what's kept in the fish hold?

23 A. The fish that they catch from -- they bring on board  
24 and they keep it frozen down there on ice.

25 Q. Do any of your job responsibilities require you to be

1 in the fish hold?

2 A. No.

3 Q. Are you supposed to be down there?

4 A. No.

5 Q. When you said he asked you if you wanted to go down the  
6 fish hold, did he give you any explanation?

7 A. No. He just said: Hey, you want to go in the fish  
8 hole? I'll show you what's in there, and --

9 Q. What did you take that to mean?

10 A. That he wanted to do something else in the fish hold.

11 Q. With you?

12 A. With me, yes.

13 Q. And do you remember other statements that he made to  
14 you specifically about sex?

15 A. Yes.

16 Q. Tell us about those, please.

17 A. There was one time he said that he wanted to, he wanted  
18 to spread my legs on the galley room table.

19 Q. Did you take that to mean he wanted to have sex with  
20 you?

21 A. Yes.

22 Q. What, if anything, did you say in response when he made  
23 that statement?

24 A. No, and I just left. That's it.

25 Q. No and you just left?



1 A. I just went to my stateroom.

2 Q. Okay. Again, what did you take it to mean when he made  
3 that statement to you about the galley table?

4 A. I felt that he wanted to have sex with me.

5 Q. Did Jack Cusick ever speak very graphically about sex  
6 when he spoke to you?

7 A. Yes.

8 Q. And what type of statement do you remember him making  
9 to you that was very graphic about sex? Do you remember  
10 what the words were?

11 A. Yes.

12 Q. Are you having difficulty saying them?

13 A. Yes.

14 Q. I'm going to ask you if you could remember the nature  
15 of the words that the defendant said to you, not necessarily  
16 words that you would use yourself? Could you just tell us  
17 what you remember him saying?

18 A. He said that he wanted to tear my pussy up.

19 Q. Okay. What else do you remember him saying to you  
20 about sex?

21 A. That it would only take -- or if it takes only a week,  
22 a month, or a year, he always gets what he wants.

23 Q. Do you remember him making any other statement to you  
24 specifically about having a piece of him?

25 A. Like once -- yeah. Once I got a piece of him, I'd

1 never want anything else.

2 Q. And how, if at all, did you respond to these comments?

3 A. I just, you know, usually looked down, walked away, or  
4 asked him why he would say that; you know, why he would say  
5 those things to me.

6 Q. And what, if any, response would he give you?

7 A. He'd just laugh.

8 Q. By the way, outside of Jack Cusick during the course of  
9 that trip did anybody else make any sexual comment to you?

10 A. No.

11 Q. During the course of that trip did anybody else make  
12 any sexual gesture toward you?

13 A. No.

14 Q. And during the course of that trip did anyone else  
15 assault you?

16 A. No.

17 Q. What town did you live in when you went on that boat  
18 trip?

19 A. Gloucester.

20 Q. And did you know where Mr. Cusick lived when you went  
21 on that boat trip?

22 A. No. He said down in Gloucester. I wasn't sure exactly  
23 where.

24 Q. I want to focus your attention, if I could, on some  
25 of your personal items, specifically your soap and your

1 washcloth.

2 Did Jack Cusick make any comments to you about your  
3 soap and your washcloth?

4 A. Yes.

5 Q. What did he say?

6 A. He said that he sucked on them.

7 Q. On the washcloth and the bar of soap?

8 A. Yes.

9 Q. And did you leave those items in any particular  
10 location?

11 A. I left them in the, in the bathroom.

12 Q. Okay. And that was the bathroom that was commonly  
13 shared by everybody, correct?

14 A. Yes.

15 Q. Focus on your toes. What, if any, statement did the  
16 defendant make to you about your toes?

17 A. He said he wanted to suck on them.

18 Q. Focus on your own personal underwear, not the  
19 defendant's; what, if anything, did he say about your  
20 underwear?

21 A. He asked if he could have a pair, and, also, I said no,  
22 and he said that, well, maybe he did; he insinuated that he  
23 took a pair anyway.

24 MR. WATKINS: I'm going to object, your Honor, to  
25 the part that started with insinuated.

1 THE COURT: Overruled.

2 Q. What, if any, statement did Jack Cusick make to you  
3 about the shower door himself?

4 A. I believe -- I'm not sure about the shower door.

5 Q. Okay. Let me ask you: did the shower door have a lock?

6 A. No.

7 Q. Okay. And what, if anything, did the defendant say to  
8 you about showering with you?

9 A. He asked if he could shower with me, and I said no.  
10 And then he made the comment that: Well, you know, the  
11 bathroom lock doesn't work anyway.

12 Q. Did that concern you at all?

13 A. Yes.

14 Q. How?

15 A. I didn't want to take showers anymore on the boat.

16 Q. Did you change the way you showered or how often you  
17 showered?

18 A. Yes.

19 Q. How so?

20 A. I didn't shower anymore after that.

21 Q. And how far into the trip would you estimate that was  
22 when you stopped taking showers?

23 A. I'm not sure but I think it could have been --

24 MR. WATKINS: Objection.

25 THE COURT: Sustained.

1 Q. Was it the first day --

2 MR. WATKINS: Objection.

3 Q. -- if you know?

4 MR. WATKINS: Objection, leading.

5 THE COURT: Sustained.

6 Q. Focus your attention on the first day, how many showers  
7 did you take?

8 MR. WATKINS: I'm going to object, your Honor.

9 THE COURT: Rephrase the question. It's kind of  
10 leading.

11 Q. Do you recall how many showers you took when you were  
12 on this trip?

13 A. I'd say maybe about three.

14 THE COURT: Ladies and gentlemen, leading questions  
15 -- direct questions are ones that do not suggest the answer,  
16 and, ordinarily, when you examine your own witness, you ask  
17 direct witness; and then on cross-examination, it's the  
18 other way: when you ask questions of the witness,  
19 ordinarily that person may ask leading questions.

20 Sometimes the leading questions are permissible even  
21 when it's your own witness because there's preliminary  
22 matters or other issues, so that's what the difference  
23 between a leading question, one that suggests the answer,  
24 and a direct question, one that leads to the witness  
25 answering.

1 Q. Ms. Bryant, I asked you how far into the trip you  
2 thought you were when you stopped taking showers, do you  
3 recall? If I showed you your grand jury transcript, might  
4 that refresh your memory?

5 MR. WATKINS: Objection.

6 THE COURT: Sustained.

7 Q. While you were sleeping in your bunk during the  
8 course of that trip were there any occasions when you were  
9 awakened?

10 A. Yes.

11 Q. Tell us about those, please.

12 A. Well, one of the times was I was -- I just woke up  
13 suddenly. I guess like just like I felt like I should wake  
14 up. I just woke up. I'm not sure what made me wake up; I  
15 just woke up, and Jack was hanging in the doorway of my room.

16 Q. Who, if anyone, was he with when he was standing in the  
17 doorway of your room?

18 A. He wasn't with anyone.

19 Q. Okay, and tell us whether your door was open or closed  
20 at the time that you saw him there?

21 A. It was open.

22 Q. How far away would you estimate Jack was standing in  
23 front of you when you were in your bed and you woke up at  
24 that time?

25 A. A couple feet.

1 Q. And what, if any, obstructions were there between you  
2 and him when you saw him -- well, let me rephrase that.  
3 Was there anything in between the two of you?

4 A. No.

5 Q. Okay. Could you clearly see him?

6 A. Yes.

7 Q. Any difficulty deciphering who it was?

8 A. No.

9 Q. What, if anything, did he say to you when he was  
10 standing there?

11 A. I don't remember if he said anything.

12 Q. Would your memory be refreshed if I showed you the  
13 grand jury transcript?

14 A. Yes.

15 MS. SULLIVAN: With the Court's permission, if I may  
16 approach?

17 THE COURT: You may.

18 Q. Grand jury Page 69, I'm showing you again a copy of  
19 the grand jury transcript from November 3rd, 2010. I'm  
20 going to ask you to read to yourself on Page 69, lines 6  
21 through 8; and when you're done, just look up?

22 Have you had a chance to look at that?

23 A. Yes.

24 Q. Does that refresh your memory as to what, if anything,  
25 Jack said to you when he was standing in the doorway to your

1 room?

2 A. Yes.

3 Q. What did he say?

4 A. "I like watching you sleep," and I told him: Go away.

5 Q. I want to ask you, if I could, to focus on Jack's  
6 hands, fingers, and mouth. What, if any, gestures did he  
7 make to you on board that boat between the 8th and the 14th  
8 using those body parts?

9 A. Well, he put his hands up like, in like a V shape.  
10 Like I guess like a V sign, and then he put it up to his  
11 mouth and then like flickered his tongue at me.

12 Q. Okay. So a V shape?

13 A. Yeah.

14 Q. With his fingers?

15 A. Uh-huh.

16 Q. And would that be his index finger and his middle  
17 finger?

18 A. Yes.

19 Q. Okay. What was your response, if any?

20 A. I'd just move away, turn away.

21 Q. And now I want to focus your attention on Mr. Cusick's  
22 hands, do you recall at any point in time whether he tried  
23 to shake your hand?

24 A. Yes.

25 Q. Tell us about that, please.



1 A. I was on my way out to go start working on deck, and he  
2 wouldn't let me pass, and he said, you know, the only way he  
3 was going to let me, you know, get through, is if I shook  
4 his hand. And so I finally said: All right, you know, I  
5 need to get to work. And so he, you know, took my hand, and  
6 he like, like kind of massaged or rubbed his finger in the  
7 middle of my palm. It just was really uncomfortable and  
8 like I moved my hand away and I was kind of able to get  
9 past, but it felt really sexual and uncomfortable.

10 Q. How many times after that occasion did you ever shake  
11 hands with him again during that trip?

12 A. None.

13 Q. And, by the way, do you recall whether the defendant  
14 ever made any statements about where on the boat he wanted  
15 to sleep?

16 A. He asked if he could sleep in my bunk with me, and I  
17 said no.

18 Q. I asked you awhile ago about the clothing that you  
19 wore while you worked on deck. I just want to ask you, if I  
20 could, underneath your clothing like the outer layer at the  
21 top --

22 A. Uh-huh.

23 Q. -- did you wear a particular type of underwear?

24 A. Yes.

25 Q. And what was that?

1 A. A sports bra.

2 Q. Okay. Did Jack Cusick make any comments to you while  
3 you were working on deck about your clothing and having a  
4 sports bra underneath your clothing?

5 A. Yes.

6 Q. Tell us what he said about that?

7 A. It was -- I was actually in the galley and he -- I  
8 don't know if maybe I was cold or something, but I didn't  
9 feel cold but he commented, said that my nipples were hard,  
10 and he said that he thought they probably were really big  
11 and round. And I just got up and went to my -- in my room  
12 and put a sweatshirt on.

13 Q. Why did you do that?

14 A. Because I felt really uncomfortable and like just  
15 violated and just embarrassed.

16 Q. Who else was in the galley when he made that particular  
17 statement?

18 A. Paul and Peter.

19 Q. And the paperwork that you were required to fill out  
20 during the course of working on board that boat, in general,  
21 would there be a particular location that you did that work?

22 A. At the galley table.

23 Q. And, by the way, how many tables were there in the  
24 galley?

25 A. Just one.

1 Q. Do you know what is referred to as a lobster band?

2 A. Yes.

3 Q. B-a-n-d. What is that?

4 A. Usually, the fishermen, if they have lobster on board,  
5 they'll put on the bands so the lobsters won't damage each  
6 other and injure anyone else as well.

7 Q. What, if anything, did you see Jack do with the lobster  
8 bands during that trip?

9 A. I was out on deck, and he asked if I could see my hand  
10 and I said no. I had gloves on, and he took a lobster band  
11 and put it on my ring finger, and he told me not to take it  
12 off, and that he would be upset if I took it off. And he  
13 also -- I took it off and later on there was a lobster band  
14 on my pillow in my bunk, and before I left he had filled up  
15 one of my boots with lobster bands.

16 Q. Ms. Bryant, did you ever have any conversation with  
17 Jack Cusick about the appropriateness of the statements he  
18 was making to you?

19 A. Yes.

20 Q. Tell us about that.

21 A. I just asked him why he was making these comments, and  
22 he said that he had a daughter, and I said that: Well, you  
23 wouldn't want anyone to talk to your daughter the way you're  
24 speaking to me, and why are you doing this to me, and, you  
25 know, my family wouldn't appreciate that.

1 Q. Did he stop the comments after you said that?

2 A. No.

3 Q. I want to direct your attention, if you could focus on  
4 the second to last day of the trip so July 14th of 2010,  
5 okay? You docked the following day. On that particular  
6 date, Ms. Bryant, did you present or give anything to Jack  
7 Cusick?

8 A. The observer harassment letter.

9 Q. Okay, and where were you located on the boat when you  
10 did that?

11 A. In the galley.

12 THE COURT: I think it might be -- I think that it's  
13 there. If not --

14 Q. I'm sorry, you were in the galley?

15 A. Yes.

16 Q. Okay. And describe to us, if you would, what happened  
17 to cause you to show the harassment letter?

18 A. I'm not sure what had happened. I just felt like, you  
19 know, I guess just got frustrated, and I just felt like I  
20 needed to give him this, and I'm not sure what like made me,  
21 but something happened that just made me feel like he had  
22 to have this.

23 Q. And where did you keep the harassment notice before you  
24 showed it to him?

25 A. I kept it in, like I have a little file with notes -- a

1 compartment that I keep it in with all my, you know, work; I  
2 have a collection of papers.

3 Q. Would that be in your bunk room?

4 A. Yes, in my bunk room.

5 Q. So on that date, on July 14th, did you go and get the  
6 harassment notice?

7 A. Yes.

8 Q. And what did you do with it in relation to Jack Cusick?

9 A. I gave it to him.

10 Q. Okay. I'm going to put Exhibit 7 on the overhead. Is  
11 this a black-and-white copy?

12 A. Yes.

13 Q. Did you show him a black-and-white copy?

14 A. Yes.

15 Q. And is this a black-and-white copy of that copy?

16 A. Yes.

17 Q. And when you showed it to Jack Cusick, what was his  
18 initial reaction; what were his words?

19 A. He laughed.

20 Q. Okay. Was anyone else around when you showed that  
21 harassment notice to the defendant?

22 A. No.

23 Q. What did you see him do with that harassment notice  
24 after you gave it to him and left?

25 A. He took it and he went up to the wheelhouse.

1 Q. After he went up to the wheelhouse, did you see him go  
2 anywhere else?

3 A. I believe he went into the stateroom with it and then  
4 came out and went upstairs.

5 Q. And when you showed it or presented it to the defendant,  
6 did you say anything to him?

7 A. I just told him, I was like: You need to read this,  
8 and I said --

9 Q. Now, you said there was other people. Were there other  
10 people directly right with you and Jack or were they in the  
11 area of the galley itself?

12 A. There wasn't anyone near us.

13 Q. Okay. So how long before the defendant went up to the  
14 wheelhouse after you showed him the harassment notice?

15 A. Oh, it was pretty quick ... a minute or two.

16 Q. And where did you go or remain?

17 A. In my stateroom.

18 Q. When the defendant went up to the wheelhouse, do you  
19 know if there was anyone in the wheelhouse?

20 A. I guess I'm assuming the captain was in there because  
21 he was never down on the galley level.

22 Q. And do you have an estimate of how long you recall the  
23 defendant being up in the wheelhouse with that notice?

24 A. Maybe a couple minutes.

25 Q. And then where did he go?

1 A. Then they came back down and went in his room.

2 Q. When you say "they came back down," who came back down?

3 A. Oh, Jack came down; the captain also came down at that  
4 point.

5 Q. When Jack came back down, what did you observe him to be  
6 doing?

7 A. I think he was just laughing.

8 Q. Yes or no, did the captain say anything to you when he  
9 came back down with Mr. Cusick?

10 A. Yes.

11 Q. And where was the defendant when the captain made a  
12 comment or a statement to you?

13 A. He wasn't anywhere nearby; I didn't see him.

14 Q. So the defendant came back down, where were you located  
15 when Mr. Cusick returned from the wheelhouse?

16 A. In my stateroom.

17 Q. Okay. Standing, sitting, lying down?

18 A. I think I was sitting, sitting on my bunk.

19 Q. And how long did the captain speak to you?

20 A. Briefly.

21 Q. Okay. Ma'am, did you ever tell the captain about what  
22 the defendant had done to you during the course of the trip?

23 A. No.

24 Q. How come?

25 A. The captain seemed very frustrated, and, you know,

1 upset that I was on the boat with the new regulations and  
2 collecting the data, and I felt very uncomfortable talking  
3 to him about this.

4 Q. Did Jack Cusick's conduct toward you stop after you  
5 showed him that harassment notice?

6 A. No.

7 Q. Okay. During that eight-day trip, Ms. Bryant, how  
8 often did you hear Jack Cusick make sexual comments to  
9 anyone else on board that boat?

10 A. Never.

11 Q. Yes or no, did you ever confide in any of the crew  
12 members of that boat during that trip of what the defendant  
13 had been doing and saying to you?

14 MR. WATKINS: Objection.

15 THE COURT: Overruled.

16 A. I spoke with, you know, Peter about it. He was around  
17 most of the time and saw what was going on.

18 Q. What about Paul?

19 A. No.

20 Q. Okay, and what was your working relationship with Paul?

21 A. He just seemed angry but we didn't really talk much  
22 about anything.

23 Q. What was your working relationship with Peter?

24 A. It was fine.

25 Q. Ms. Bryant, who, if anyone, on board that boat did you



1 ever have any romantic relationship with?

2 A. None, no one.

3 Q. Okay. The paperwork that you were responsible for  
4 compiling while you were on that boat, we talked about the  
5 hauls; were you also responsible for providing information  
6 about the weather and the wave height and information such  
7 as that?

8 A. Yes.

9 Q. All the information that you've provided to the jury up  
10 until now, this is all information about the defendant's  
11 actions, behaviors, and statements, and gestures to you  
12 from 8th until the day before that trip ended, the 14th?

13 A. Yes.

14 Q. Focus your attention on the last day of the trip, if  
15 you would, July 15th of 2010; what time of the day did the  
16 Sea Farmer II dock in Boston?

17 A. It was early ... maybe 6ish, 6:30, 6:45, I believe.

18 Q. Okay. In the morning?

19 A. In the morning, yes.

20 Q. And did you have a haul in the middle of the night  
21 leading up to this 6:45 departure?

22 A. Yes.

23 Q. Okay. And so when you went to bed after the haul,  
24 ma'am, could you just tell us what type of clothing were you  
25 wearing when you went to bed?

1 A. Sweat -- some sweat pants and then a T-shirt and I  
2 believe I may have had a sweatshirt on.

3 Q. When did you pack your belongings on board that boat?

4 A. Between like after the haul and I took a nap in between  
5 so it was in the middle of the night.

6 Q. Okay, and why did you pack your bag then?

7 A. Because I was ready to get off of the boat.

8 Q. Why?

9 A. I didn't want to stay on there anymore because I was  
10 tired of what was going on and --

11 Q. What was going on with who?

12 A. With Jack. And the captain, you know, offered to take  
13 me to Boston on the boat, but I wanted to get off the boat  
14 in Boston and just be done.

15 Q. That morning, the morning that the boat docked before  
16 you got off the boat, did Jack Cusick do something to you?

17 A. Yes.

18 Q. Had anyone, any of the crew members or the captain,  
19 gotten off the boat when this occurred or was everybody  
20 still on the boat?

21 A. I believe everybody was still on the boat.

22 Q. Okay. Where were you on that boat when something  
23 occurred with the defendant?

24 A. I was in my stateroom.

25 Q. Were you alone?

1 A. Yes.

2 Q. And did somebody come to your stateroom while you were  
3 there just at some point when the boat had docked?

4 A. Yes.

5 Q. Who came to your room?

6 A. Peter and Jack came and knocked on my door.

7 Q. Had you invited either of them there?

8 A. No.

9 Q. What happened after there was a knock at the door?

10 A. Jack just opened the door, and, you know, they just  
11 came to say goodbye. And Jack asked if he could have a hug,  
12 and I just said: No, it's not appropriate, and he just took  
13 a hug anyway, and he stuck his tongue in my ear and wiggled  
14 it, and I just started pushing him away from me.

15 Q. Did he ask you for a hug?

16 A. No.

17 Q. Did he touch you at all?

18 A. No.

19 Q. Now, where were you in the bunk room when Jack and Pete  
20 came into your room?

21 A. I was, I think -- well, I had gotten up because I was  
22 laying down, and I was just standing in the middle.

23 Q. All right. Did you get up because you heard a knock on  
24 the door?

25 A. Yes.

1 Q. Okay. So when Pete and Jack came in, were they  
2 standing?

3 A. Yes.

4 Q. All right, and did you have a brief conversation with  
5 Pete?

6 A. Yes.

7 Q. Okay.

8 A. A nice working with you type conversation.

9 Q. And at that point you say the defendant asked you for  
10 something?

11 A. Yes, he asked for a hug.

12 Q. And you said what?

13 A. I said: No, that's not appropriate.

14 Q. Did he comply with your request when you said no?

15 A. No.

16 Q. And you say he then hugged you. Could you just  
17 describe what position were you in and what position was  
18 the defendant in when he did this?

19 A. I was standing -- Peter was next to him, and I was kind  
20 of standing, you know, in front of both members, just kind  
21 of a type of, you know, tighter space. And then Jack  
22 reached in and grabbed me, and my hands were like kind of  
23 in the middle trying to push -- you know, trying to keep him  
24 away.

25 Q. Your hands were the middle of your body you mean?

1 A. Yeah.

2 Q. And he's facing you?

3 A. Yes, and he's facing me. And then he just grabbed me  
4 and stuck his tongue in my ear and --

5 Q. What did he do with his tongue when he stuck it in your  
6 ear?

7 A. He just wiggled it.

8 Q. Which ear?

9 A. In my right ear, and he was just kind of like breathing  
10 really hard.

11 Q. Now, when you tried to push away, were you successful  
12 in doing that?

13 A. I eventually like was able to get away.

14 Q. But was that after the tongue went in the ear?

15 A. Yeah, that was after.

16 Q. Okay. So the hug itself, could you describe how close  
17 or how tight was it?

18 A. It was tight enough for me not to be able to initially  
19 get away.

20 Q. Did it appear to be a stronghold that the defendant had  
21 on you?

22 A. Yes.

23 MR. WATKINS: Objection.

24 THE COURT: Overruled.

25 Q. Did he say anything to you when he was hugging you?

1 A. He told me that, he told me I was being cranky because  
2 I just woke up.

3 Q. Do you remember when he said that exactly, was it --

4 A. It was after -- because I told him: No, why are you  
5 doing this? And he's like you're just cranky because you  
6 just woke up.

7 Q. Now, what, if anything, did you say to him when he put  
8 his tongue in his ear and started flicking it?

9 A. I told him to stop.

10 Q. Could you see where Pete Cusenza was located when Jack  
11 Cusick leaned in to hug you?

12 A. He was on Jack's right side. I don't remember exactly.  
13 It was his right.

14 Q. Okay. So if he's on Jack's right side, you're facing  
15 him?

16 A. Yes.

17 Q. I'm sorry, facing Jack?

18 A. Yes.

19 Q. So Pete's located on the opposite side of your body  
20 when Jack was putting the tongue in your ear?

21 MR. WATKINS: Objection.

22 THE COURT: Sustained. Try not to ask leading  
23 questions.

24 Q. Where was Pete located when the tongue incident  
25 happened in relation to you?

1 A. He was on my left side.

2 Q. Okay. Did you say at some point you were able to pull  
3 away?

4 A. Yes.

5 Q. After the tongue?

6 A. Uh-hum.

7 Q. Tell us how that happened.

8 A. I just like I remember it happened really fast. I just  
9 all of a sudden was able to -- I don't know if he maybe  
10 released the pressure or I was able to push away, but I was  
11 able to get out of it.

12 Q. How wide was the space between where you and Jack were  
13 and the doorway to get out of your bunk room?

14 A. Maybe three feet. You know, it wasn't very big.

15 Q. And when you talked about your ear, for clarification  
16 where on or in your ear did he put his tongue?

17 A. It was inside of my ear.

18 Q. Ms. Bryant, did you ever consent to allow this to  
19 happen?

20 A. No.

21 Q. Okay. And when you were able to get away, where did  
22 you go as soon as you left that stateroom, your bunk room?

23 A. I went up to the wheelhouse.

24 Q. And did you have an opportunity to see whether or not  
25 anybody was there?

1 A. Yes, I saw that my friend was there to come pick me up.

2 Q. Where was your friend located, on the boat?

3 A. No, out on the dock.

4 Q. Okay. And once you saw your friend, did you do  
5 something?

6 A. I went back downstairs and got all of my things and --  
7 well, I had to make a couple trips, but I got as much as I  
8 could to get off of the boat as soon as possible.

9 Q. And why did you say you did it as soon as possible?

10 A. Because I was tired of being, just like being picked on  
11 or violated, and I couldn't take it; I just wanted to go  
12 home.

13 Q. And how did you get your stuff off the boat, which way  
14 did you go?

15 A. I went through the wheelhouse.

16 Q. And does it take longer to go through the wheelhouse?

17 A. Yeah, it's actually -- it's actually harder. It's  
18 harder going up the stairs.

19 Q. Okay, and so why did you go through the wheelhouse?

20 A. Just to avoid contact with Jack.

21 Q. Okay. And, by the way, do you know where the captain  
22 or Paul were located when you were in your room with the  
23 defendant and Pete?

24 A. No.

25 Q. Okay. Did you speak with the captain between the time



1 of the hugging ear incident until the time you got off the  
2 boat?

3 A. Yes, it was briefly, he asked if I needed any help, and  
4 I told him no and bye and good luck.

5 Q. Did you tell him what had just happened?

6 A. No.

7 Q. How come?

8 A. I was almost off the boat; I didn't think it mattered,  
9 and I didn't feel comfortable talking to him about it.

10 Q. As a result of Jack Cusick, Ms. Bryant, did you feel  
11 violated as a result of that?

12 MR. WATKINS: I'm going to object.

13 THE COURT: Sustained.

14 Q. Tell us specifically how did you feel --

15 MR. WATKINS: I'm going to object. Can we come to  
16 side bar, your Honor?

17 THE COURT: All right.

18 (The following sidebar discussion commenced.)

19 THE COURT: What's the objection?

20 MR. WATKINS: Well, I don't know exactly what she's  
21 going to be asking, but if it follows the grand jury  
22 she's going to be asking questions like: did you feel  
23 intimidated, did you feel interfered with? Those are all  
24 legal conclusions that the jury is going to have to come  
25 to.

1 She's got ample or I think more than ample state of mind  
2 evidence at this point, and I don't think going down what  
3 her legal principles are is appropriate here. As I said,  
4 the jury's going to have to decide whether they feel that  
5 is relevant.

6 MS. SULLIVAN: It seems like statements that are  
7 part of the statute does not preclude us from asking  
8 questions to the witness if that's how she felt. I don't  
9 have to stay away from it. It doesn't matter whether the  
10 defense thinks there's been ample evidence. That's what  
11 I've been providing, her state of mind.

12 THE COURT: All right. I'll let you ask, but I'll  
13 tell the jury this is not legal principles of the statute;  
14 and just so you know, I'm just saying it's much better for  
15 the jury to hear from her whatever she has to say rather  
16 than from you. It's up to you but --

17 MS. SULLIVAN: While we're here, your Honor, just  
18 to save some time, has the Court made any decision on the  
19 statements relative to the defendant in prison?

20 THE COURT: If you ask the question now, if you  
21 now ask the question, did he say those statements, if  
22 Mr. Watkins objected, I would sustain the objection at this  
23 point.

24 MS. SULLIVAN: Okay. Please note the government's  
25 objection because I don't think it's state of mind after

1 the way she acted, and I think it's deliberate. I think  
2 it's relevant. I think it's a statement of a party  
3 opponent. Just note the government's objection.

4 THE COURT: I note the objection.

5 MS. SULLIVAN: Thank you.

6 MR. WATKINS: And, your Honor, any question that  
7 would be leading, if she's going to ask it that way, did  
8 you feel intimidated, did you feel impeded, I will continue  
9 to object on leading grounds; but if she wants to ask her,  
10 you know, how you felt, that's fine.

11 THE COURT: I'll wait for the questions and  
12 objections but --

13 MS. SULLIVAN: Judge, just so we're clear, I know  
14 the Court has sustained it, and I'm not going to go over it  
15 again, but can I come back up and ask --

16 THE COURT: You can come back up at any time.

17 (The sidebar discussion concluded.)

18 Q. Okay. Ms. Bryant, when the Sea Farmer II docked, do  
19 you remember what the wave conditions were like or the  
20 weather?

21 A. It seemed pretty calm.

22 Q. Now, I'm going to ask you: as a result of what the  
23 defendant said, did, gestured toward you during the course  
24 of your trip, would you just tell the members of the jury  
25 how did you feel?

1 A. I felt embarrassed. I felt violated, sad, and I didn't  
2 feel like he took me seriously as a professional at work.  
3 I felt like my job was made harder because I had to deal  
4 with all of his comments, Jack's comments; and just I was  
5 frustrated and upset, and it made me not want to go out on  
6 boats anymore with fishermen, especially on long trips. I  
7 requested not to go out on long trips anymore, just day  
8 trips and....

9 Q. And what impact did the defendant's actions and  
10 behaviors have on your ability to perform the job?

11 A. It made it harder. I didn't, you know, really like  
12 going out on deck. I wanted to hurry up and get finished  
13 and so I could just go in my stateroom --

14 Q. Did it take longer?

15 A. -- and get away from him.

16 Q. Did it take longer?

17 A. Yes, it took longer. I was trying to avoid contact  
18 with him. I would stay as far away -- I changed the areas  
19 that I was, you know, collecting data from just to stay away  
20 from him.

21 Q. Did you change where you did your paperwork as a result?

22 A. Yes, I would like -- I did my paperwork in the galley  
23 as much as I could, because, you know, there was a table and  
24 better lighting, but, you know, lots of times I'd just have  
25 to go to my room and do it.

1 Q. Was that as a result of the defendant?

2 A. Yes.

3 Q. Please describe what was your work environment like  
4 during that trip?

5 A. It wasn't ideal. It was the hardest actually as far  
6 as stress, stress level that I had to endure in all of my  
7 observing and monitoring ... so it was one of the reasons I  
8 just wanted to stop and just get off the boat.

9 Q. Did anyone else on that boat make you feel like that  
10 other than the defendant?

11 A. No.

12 Q. And, by the way, I want to just ask you about Paul, one  
13 of the crew members?

14 A. Uh-hum.

15 Q. -- were there occasions when he would be in his room  
16 while you and Pete were in the galley and Jack was in the  
17 galley?

18 A. Yes.

19 Q. Would he care to stay in his room more than Pete or  
20 Jack --

21 A. Yes.

22 Q. -- or you?

23 A. Yes.

24 MS. SULLIVAN: If I may have a moment?

25 THE COURT: You may.

1 Q. While you were doing your paperwork on this case were  
2 there occasions when some of these comments that Jack made  
3 to you occurred while you were actually doing the paperwork?

4 A. Yes.

5 Q. And others were while you were out actually doing your  
6 work?

7 A. Yes.

8 Q. Okay. Ma'am, did you ever speak in a sexual way or  
9 were you flirtatious with Jack Cusick at any point during  
10 that trip?

11 A. No.

12 Q. And did you ever confide in him about your own personal  
13 relationships?

14 A. No.

15 Q. Shortly after this trip ended, ma'am, did you report  
16 what had happened on the Sea Farmer II to your agency?

17 A. Yes.

18 Q. And within approximately a day were you interviewed  
19 by special agents from the National Oceanic and Atmospheric  
20 Administration?

21 A. Yes.

22 Q. And was that a man and a woman?

23 A. Yes.

24 Q. Dan D'Ambruso and Sue Williams?

25 A. Yes.

1 Q. Prior to that date of July 21 of 2010, had you ever met  
2 Dan D'Ambruoso or Sue Williams?

3 A. No.

4 Q. Okay. And, thereafter, after -- was that audiotaped,  
5 that interview?

6 MR. WATKINS: Objection, your Honor.

7 THE COURT: Sustained as to the form of the question.

8 Q. Thereafter, after the completion of the interview by  
9 NOAA, did you prepare --

10 MR. WATKINS: I'm going to object here, your Honor.  
11 I'm not sure what the relevance is here.

12 THE COURT: Well, I don't know what the question is.

13 Q. Did you prepare a supplemental statement?

14 A. Yes.

15 Q. Have you had an opportunity to read this?

16 A. Yes.

17 Q. When was the first time that you read that?

18 A. It was the day before the grand jury last year.

19 Q. And was there an agent present when you reviewed that?

20 A. Yes.

21 Q. And do you know who that was?

22 A. Dan.

23 Q. Dan D'Ambruoso who's at counsel table?

24 A. Yes.

25 Q. And since the date of the grand jury, have we had

1 opportunity to speak a couple times by phone?

2 A. Yes.

3 Q. When was the second time that we met in person in  
4 connection with this case?

5 A. Sunday.

6 Q. Two days ago?

7 A. Two days ago, yes.

8 Q. And was that in preparation for this trial?

9 A. Yes.

10 Q. And was there an agent, also a victim witness specialist  
11 present?

12 A. Yes.

13 Q. And, by the way, you said you reside in California?

14 A. Yes.

15 Q. Are you here pursuant to a subpoena?

16 A. Yes.

17 Q. Okay, and have your airfare and hotel been paid by the  
18 federal government --

19 A. Yes.

20 Q. -- to get you here, to bring you here? I'm sorry.

21 A. Yes.

22 Q. And, Ms. Bryant, when, if at all, during the trip did  
23 you ever let Mr. Cusick know or have conversations with him  
24 condoning his behavior toward you?

25 A. Never.



1 MS. SULLIVAN: If I might just have one moment,  
2 your Honor?

3 THE COURT: You may.

4 Q. Ms. Bryant, when the captain would be in the wheelhouse  
5 and the crew members and you would be out on deck doing  
6 your job, would you say there would be times when the  
7 captain would speak to you guys?

8 A. Yes.

9 Q. And how was that done so that you could hear him?

10 A. He had a microphone or a PA system.

11 Q. Okay, and what was his tone of voice when he was  
12 speaking to you?

13 A. It was very condescending.

14 Q. And once you left the Sea Farmer that day did you ever  
15 return to it?

16 A. No.

17 MS. SULLIVAN: Again, just one moment, if I could,  
18 your Honor?

19 THE COURT: Yes.

20 MS. SULLIVAN: Thank you very much, Ms. Bryant. I  
21 have no further questions.

22 MR. WATKINS: Can we be seen at sidebar briefly  
23 before I get started, your Honor?

24 THE COURT: Sure. Just stretch for a moment, ladies  
25 and gentlemen, if you'd like to.

1 (The following sidebar discussion commenced.)

2 MR. WATKINS: Your Honor, in her question about  
3 when Ms. Bryant reported to NOAA Ms. Sullivan asked, did you  
4 report to NOAA shortly after. She did not report shortly  
5 after. She reported five days after.

6 I was going to avoid that issue, to try to avoid the  
7 issue that we just talked about perhaps for her safety, but  
8 Ms. Sullivan appears to be goading me into asking that  
9 because she has left a wrong impression with the jury that  
10 she reported shortly after, which she did not.

11 I think it is fair that I be able to ask that or be  
12 able to point out that it was July 20th, five days after,  
13 rather than July 8th. I think it's also fair to point out  
14 that in the incident report that she did file it specifies  
15 that it is to be filed within 12 hours of the event. I  
16 would not have gone into those things except that  
17 Ms. Sullivan used the specific words "shortly after."

18 THE COURT: What's your question?

19 MR. WATKINS: It's my question to the Court about  
20 if I go that way, which I think is the only thing to do,  
21 given the unfair impression by Ms. Sullivan, whether I am  
22 then opening the door to this discussion about --

23 MS. SULLIVAN: I'm happy to ask her what date was  
24 it, was it July 20th?

25 THE COURT: I think you said July 20th in your

1 question or in one of the questions. That's my memory of  
2 what I think you said, but I'm not sure.

3 MS. SULLIVAN: What I'm saying, your Honor, is I'm  
4 happy to ask now -- after listening to the defendant in his  
5 argument, I'm happy to say, was it July 20th?

6 THE COURT: Is that all right?

7 MS. SULLIVAN: I'm not precluded from doing anything.  
8 I'm saying I'm happy to do that before I say I have no  
9 further questions.

10 MR. WATKINS: I think that works, so we'll point out  
11 that it was July 15th, and she reported it on July 20th.

12 THE COURT: Go ahead.

13 (The sidebar discussion concluded.)

14 BY MS. SULLIVAN:

15 Q. Ms. Bryant, the report that you initially filed, was  
16 that filed on July 20th of 2010?

17 A. I remember it was right before my birthday but --

18 THE COURT: Would it help if Ms. Sullivan shows you  
19 the report?

20 THE WITNESS: Yes.

21 MS. SULLIVAN: May I approach?

22 THE COURT: Yes.

23 MS. SULLIVAN: Thank you.

24 Q. Ms. Bryant, I have a -- I'm sorry, a one-page document.  
25 Counsel's aware of what I just placed before her, your

1 Honor.

2 Is that a sector incident report?

3 A. Yes.

4 Q. And who does that get submitted to?

5 MR. WATKINS: Objection, your Honor.

6 THE COURT: Just is this the report you filled out?

7 Q. Is this the initial report you filled out?

8 A. Yes.

9 Q. Okay. Your signature appears there?

10 A. Yes.

11 Q. And is there a date to the right of your signature?

12 A. Yes, July 20th, 2010.

13 MS. SULLIVAN: Thank you. Nothing further.

14 THE COURT: All right. Mr. Watkins, go ahead.

15 MR. WATKINS: Thank you, your Honor.

16 CROSS-EXAMINATION BY MR. WATKINS:

17 Q. Good afternoon.

18 A. Hi.

19 Q. So you were an observer in Alaska?

20 A. Yes.

21 Q. You worked on boats in Alaska?

22 A. Yes.

23 Q. And you came down to Massachusetts?

24 A. Yes.

25 Q. Never been to Massachusetts?

1 A. Yes, I'd been to Massachusetts before.

2 Q. Ever been to Massachusetts to live and work?

3 A. No.

4 Q. When you came down to Massachusetts, it was to be an  
5 at-sea monitor here?

6 A. Yes.

7 Q. To be an at-sea monitor, you had to go through training?

8 A. Yes.

9 Q. You had gone through training in Alaska also, right?

10 A. Yes.

11 Q. To be an observer?

12 A. Yes.

13 Q. And many of the facets of the training for an observer  
14 are the same for an at-sea monitor, correct?

15 A. Yes.

16 Q. There are some differences?

17 A. Yes.

18 Q. But many things are the same, right?

19 A. Right.

20 Q. In Alaska that course was a two-week training course?

21 A. Three weeks.

22 Q. A three-week training course?

23 A. Yes.

24 Q. Here in Massachusetts that was a ten-day training  
25 course?

1 A. Yes.

2 Q. The training course was down in Woods Hole?

3 A. Yes, Falmouth.

4 Q. Falmouth, and that was at a -- or that training was  
5 done by NOAA?

6 A. Yes.

7 Q. You worked for this company MRAG, but NOAA's the one  
8 that gives the training, right?

9 A. Yes.

10 Q. You received your training from NOAA employees?

11 A. Yes.

12 Q. And these would be all kinds of employees; there was a  
13 training director, there was law enforcement, there were  
14 biologists, right?

15 A. Yes.

16 Q. All right. You were trained -- there was an  
17 introduction to the program; you were trained in that?

18 A. Yes.

19 Q. All right. You were trained in off-shore survival?

20 A. Yes.

21 Q. And that would have been a repeat, right? You would  
22 have been trained on that in Alaska, also, right?

23 A. Yes.

24 Q. And trained in regulation enforcement because that's  
25 what you got to do, right?

1 A. Well, not enforcement, just you observe and document.

2 Q. And you understand that that observation and  
3 documentation is in order for enforcement to occur?

4 A. Yes.

5 Q. In other words, the data you take, somebody's going to  
6 take a look at and decide if there are violations of fishing  
7 laws, right?

8 A. Yes.

9 Q. You're taught how to do dockside monitoring?

10 A. Yes.

11 Q. That's not on a boat; that's at a fishing plant or a  
12 processing plant on shore?

13 A. Yes.

14 Q. Lots of courses or lots of teaching about fish  
15 identification?

16 A. Yes.

17 Q. And there's examinations about fish identification?

18 A. Yes.

19 Q. You're taught first aid?

20 A. Yes.

21 Q. You're taught about safety generally, right;  
22 orientations specific --

23 A. Yes.

24 Q. -- to safety issues on boats? As part of that training,  
25 you take tours of dockside facilities?

1 A. Yes.

2 Q. And tours of boats?

3 A. Yes.

4 Q. And, again, this would be the second time around  
5 because you did that same kind of training in Alaska also,  
6 right?

7 A. Not dockside in Alaska.

8 Q. You were on -- they took you on board vessels to do  
9 training in Alaska, right?

10 A. Yes.

11 Q. And they took you on board vessels here in Falmouth,  
12 right?

13 A. Yes.

14 Q. You're shown videos of monitoring activities or sample  
15 monitoring activity?

16 A. Yes.

17 Q. You're taught how to identify not only the fish but the  
18 other kinds of sea creatures that get caught up in the nets?

19 A. Yes.

20 Q. That's called an incidental take?

21 A. Yes, incidental or bycatch.

22 Q. You're going to have to speak up a little bit.

23 A. Incidental or bycatch.

24 Q. Bycatch?

25 A. Yes.



1 Q. You were instructed on the basics of throttle fishing?

2 A. Yes.

3 Q. And the basics of gill net fishing?

4 A. Yes.

5 Q. And the basics of longline fishing, right?

6 A. Yes.

7 Q. Those are the three kinds of fishing that you would be  
8 a monitor for, right?

9 A. Yes.

10 Q. You are also taught during the ten-day program about  
11 conflict resolution?

12 A. Yes.

13 Q. And you were taught also in Alaska, there's a conflict  
14 resolution module for the training in Alaska too, right?

15 A. Yes.

16 Q. And that conflict resolution involved learning about  
17 recurring problems you might face with crew members?

18 A. Yes.

19 Q. With captains and with crew members, right?

20 A. Yes.

21 Q. This training is by a personnel specialist, a conflict  
22 resolution specialist?

23 A. Yes.

24 Q. And it involves doing role playing?

25 A. Yes.

1 Q. It involves learning about ways to deal with problems  
2 on board a ship, right?

3 A. Yes.

4 Q. During that conflict training you're taught it's normal  
5 to endure a certain amount of hazing by crew persons on  
6 board, right?

7 MS. SULLIVAN: Objection.

8 THE COURT: Overruled.

9 A. I guess you might expect maybe some hostility but  
10 not -- I believe there's a point of, you know, what to  
11 expect.

12 Q. Right, right, but, I mean, you're taught that you  
13 might get some resistance; you might get some people joking  
14 around, fooling around with you, right?

15 A. Yes.

16 Q. And, of course, these were new regulations at the time  
17 of your training, and you understood that, right?

18 A. Yes.

19 Q. You were also taught by the industry that there was  
20 going to be perhaps some pushback from the industry, is  
21 that correct?

22 A. Yes.

23 Q. And that that might take the place of some kinds of  
24 hazing by crew members or even the captain, right?

25 A. Yes.

1 Q. You were taught that the hazing might involve verbal  
2 teasing?

3 A. I'm not sure. Like I guess maybe taunting, I guess.

4 Q. And, in fact, they actually as -- for the role plays,  
5 they actually had a real crew member come in and play the  
6 part of a crew member, right?

7 A. I don't remember that.

8 Q. And so when you did role plays, you don't remember an  
9 actor coming in -- or, I'm sorry, a real fisherman acting as  
10 a fisherman on board?

11 A. I don't remember.

12 Q. You're also taught during the conflict resolution that  
13 the hazing might involve moving equipment out of the general  
14 vicinity or playing jokes like that, right?

15 A. Could you, I guess, repeat that or --

16 Q. Sure. We're talking about taunting or hazing; that  
17 people might move your equipment out of the way as a joke,  
18 make you have to go farther to get it or hide it or things  
19 of that nature?

20 A. Okay.

21 Q. You're taught that, right?

22 A. Yes.

23 Q. And just to be clear, those activities didn't happen on  
24 the Sea Farmer II, right; nobody hid your equipment?

25 A. No.

1 Q. And you're also taught that hazing which becomes  
2 offensive or frightening goes beyond the norm and requires  
3 you to take corrective action, right?

4 A. Yes.

5 Q. And you're taught there are two ways to deal with  
6 taking corrective action, one is whether it's a manageable  
7 problem or a unmanageable problem, right?

8 A. Right.

9 Q. And you're taught that if you can manage the problem  
10 that's the best course, right?

11 A. Yes.

12 Q. An unmanaged -- well, a manageable problem is the best  
13 course to take if you can resolve it on board, right?

14 A. Yes.

15 Q. Specifically as to perceived harassment, to manage a  
16 problem you're taught that you have to make it clear to the  
17 individual that you're not pleased, right?

18 A. Right.

19 Q. That would include telling them: No, stop it; you're  
20 bothering me, right?

21 A. Right.

22 Q. And then going on to indicate to a person in conflict  
23 resolution that the activity absolutely needs to stop,  
24 right?

25 A. Yes.

1 Q. And in the context of managing a problem and taking  
2 corrective action you're also taught to document the  
3 instances, is that correct?

4 A. Yeah.

5 Q. And by documenting -- well, let me ask you this:  
6 there's also -- and you didn't document anything here,  
7 right, during the time on the boat?

8 A. Right, correct.

9 Q. And Ms. Sullivan asked you, on July 20th your cruise  
10 ended on July 15th, so the first time there's any  
11 documentation is five days after the cruise was over?

12 A. Yes.

13 Q. And in the course of -- as part of your training in  
14 Falmouth, were you given an at-sea monitoring program  
15 manual?

16 A. Yes.

17 Q. May I show you this? Does this look like the front  
18 page of the at-sea monitoring program manual?

19 THE COURT: Can you show it to Ms. Sullivan?

20 MS. SULLIVAN: May I see it?

21 MR. WATKINS: Oh, yeah.

22 A. Yes.

23 Q. Now, this one has a date of June 11th, but does that  
24 look like the front page of the manual that you got back in  
25 2010?

1 A. Yes.

2 THE COURT: You've got to speak up a little bit,  
3 Ms. Bryant.

4 A. Yes.

5 Q. And as part of that manual, that manual teaches about  
6 field diaries?

7 A. Yes.

8 Q. Do you know what a field diary is?

9 A. Yes.

10 Q. That is separate and apart from the data that you  
11 collect, right? That has a different form, right?

12 A. Correct.

13 Q. Field diaries are where you enter in comments about  
14 trips or things that you need to remember, right?

15 A. Yes.

16 Q. In the case of harassment, for example, that would be  
17 something they direct you to enter into the field diary,  
18 right?

19 A. Yes.

20 Q. I'm showing you a document. I want you to take a look  
21 at that and I'll ask you if you recognize that as part of  
22 the manual that you received?

23 A. Yes.

24 MR. WATKINS: I would ask this be entered as a  
25 defendant's exhibit?

1 MS. SULLIVAN: Objection. May we be seen at sidebar?

2 THE COURT: Sure.

3 (The following sidebar discussion commenced.)

4 MS. SULLIVAN: May I see that for a second, please?

5 THE COURT: Give me one second to look at it because  
6 I haven't seen it so I just want to know what it is.

7 MS. SULLIVAN: What I would suggest is this isn't  
8 the complete manual so it shouldn't come in simply by  
9 itself, and it's hearsay, and I specifically asked for an  
10 exhibit list and the defense said it would depend on the  
11 course of the trial, and the government received no notice  
12 so I'm objecting for those reasons.

13 MR. WATKINS: The last reason first, the rule  
14 requires me to give exhibits that I'm going to use in my  
15 case-in-chief. This is clearly not my case-in-chief; this  
16 is cross-examination.

17 I got this document as a result of a conversation that  
18 we had yesterday with the keeper of records that showed  
19 up and gave us a website that we could go to to obtain  
20 documents such as the manual so I got that.

21 As far as the hearsay, I think it goes in to rebut --  
22 well, I guess, No. 1, it's an official document. You know,  
23 it's provided as part of the training materials. She's  
24 identified it as such so it makes it a business record. I  
25 think that's my best basis.

1 MS. SULLIVAN: I would suggest there's been no  
2 evidence that it's a document other than what was off the  
3 website, and he showed a three-page document to her and  
4 said: does this appear to be a training manual, and I don't  
5 think the defense has satisfied the rule.

6 THE COURT: I'm not sure you have a basis to get it  
7 in over the hearsay objection at the moment. I'm not going  
8 to admit it at the moment. I'm not conclusively saying I  
9 won't admit it. I'll look back at the rule when we take a  
10 break, but I'll leave it at that.

11 MR. WATKINS: Can we admit it de bene, and I'll call  
12 it --

13 THE COURT: You can mark it for identification.

14 MR. WATKINS: Okay. All right.

15 THE COURT: I think it's B for identification at the  
16 moment.

17 MR. WATKINS: Thank you.

18 (The sidebar discussion concluded.)

19 (Defendant's Exhibit B marked for identification.)

20 Q. So showing you what's been marked Defendant's Exhibit B  
21 for identification, this talks about recording entries as  
22 you go along during the trip?

23 A. Yes.

24 Q. It talks about that documentation should be recorded in  
25 pen, right?



1 A. Uh-huh.

2 Q. Each entry should be set off to the right of its  
3 corresponding time -- well, the log has time dates or times  
4 in it, right?

5 A. Yes.

6 Q. And, particularly, it talks about situations requiring  
7 documentation and it speaks specifically as to conflicts  
8 with the crew, right?

9 A. Yes.

10 Q. In fact, as soon as a compliance situation begins to  
11 occur including harassment of a monitor a field diary  
12 documentation should commence, be as factual -- as specific  
13 and factual as possible, present a clear picture of the  
14 development of the situation, and then it provides  
15 guidelines about how to document it, right?

16 MS. SULLIVAN: Your Honor, objection, hearsay; he  
17 can't just read it.

18 THE COURT: Overruled.

19 Q. And is this what you also learned about how field  
20 diaries are to be filled out?

21 A. We don't have -- we're also told that, you know, we  
22 didn't have to fill them out.

23 Q. And so that's what you choose, you choose not to fill  
24 out these field diaries?

25 A. Yes.

1 Q. And that is a choice that you as the observer made on  
2 this trip?

3 A. Yes.

4 Q. And quite aside from the field diary, though, you are  
5 taught that you document instances of harassment when they  
6 occur?

7 A. Yes.

8 Q. Aside from the field diary, setting aside the field  
9 diary, you didn't document this in writing at all while the  
10 trip was occurring, right?

11 A. No.

12 Q. In addition to documenting incidents of harassment the  
13 final step on the manageable problem scale is presenting the  
14 problem to the skipper, right?

15 A. Correct.

16 Q. Now, you're taught during your training that the captain  
17 really has the ultimate responsibility on the boat, right?

18 A. Yes.

19 Q. Everybody has -- all the crew members have to listen to  
20 him, right?

21 A. Yes.

22 Q. It's the law, right?

23 MS. SULLIVAN: Objection.

24 THE COURT: Sustained.

25 Q. But you're taught that the captain is the ultimate

1 responsibility and problems on board should go to him,  
2 right?

3 A. Yes.

4 Q. And that is the level, because he would be expected to  
5 take corrective action, right?

6 MS. SULLIVAN: Objection.

7 THE COURT: Sustained as to the form of the question.

8 Q. Did you understand from your training that the skipper  
9 would be required to take corrective action if you brought  
10 something to him?

11 A. No, not required.

12 Q. That the skipper's not required?

13 MS. SULLIVAN: Objection.

14 Q. I just didn't hear the answer, I'm sorry.

15 THE COURT: Overruled.

16 Q. Are you saying that the skipper's not required to or  
17 you're not required to?

18 A. From my understanding is that we're gonna deal with  
19 things on the boats, and you can, you know, tell the  
20 captain, but they're not necessarily going to do anything  
21 about it because they're just as upset as the other crew  
22 members.

23 Q. You were taught in conflict resolution that if you tell  
24 the skipper and the objectionable behavior does not cease  
25 after discussing it with him, then you're instructed to

1 make a report directly to NOAA, right?

2 A. I don't remember.

3 Q. You don't know whether you're instructed to do that  
4 or --

5 A. Oh, I don't remember if that's what happened in my  
6 particular class.

7 Q. When you're on board you talked about the harassment or  
8 the NOAA notice that you have there --

9 A. Yes.

10 Q. -- including the harassment language? In addition to  
11 that, you have a number of other documents that you're given  
12 to take on every cruise?

13 A. Yes.

14 Q. And these are a package of documents given to you at  
15 your training to take with you all the time, right?

16 A. Yes.

17 Q. The sector incident monitor report that you filled out  
18 on July 20th, you actually had a copy of that on board with  
19 you, right?

20 A. I don't recall having that on board.

21 Q. But do you recall that that sector monitor incident  
22 report is generally part of that package that you're given  
23 at training?

24 A. Well, 'cause we were the first class so we didn't get  
25 everything, you know, that some of the stuff that you're

1 talking about now, we were the guinea pigs that went out  
2 first. And so a lot of the stuff has changed since I have  
3 taken that class so whether it was required then or -- I'm  
4 not sure if I even had it on board or if it was even given  
5 to me.

6 Q. But you're at least allowing the possibility that there  
7 could have been a sector monitor incident report on board?

8 MS. SULLIVAN: Objection.

9 THE COURT: Overruled.

10 A. Yes.

11 Q. And there is also in that packet a, if you know -- is  
12 there a witness statement to also give to people who might  
13 seek compliance issues?

14 A. I don't remember. I don't know.

15 Q. But it is clear that you elected to lie to the captain  
16 about whether there was a problem with Jack Cusick?

17 MS. SULLIVAN: Objection.

18 THE COURT: Overruled.

19 A. I didn't lie about anything.

20 Q. You told him no, right; you said there was no problem?

21 A. When he asked me, I said: Doesn't Jack bother  
22 everybody, but I didn't say that -- I didn't lie to him; I  
23 chose not to tell him, yes, but I didn't lie.

24 Q. When he asked you: is there a problem here, is it  
25 your testimony -- well, first, did he ask you: is there a

1 problem here?

2 A. He said: Is Jack bothering you?

3 Q. Did he first ask you if there was a problem?

4 A. No.

5 Q. Is there something we need to talk about? He didn't  
6 ask those questions?

7 A. No, not that I recall.

8 Q. So the one question that you recall, is Jack bothering  
9 you, the captain asked you that, right?

10 A. Yes, correct.

11 Q. And your answer was: Doesn't he bother everyone, right?

12 A. Yes.

13 Q. And you said that answer because it was true; you'd  
14 witnessed him bothering not just you, but everybody on some  
15 level, right?

16 A. At some point, yes.

17 Q. Paul would yell at him sometimes, right?

18 A. Yes.

19 Q. Completely unrelated to things he was saying to you, he  
20 would just yell at him, right?

21 A. Yes.

22 Q. I mean, honestly, they're fishermen; they're yelling at  
23 each other all the time, is that fair to say?

24 MS. SULLIVAN: Objection.

25 THE COURT: Overruled.

1 A. No, they're not.

2 Q. The captain, you mentioned, yelled over the microphone;  
3 he doesn't just yell at you, he yells at Jack, right?

4 A. Sure.

5 Q. He yells, maybe not Paul so much, but he'll yell at  
6 Paul too, right?

7 A. Yeah.

8 Q. And he yelled at Peter --

9 A. Yes.

10 Q. -- a lot --

11 A. Yes.

12 Q. -- on that trip? When Jack first met you on the boat  
13 or at the boat, he also told you that he had a big mouth?

14 A. I do not remember that.

15 Q. Didn't he tell you that he had a big mouth and that you  
16 should tell him if there's something, if he goes over the  
17 line?

18 A. I don't ever remember that.

19 Q. So is the only statement you remember that: We're  
20 going to have fun on this trip? Is that the only statement  
21 you remember from that interchange?

22 A. Yes.

23 Q. But there were other statements, right?

24 A. I don't believe so.

25 Q. He took you down to your stateroom and showed you where

1 it was, right?

2 A. Yes.

3 Q. In regard to that stateroom, you've been on boats both  
4 in Alaska and here in Massachusetts, right; you've seen all  
5 different varieties of boats?

6 A. Yes.

7 Q. Not every boat even has separate bedrooms, is that  
8 right?

9 A. Yes.

10 Q. Sometimes everybody's just sleeping in the galley  
11 wherever they can find space, right?

12 A. Yes.

13 Q. The fact is it's a little bit of a luxury, right, to  
14 have your own personal space on a boat this size?

15 A. Yes.

16 Q. And, indeed -- well, you took up one bedroom; no one  
17 discussed putting another bed in that room where you were,  
18 right?

19 A. Not that I heard.

20 Q. In fact, the captain told you you would have your own  
21 room, right?

22 A. Yes.

23 Q. Even where there are staterooms on other boats, it  
24 might be men and women; you might be bunked with men in  
25 other rooms, is that right?



1 A. Yes.

2 Q. And not only was this a room where you could sleep but  
3 a room where the door could close, right?

4 A. Yes.

5 Q. The comments that you related here, most of the  
6 comments, fair to say, happened in front of other crewmen,  
7 right?

8 A. Yes.

9 Q. They were -- they happened while you were in the  
10 galley, right?

11 A. Yes, most of them.

12 Q. And just to make clear, the galley is -- that is the  
13 one social room on the whole boat, is that right?

14 A. Yes.

15 Q. So there's not like a living room or a lounge or  
16 something; that is where everything happens, right?

17 A. Yes.

18 Q. That's where you eat meals, right?

19 A. Yes.

20 Q. It's where you socialize if you're going to socialize?

21 A. Yes.

22 Q. If you want to watch a video -- it's videos, right, not  
23 TV? If you want to watch a video, that's where it is,  
24 right?

25 A. Yes.

1 Q. If you want to listen to music, that's where it is,  
2 right?

3 A. Yes.

4 Q. If you're not on the deck doing the haulback, your  
5 choice is to either be in that room or be in your own room,  
6 right?

7 A. I could go in the wheelhouse or, you know, if I wanted  
8 to.

9 Q. And the wheelhouse would be where the captain is; he's  
10 up there all the time, right?

11 A. Yes.

12 Q. Except for sometimes when he comes down just to grab a  
13 meal and go right back up there again, right?

14 A. Yes.

15 Q. So besides the wheelhouse and the galley and the rooms  
16 that you have, there's really no other place to go? I mean,  
17 you don't want to go out with the fishing gear on the back  
18 of the boat for your downtime, right?

19 A. Sometimes.

20 Q. You can stand out there but not for very long, right?

21 A. Well, you can stand out there a pretty long time.

22 Q. And you mentioned Paul, Paul chooses to spend a lot of  
23 time in his room, right?

24 A. Yes or up in the wheelhouse.

25 Q. And so of the, one, two, three -- of the four of you,

1 Paul, Jack, Pete, and you, Paul would spend the least amount  
2 of time in the galley?

3 A. Yes.

4 Q. And he would be in his room or he would go up and talk  
5 to the captain?

6 A. Yes.

7 Q. Peter and Jack and you were in the galley much more  
8 together, right?

9 A. Yes.

10 Q. And that's where a lot of conversations, a lot of  
11 listening to music went on, right?

12 A. Yes.

13 Q. So, for example, you talked about Jack mentioning: Why  
14 don't I bunk with you or something like that, that was in  
15 the company of Pete and Paul, right?

16 A. Yes.

17 Q. When he told you that he wanted to suck on your toes,  
18 this was right in front of Pete, right?

19 A. Yes.

20 Q. And your comment when he said that was that you  
21 laughed, right; you laughed to try to laugh it off?

22 A. Yeah, it was really weird and uncomfortable.

23 Q. I understand that you felt weird and uncomfortable, but  
24 what you did as far as conflict resolution, you tried to  
25 laugh it off, right? Tried to ignore it a little bit,

1 right?

2 A. Yes.

3 Q. And your way of ignoring it would be to laugh about it  
4 a little bit, make light of it, right?

5 A. Yes.

6 THE COURT: Mr. Watkins, can we just pause here for a  
7 minute. It's 1:00. I'll just see the two of you at sidebar  
8 for a moment; we'll talk about the scheduling.

9 (The following sidebar discussion commenced.)

10 MS. SULLIVAN: I'm sorry.

11 THE COURT: That's all right. So I just want to get  
12 a sense of timing?

13 MR. WATKINS: 45 minutes, maybe half an hour, but I  
14 don't want to be a liar and then have everybody not have  
15 lunch.

16 THE COURT: I think we could go on for 15 minutes.  
17 I wouldn't say we'll keep going for 45 minutes, but if it  
18 were 15 minutes, I would say keep going; but if it's 30 to  
19 45, I think we'll break, and we'll come back at 2. That  
20 will be enough time.

21 MS. SULLIVAN: Right now our schedule is to fly her  
22 out of Boston at 4:25, but I asked one of the special agents  
23 to make a later flight. In the event that would happen,  
24 they could get something after 6, but right now it's  
25 scheduled for 4:25. So if we could start at 2, that would

1 be great. Thank you.

2 (The sidebar discussion concluded.)

3 THE COURT: Okay. So, ladies and gentlemen of the  
4 jury, we're going to break now because if we had just a  
5 couple minutes, five or ten minutes, I would say: Let's  
6 keep going and finish with this witness, but it's a little  
7 bit longer than that so we're going to break now for lunch.

8 We're going to reconvene at 2:00. So you can retire to  
9 the jury room, you can leave things in there; you can leave  
10 your pocketbooks or wallets there, and then you can get  
11 lunch either in the cafeteria or there are some places  
12 nearby, and then we'll come back to the jury room so that  
13 we can begin at 2.

14 We're beginning again at 2. We'll finish with  
15 Ms. Bryant today. There won't be any other witnesses today,  
16 but we'll finish with her so she can go back to California;  
17 and then when we're done with Ms. Bryant this afternoon,  
18 we'll suspend for the day, and I'll let you all go home.

19 All right, so all rise for the jury.

20 (The jury exited the courtroom.)

21 THE COURT: Okay. You can be seated. So,  
22 Ms. Bryant, we'll finish with you today, but I don't  
23 think we have -- I think it's little bit longer than just  
24 going until 1:10 or 1:15, so one way or another you'll be  
25 able to go home.

1           Anything you all want to talk to me about before we  
2 break?

3           MR. WATKINS: The objection to the field diary  
4 document, the appendix; I'm not quite sure where we stand  
5 on that. The Court mentioned there might be issue of  
6 authentication; I haven't laid the groundwork for it. I can  
7 call Ms. --

8           THE COURT: I thought it was more of an issue of not  
9 an authentication objection, but more of a -- the government  
10 objected on three grounds, but I thought the two that were  
11 more in play at the moment were the completeness and hearsay  
12 and --

13           MR. WATKINS: The completeness is easy. I mean,  
14 I'm happy to put in the 500-page manual. I think it's 500  
15 pages. It's a quite lengthy document that this is a part  
16 of. I frankly don't see the need, but I can certainly do  
17 that, put that into evidence, and then pull this piece out  
18 so that I can take care of.

19           The other objection then was the --

20           THE COURT: Hearsay. I'd like to go look at the  
21 rule. I didn't have a chance to go look at the rule, think  
22 about that a little bit, and then why don't you come back at  
23 five of 2 and then we can see about that. All right?

24           MS. SULLIVAN: Thank you.

25           THE COURT: All right. We're adjourned.

1 (A brief lunch recess convened at 1:03 p.m.)

2 THE COURT: Mr. Watkins, do you have a copy of that  
3 document? I just want to read it.

4 MR. WATKINS: I'm sorry. You want that?

5 THE COURT: If you have a copy, that would be great.  
6 Thanks.

7 Do you need to look at it, Ms. Sullivan?

8 MS. SULLIVAN: I might. Thank you.

9 THE COURT: So, Mr. Watkins, remind me where these  
10 pages are part of an appendix to what?

11 MR. WATKINS: It's a program manual that's given to  
12 the observers -- actually, it's available online generally,  
13 but it's given to observers as part of the manual. It goes  
14 through all manner of things including fish identification,  
15 many of the things we heard about during testimony, but that  
16 is from the appendix to that manual.

17 THE COURT: And it's offered for what purpose?

18 MR. WATKINS: It's offered to show that her failure  
19 to document despite the training that she was to do so,  
20 specific directions to do so.

21 THE COURT: And why do you need the document if  
22 she's already testified to that?

23 MR. WATKINS: The jury should be able to see exactly  
24 what it was that she was trained and how she was trained.

25 THE COURT: All right.

1 MS. SULLIVAN: I still don't think that he's been  
2 able to satisfy. This is an individual with personal  
3 knowledge. I mean, he's trying to get it in as a business  
4 record. He certainly hasn't set up those requirements.

5 Secondly, there's been testimony on cross-examination  
6 by Ms. Bryant after questions elicited by Mr. Watkins that  
7 this could be different than what she was trained in because  
8 they were the first group that went out at sea after the  
9 regulations changed ... so there's no indication that it  
10 was -- the training material specifically used for her  
11 other than it's training materials that Mr. Watkins got  
12 online.

13 So, in addition, it's hearsay. I just don't think that  
14 he has satisfied that; and for those reasons, I would ask  
15 you to sustain my objection to it and not introduce it as an  
16 exhibit.

17 THE COURT: I think the question, Mr. Watkins, is  
18 whether or not she received these three pages. Given the  
19 purposes for which you offer it, I don't see it coming in  
20 for the truth of the matter asserted, and this trial isn't  
21 about what are the proper procedures for documenting it,  
22 but you're offering it, as I understand it, for a credibility  
23 matter, and, therefore, not for the truth but simply the  
24 fact that she was told ... so the question would be, it  
25 seems to me, whether she received these three pages or not.



1           If she didn't receive these three pages, then you don't  
2 get it.

3           MR. WATKINS: I'm pretty sure she -- I know that she  
4 already testified that she did, that she did recognize that  
5 as being part of the materials that she saw.

6           The government wants to try to get her to give a  
7 different answer. I suppose they can do that, and then we  
8 can bring in Ms. Van Atten from NOAA to talk about whether  
9 that was part of the training materials or not in April of  
10 2000 -- or, right, April of 2000.

11           THE COURT: You think she already testified to that?

12           MR. WATKINS: I recall asking her if she recognized  
13 it as part of the materials that she would review or that  
14 she was given.

15           THE COURT: All right. Actually, I'm going to look  
16 back. I think that's my note as well.

17           Okay, I'm going to overrule the government's objection.  
18 I'll allow it in not for the truth of the matter asserted  
19 but for the fact that she received it.

20           MS. SULLIVAN: Would the Court make an instruction to  
21 the jury to that effect?

22           THE COURT: Yes, I'll explain that it's in for that  
23 purpose.

24           MS. SULLIVAN: Note the government's objection.

25           THE COURT: Yes.

1 MS. SULLIVAN: Thank you.

2 MR. WATKINS: Your Honor, if I may have two moments;  
3 I can run down to the office --

4 THE COURT: Do you want somebody to make you a copy  
5 if you need another copy?

6 MS. SULLIVAN: If it would be okay, I would like one,  
7 but I'm not trying to inconvenience the Court.

8 THE COURT: Sure. No, no, no, no.

9 MR. WATKINS: Our office is just down the hall and  
10 has a copy machine; I need to use to restroom for a moment  
11 anyway, if I may? It's dual purpose here.

12 May I, your Honor?

13 THE COURT: Yes, just go ahead.

14 (Whereupon, a brief recess convened.)

15 THE COURT: Ms. Bryant, we'll be ready in a moment;  
16 we're just waiting for Mr. Watkins who's in the restroom.  
17 When he comes back, you can take the stand, and then we'll  
18 go get the jury.

19 THE WITNESS: Okay. Thank you.

20 THE COURT: You're welcome. Ready, Mr. Watkins?

21 MR. WATKINS: Yes.

22 THE COURT: Ms. Bryant, why don't you take the  
23 witness stand. Ms. King, why don't you go get the jury.

24 MR. WATKINS: So I guess I'll do that first thing;  
25 I'll move to admit that.

1 THE COURT: I'm just going to tell them, it's  
2 admitted, and I'm going to tell them it's not for the truth  
3 of the matter asserted but with respect to the evidence that  
4 she received it.

5 MR. WATKINS: Let me just put a sticker on it.

6 THE COURT: Well, are you going to have more  
7 exhibits? You don't know.

8 MS. SULLIVAN: I don't know. I mean, at this point I  
9 don't expect --

10 THE COURT: Not prenumbered ones?

11 MS. SULLIVAN: Not prenumbered ones. Well, actually,  
12 I had others, but we already addressed with the Court that I  
13 wasn't expecting to put them in.

14 THE COURT: But do your labels say Government  
15 exhibits?

16 MS. SULLIVAN: They do.

17 THE COURT: So I will admit them as Defendant's  
18 Exhibit 1.

19 THE CLERK: All rise for the jury.

20 (Defendant's Exhibit No. 1 admitted in evidence.)

21 (Whereupon, the jury entered the courtroom.)

22 THE COURT: Please be seated. So, ladies and  
23 gentlemen of the jury, hopefully, these pens you were just  
24 provided will work better than our prior pens; but if they  
25 don't, I feel your pain with the government pens, and we'll

1 see if we can't get you other ones tomorrow if these don't  
2 work.

3 You heard some discussion, I think, before the break  
4 about a document today that was marked as Exhibit B for  
5 identification. I've now admitted that document, and I am  
6 now admitting it as Defendant's Exhibit No. 1 with one  
7 limiting instruction, which is that document is admitted not  
8 for the truth of the matter asserted within the document but  
9 as evidence of the fact that Ms. Bryant received it and for  
10 what effect it might have had on her.

11 All right.

12 MR. WATKINS: Can I give it to the jury, your Honor?

13 THE COURT: You may. You may proceed, Mr. Watkins.

14 MR. WATKINS: Thank you.

15 BY MR. WATKINS:

16 Q. Good afternoon again.

17 A. Hi.

18 Q. So once you steamed out of fishing grounds, commercial  
19 work began on the Sea Farmer II; they started fishing?

20 A. Yes, when they got to whatever spot they wanted to.

21 Q. And once they got out there and they started fishing,  
22 everybody's on deck, right?

23 A. Yes.

24 Q. Sometimes four or five hours a day?

25 A. Uh-hum -- yes.

1 Q. I'm sorry, four or five hours per catch, right, and  
2 then it could happen several times a day, right?

3 A. Yes.

4 Q. Part of your duty is collecting the data out there  
5 while they're collecting -- while they're catching fish,  
6 right?

7 A. Yes.

8 Q. And at the end of that time when you've collected all  
9 your data, you would then go to the wheelhouse and see  
10 Captain Sandler?

11 A. I would, you know, write everything out on like paper  
12 and then go up and talk to him about it.

13 Q. And he asked to see that for every catch, right --

14 A. Yes.

15 Q. -- when it happened? So every time you did -- let me  
16 ask you: each individual time that they bring fish on  
17 board, that's call a haulback, right?

18 A. Yes.

19 Q. So after every haulback, you would go up and meet with  
20 Captain Sandler for a period of time?

21 A. Most -- sometimes. If it wasn't directly after that  
22 haulback, it would be maybe after the next one I would go up  
23 and share the information with him.

24 THE COURT: Keep your voice up, Ms. Bryant.

25 THE WITNESS: Sorry.

1 Q. So in a typical day there would be at least four  
2 haulbacks and at least -- or as many as seven or eight,  
3 right?

4 A. Yes.

5 Q. So at a minimum you run into Captain Sandler four times  
6 a day and up to seven or eight times a day to discuss what  
7 you observed during the catch, right?

8 A. I wouldn't say seven or eight. It just depends on if  
9 there were lots back-to-back, I'd go -- I'd wait and then go  
10 up.

11 Q. Sure, but you would see him every day --

12 A. Yes.

13 Q. -- up there? And you talked about a certain amount of  
14 frustration when you first talked with him but as the trip  
15 went on the relationship became much more professional,  
16 right?

17 A. Yeah, but still he was still frustrated and --

18 Q. But he also, I think you testified, he also assisted  
19 you and was talking with you about the issues, right?

20 A. Like what issues?

21 Q. About fishing issues, about your observations about his  
22 fishing?

23 A. Yeah. I mean, just strictly professional; I answered  
24 his questions.

25 Q. And of course during those interactions you never

1 mentioned anything to Captain Sandler about things that Jack  
2 had been saying to you?

3 A. No.

4 Q. I think as you explained it to us some of those things  
5 that you were experiencing were right down on the deck just  
6 before you went up to show your figures on the haulback?

7 A. Yes.

8 Q. And while he did stay up in the wheelhouse for the vast  
9 majority of time, he would come down to the galley for a few  
10 minutes, right?

11 A. It was very quick, get food and then he'd go back up.

12 Q. And you didn't stop him down in the galley ever to  
13 discuss what was going on with Jack?

14 A. No.

15 Q. Once he -- I think what you said is that the captain  
16 asked: Is Jack bothering you? And you answered: Doesn't  
17 he bother everybody?

18 A. Yes.

19 Q. The captain also asked you: Should I post the notice  
20 up in the boat?

21 A. Yes.

22 Q. And you told him: No, don't post the notice; I want it  
23 back?

24 A. Yes.

25 Q. Part of what you have to do is you have to get the

1 discards out of the checker pen, right?

2 A. Yes.

3 Q. That's your job, to grab the discards when they come up  
4 before they get thrown over the side, right?

5 A. Yes.

6 Q. Some fishermen in your experience are better than others  
7 about letting you do that, letting you see them before they  
8 throw them over the side?

9 A. Yes.

10 Q. Some fishermen are actively hostile to that and will  
11 try to throw them over before you get to them, right?

12 A. Yes.

13 Q. That didn't happen with Jack, right? He didn't try to  
14 throw fish over the side first, right?

15 A. Not that I saw.

16 Q. In fact, he tried to help you with your duties about  
17 getting the discards out of the checker pen?

18 A. He just tried to be near me which was uncomfortable.

19 Q. Sure.

20 A. I would rather have just done it myself.

21 Q. All right. My question is, the two of you are around  
22 the checker pen, right? As I understand it, the whole crew  
23 is down in that area, right?

24 A. Yes.

25 Q. Your job is to grab discards out of there, right?



1 A. Yes.

2 Q. His job is a lot of things but he also offered to help  
3 you get the discards out of the checker pen, right?

4 A. Yes.

5 Q. And, in fact, he did help you get the discards out; you  
6 didn't like it, but he did it, right?

7 A. Yes.

8 Q. And when you had conversations about whether he should  
9 be saying that, those things to you or not, didn't Jack say:  
10 Well, it's all in fun?

11 A. He may have said that once or twice.

12 Q. And Jack was laughing about a lot of these comments  
13 that he makes, right?

14 A. He laughed at a lot of them.

15 Q. And, in fact, he laughs generally about, you know, as  
16 he talks and makes comments and does things, right?

17 A. Yes.

18 Q. \* He's a jokester, right?

19 A. \* I didn't think it was funny.

20 (Whereupon, a note was passed from the  
21 jury to the Court.)

22 THE COURT: One second. You can't hear her?

23 THE JUROR: We just couldn't hear that last part.

24 THE COURT: Lainie, want to just -- can you read back  
25 the last question and answer?

1 (\* Whereupon, the last question and answer were  
2 read back by the court reporter.)

3 Q. I'm talking now about as far as a jokester, he would  
4 joke around with other crewmen also, right?

5 A. Yes.

6 Q. And, well, he would joke around generally, right?

7 A. Yes.

8 Q. You have specifically quotas of how much -- how many of  
9 the haulbacks you have to record?

10 A. Yes.

11 Q. You have to do 75% of them, right?

12 A. Yes.

13 Q. And you made your quota here, right?

14 A. Yes.

15 Q. The times you weren't up on deck the haulbacks were  
16 simply the need to get some sleep, right?

17 A. Yes.

18 Q. Because sometimes they do one haulback after another,  
19 it's hard to stay up there and concentrate, right?

20 A. Yes.

21 Q. And that's what the 75% figure comes from, right? So  
22 despite any comments Jack made, you still did your job,  
23 right?

24 A. Yes.

25 Q. You were uncomfortable doing it but you did the job,

1 right?

2 A. Yes.

3 Q. You testified that you had to move to the other side of  
4 the checker pen because you felt uncomfortable sometimes,  
5 right?

6 A. Yes.

7 Q. And that one time he asked you for the handshake on the  
8 deck, right?

9 A. Yes.

10 Q. Aside from that, though, you did your job; you were able  
11 to do your duties, right?

12 A. Yes.

13 Q. The handshake on the deck, though, you had your gloves  
14 on at that point?

15 A. No.

16 Q. You always have gloves on on the deck: no?

17 A. I was heading out to the deck so they were in my hand.

18 Q. So these were -- this didn't occur on the deck, it  
19 occurred in the mudroom or the galley?

20 A. Yes. Like right as we were like near the deck, yes,  
21 near the stairs.

22 Q. I mean, everything is very near everything else on that  
23 boat, is that fair to say?

24 A. Yeah, but we weren't out near the checker pen.

25 Q. So to get out of the galley, you would go through the

1 mudroom and then you would take a left and go back to the  
2 deck, right?

3 A. Yes.

4 Q. So this handshake, that occurred while everybody was  
5 going out for a haulback?

6 A. Yes.

7 Q. And you finished that haulback and you did that, you got  
8 the data from that haulback, right?

9 A. I believe so.

10 Q. Ma'am, despite the comments you felt generally safe on  
11 the boat, is that fair to say?

12 A. To an extent, yes.

13 Q. Certainly, Ms. Sullivan mentioned that you had gone to  
14 other people five days and then six days after the boat had  
15 landed, and you talked with them about what had happened?

16 A. Yes.

17 Q. And they asked you specifically about that, and you had  
18 said: Yeah, I felt safe on the boat, right?

19 A. As safe as I could, yes.

20 Q. And when you made the initial report, you didn't talk  
21 about fear or being threatened; all you talked about was  
22 being uncomfortable by the comments, right?

23 A. Yes.

24 Q. And they were, indeed, uncomfortable, right?

25 A. Yes.

1 Q. Pete Cusenza was the other crewman on the boat, was he?

2 A. Yes, he was.

3 Q. Was he -- first of all, did you have your birthday while  
4 you were on the boat?

5 A. No.

6 Q. The birthday was coming up?

7 A. Yes.

8 Q. Pete did a birthday card for you?

9 A. With Jack, yeah, he draw something on -- him and Jack  
10 drew something, I don't remember what it was, on some card  
11 or a cardboard something.

12 Q. All right. And then afterwards Pete actually  
13 socialized a little bit when you got on shore after the  
14 trip, right?

15 A. Well, I mean, what do you mean by socialize?

16 Q. You met with him, you saw him off the ship, right?

17 A. Oh, yeah, we ran into each other when we were just out.

18 Q. And "out" would be at nightclubs you saw each other at  
19 the Madfish?

20 A. Yeah.

21 Q. And more than once, right?

22 A. Yeah, twice.

23 Q. And on one of those occasions you discussed the  
24 complaint, that you were making a complaint?

25 A. I said that I had talked to law enforcement about what

1 had happened.

2 Q. You also -- you and Pete had each other's telephone  
3 numbers?

4 A. He wrote his down. I don't -- I never used it; I don't  
5 remember his.

6 Q. So you never talked with him on the telephone?

7 A. No.

8 Q. At the time that you were working on the Sea Farmer II  
9 you were living in kind of like a rooming house for  
10 observers?

11 A. Yes.

12 Q. So there were a number of -- I should say monitors; you  
13 were living there with monitors, right?

14 A. Yes.

15 Q. And both monitors, male and female?

16 A. Yes.

17 Q. And you were friendly with other monitors there?

18 A. Yes.

19 Q. You were friendly with Ariel Baker?

20 A. Yes.

21 Q. And you were friendly with Chelisa Nestel, right?

22 A. Can you repeat that name?

23 Q. Chelisa, Chelisa Nestel?

24 A. No.

25 Q. How about Stacey Albritton?

1 A. Yes.

2 Q. At the time that you reported to -- made the sector  
3 incident report you were aware that they were also reporting  
4 to NOAA?

5 MS. SULLIVAN: Objection.

6 MR. WATKINS: Can I see you at sidebar for this  
7 issue?

8 (The following sidebar discussion commenced.)

9 THE COURT: What's this about?

10 MR. WATKINS: All I'm going to do is ask her if she  
11 was aware, if indeed she was aware of whether the fact that  
12 they filed had any impact on her decision to file or to make  
13 these complaints; these complaints were all made within  
14 days of each other.

15 THE COURT: It's the same ruling. Now, they're all  
16 observers, but they were all the same; in that, they all  
17 lived at that same address and filed complaints at the same  
18 time.

19 MS. SULLIVAN: It's a different defendant and not  
20 relevant to this.

21 MR. WATKINS: I expect that the government will  
22 argue: why would she report this still if she was making  
23 it up or she was not truly harassed? I think one answer  
24 would be that at some point there was a decision made, a  
25 collective decision made, to start filing complaints, and

1 that would be relevant to rebut that.

2 THE COURT: By that do you mean a collective decision  
3 by National Marine Fisheries or just by the people?

4 MR. WATKINS: I don't know the answer to that but --

5 THE COURT: I'm going to sustain the objection.

6 (The sidebar discussion concluded.)

7 MR. WATKINS: That's all I have, your Honor.

8 THE COURT: All right. Any redirect?

9 MS. SULLIVAN: Yes, your Honor.

10 THE COURT: So, ladies and gentlemen, let me  
11 explain. So you heard the direct examination of Ms. Bryant  
12 by Ms. Sullivan and then cross-examination by Mr. Watkins.  
13 We have one more round, which is redirect and recross.

14 So Ms. Sullivan can now ask questions. It's not a  
15 beginning anew of the examination, but she can ask questions  
16 with respect to things that follow-up on things that  
17 Mr. Watkins brought up, so it's a much narrower redirect,  
18 and then Mr. Watkins has an opportunity, if he chooses, to  
19 ask recross, again not on anything, but just narrower still  
20 on just whatever Ms. Sullivan inquires into.

21 Q. Ms. Bryant --

22 THE COURT: And then we'll be done.

23 MS. SULLIVAN: I'm sorry.

24 THE COURT: Go ahead.

25



1 REDIRECT EXAMINATION BY MS. SULLIVAN:

2 Q. Ms. Bryant, when you went to the Madfish, did you ever  
3 make plans to meet Pete Cusenza at the Madfish or did you  
4 just run into him there?

5 A. I just ran into him.

6 Q. Okay. And the birthday card that Mr. Watkins asked you  
7 about, that was given to you when you were on board that  
8 boat?

9 A. Yes.

10 Q. How did the defendant refer to him on the card, if you  
11 know?

12 A. I don't remember.

13 Q. Okay. Mr. Watkins asked you a whole bunch of questions  
14 about your training, and I want to just ask you: Defense  
15 Exhibit 1, is that before the Court?

16 THE COURT: I think the jury's still looking at it,  
17 but you could use your own copy or Mr. Watkins' copy.

18 MS. SULLIVAN: All right.

19 Q. This three-page document that defense introduced, is  
20 there a date on that? Do you know what date that training  
21 material was generated?

22 A. Like January of 2011.

23 Q. Which would have been after the Sea Farmer II trip,  
24 right?

25 A. Yes.

1 Q. Mr. Watkins asked you a lot of questions about specific  
2 training that you received. I want to direct your attention  
3 to the third page of this under the section of compliance  
4 situation.

5 Do you recall he asked you questions about a field  
6 diary?

7 A. Yes.

8 Q. Did you have a field diary for this trip?

9 A. Not that I recall.

10 Q. Are you required as a monitor to have a field diary on  
11 every trip you go on?

12 A. No.

13 Q. Is it your choice whether to have one or not?

14 A. Yes.

15 Q. And when Mr. Watkins asked you questions about how you  
16 should be dealing with compliance situations, this document  
17 actually says that the field diary documentation should  
18 commence; it doesn't say "must commence," correct?

19 A. Yes.

20 Q. Okay. How many times throughout the trip did you tell  
21 the defendant to stop or say no to him?

22 A. A countless amount of times.

23 Q. Mr. Watkins asked you how you would be trained and  
24 taught to document the incidents. One way would be to put  
25 it in the field notes if you decide to use them?

1 A. Yes.

2 Q. Another way is to submit a sector incident report?

3 A. Yes.

4 Q. And you did that?

5 A. Yes.

6 Q. Did you start to prepare that sector incident report  
7 before the date that you submitted it; did you work on it?

8 A. Yes.

9 Q. When did you first start generating it or working on it?

10 A. The day I got off of the boat.

11 Q. Okay. Were you trained on how you were supposed to  
12 submit your sector incident reports?

13 A. Yes.

14 Q. And how is that?

15 A. There's several people on an e-mail list; I can just  
16 e-mail it, e-mail it to them, and then they'll contact you  
17 if you have any questions.

18 Q. So you must do it electronically?

19 A. Yes.

20 Q. Did you have a computer with you on the boat?

21 A. I believe, yes.

22 Q. Do you have full internet access when you're in the  
23 middle of the ocean?

24 A. No.

25 Q. Okay. Why didn't you document any of the -- any of

1 these offenses during the course of the trip?

2 A. I was scared. I wasn't sure how far they were going to  
3 go. I knew they kept getting worse but --

4 Q. Okay. Keep going, I'm sorry.

5 A. I didn't know they were going to get, you know, as  
6 extreme as they did.

7 Q. Mr. Watkins asked you about procedures to follow, that  
8 you can report it to the captain; were you trained that you  
9 must report it to the captain?

10 A. No.

11 Q. Who was the owner of the Sea Farmer II, if you know?

12 A. I don't know.

13 Q. Okay. Who were the employees on that boat?

14 A. Clark, Paul, Peter, and Jack.

15 Q. And who was in charge?

16 A. Clark.

17 Q. So all of the others were under him, correct?

18 A. Yes.

19 Q. All right. If you don't feel comfortable going to the  
20 captain, are you trained that an alternative method is  
21 submitting a sector report?

22 A. Yes.

23 Q. In your role play conflict that you had in the training  
24 that you received in April of 2010, how many role play  
25 scenarios did they have?

1 A. Not very many, maybe like five or so.

2 Q. Did any of them relate to specific sexual statements  
3 and gestures and the behavior --

4 A. No.

5 Q. -- that you recounted in this case?

6 A. No.

7 Q. Okay. And Mr. Watkins asked you about how you're  
8 supposed to deal with sexual harassment, did you ever receive  
9 training that would teach you to "just accept it"?

10 A. No.

11 Q. Okay. Did you believe John Cusick was joking around  
12 when he made any or all of these comments to you?

13 A. No.

14 Q. And either way, your training was in April of 2010,  
15 correct?

16 A. Yes.

17 Q. How often are you required to review the training  
18 materials that you receive?

19 A. I guess like prior to the next trip.

20 Q. Do you know for a fact if the three-page document that  
21 the defense has entered as Exhibit 1 was the exact document  
22 that you received when you were trained?

23 A. It's not the exact.

24 Q. How is it different, if you know?

25 A. I honestly just remember seeing the note, the actual

1 note from the notebook, and I remember someone talking about  
2 it briefly, but never -- I don't remember getting like pages  
3 that say "compliance situation" or anything like that after  
4 that notebook.

5 Q. Mr. Watkins referred to the word "hazing." Did you  
6 believe that this was simply a hazing incident?

7 A. No.

8 Q. Why not?

9 A. Like usually hazing, more people are involved and it's  
10 usually a group of people that are doing the same thing.

11 Q. Was anyone else involved besides the defendant?

12 A. No.

13 Q. Mr. Watkins asked you about manageable situations; I  
14 want to ask you about nonmanageable situations.

15 During the course of your training are you also trained  
16 on how to deal with nonmanageable problems?

17 A. I guess in a way, yes.

18 Q. And one of the ways to manage it is to report it?

19 A. Yes.

20 Q. Okay. Did you feel like you were able to manage the  
21 defendant during the course of that trip?

22 A. I tried to just hold everything in and be professional  
23 and just continued to do my work.

24 Q. Did you make it clear to him that you didn't want him to  
25 say or do these things?

1 A. Yes.

2 Q. Okay. And Mr. Watkins asked you about the hauls and  
3 how often you would go up to see the captain, I'm going to  
4 ask you first: when you would go to see the captain after  
5 every haul or after every other haul, how long would you  
6 guys meet together?

7 A. I tried to make it as quick as possible, maybe a couple  
8 minutes.

9 Q. Okay, and where would the defendant be during the times  
10 you'd go up there?

11 A. Sometimes he would be up there.

12 Q. Okay. I believe Mr. Watkins asked you if you knew how  
13 many hauls could occur on any given day?

14 A. Yes.

15 Q. That it could be four but I think he asked you about if  
16 it could go up to eight?

17 A. Yes.

18 Q. Do you have any memory of any day having eight hauls?

19 A. No, I don't remember that many.

20 Q. By the way, do you recall how many hauls you had overall  
21 during the course of that eight-day trip?

22 A. I want to say somewhere in the 20s, but I'm not sure.  
23 I don't remember the exact number.

24 Q. Would your memory be refreshed if I showed you your  
25 notations on that?

1 A. Yes.

2 MS. SULLIVAN: May I approach the witness?

3 THE COURT: Yes.

4 Q. I've shown it to defense; he has a copy. Do you  
5 recognize that document -- that set of documents, I'm sorry?

6 A. Yes.

7 Q. What is it?

8 A. It's my vessel and trip information log.

9 Q. Okay. Relating to this case?

10 A. Yes.

11 Q. I'm sorry, this trip?

12 A. Yes.

13 Q. Okay. And does it reference hauls that you would have,  
14 the dates and the times of the hauls?

15 A. Yes.

16 Q. And I'd just like to direct your attention, if I could,  
17 to one of the pages towards the very, very end. Do you see  
18 what I just pointed to?

19 A. Yes.

20 Q. Does that show the date of the last haul that you had  
21 on July 15th?

22 A. Yes.

23 Q. What time of the day did that happen?

24 A. At 1:37.

25 Q. In the morning?



1 A. In the morning, a.m.

2 Q. You docked at 6:45?

3 A. Yes.

4 Q. And what number haul was that?

5 A. 27.

6 Q. So in total there were 27?

7 A. Yes.

8 Q. And your memory is that the largest number of hauls on  
9 any given day would have been how many?

10 A. Maybe five.

11 Q. Okay. You said you were the first class to go on boats  
12 after the regulations changed, is that accurate?

13 A. Yes.

14 Q. Was this the first boat trip that you went on after  
15 May of 2010?

16 A. No.

17 Q. Okay. Mr. Watkins asked you if Jack Cusick bothered  
18 the others. I want to ask you: did he bother them in the  
19 same way he bothered you?

20 A. No.

21 Q. How was it different?

22 A. He was sexual; he used sexual language towards me. I  
23 don't believe that they were scared of what he would say to  
24 them or scared that he would act on the things that he said  
25 to them, but I was afraid that he wanted to act on the things

1 that he said to me.

2 Q. Did you ever see him assault anybody else?

3 A. No.

4 Q. Did you see anyone else have to change where they  
5 worked?

6 A. No.

7 Q. And the first statement that he made to you on the boat,  
8 Mr. Watkins asked you if it was just that: We're gonna have  
9 a good time or words to that effect. Isn't it true he also  
10 said: You're the first girl observer on this boat?

11 A. Yes.

12 Q. And he said that at the same time as the other  
13 statement?

14 A. Yes.

15 Q. Mr. Watkins asked you if most of the comments were  
16 made in front of others. Who would be the other person or  
17 persons that would have heard -- that would have been in  
18 your presence when the defendant made those comments?

19 A. Peter and Paul.

20 Q. And of those two, was one of them there more often than  
21 the other?

22 A. Peter.

23 Q. And is it -- did you ever have one-on-one contact with  
24 the defendant other than the first comment he made to you?

25 Did you ever have any one-on-one contact when nobody else

1 was around where the defendant made those comments to you?

2 A. Yes.

3 Q. Ma'am, this was a work trip, correct?

4 A. Yes.

5 Q. It wasn't a pleasure cruise?

6 A. No.

7 Q. And do you remember approximately how many -- strike  
8 that. Why did you wait from July 15th until July 20th  
9 before finalizing your incident report?

10 A. I was scared because --

11 MR. WATKINS: I'm going to object, your Honor.

12 THE COURT: Going beyond, going beyond what we  
13 discussed.

14 MS. SULLIVAN: May I rephrase the question given our  
15 discussion?

16 THE COURT: Yes.

17 Q. Were you scared of the defendant?

18 A. Yes.

19 Q. Did you feel intimidated?

20 A. Yes.

21 Q. Okay.

22 MR. WATKINS: Objection, your Honor. Can we stop  
23 with the leading?

24 THE COURT: Ordinarily, yes, but I think it's --  
25 I'll overrule it.

1 Q. The captain, when Mr. Watkins asked you if the captain  
2 asked if you wanted to post the notice you said no and you  
3 wanted it back, why did you want the harassment notice back?

4 A. Well, I had one copy and I just wanted to put it back in  
5 my bag; that's all.

6 Q. When Mr. Watkins asked you about the fact that the  
7 defendant helped you at the checker pen, did you ever ask  
8 him for his help?

9 A. No.

10 Q. Did others help you at the checker pen?

11 A. Yes.

12 Q. Who?

13 A. Peter, Paul sometimes.

14 Q. Mr. Watkins referred to his client as a jokester; did  
15 anybody else on board that boat "joke" the way that the  
16 defendant did?

17 A. No.

18 Q. Did you ever "joke" in that way?

19 A. No.

20 Q. He asked you about your quota; have you -- to your  
21 knowledge have you always met your quota --

22 A. Yes.

23 Q. -- on every haulback, on every trip you've been on?

24 A. Yes.

25 Q. And Mr. Watkins asked you about the first incident

1 report that you filed, he specifically asked you, he said to  
2 you that you wrote that he didn't make you feel comfortable  
3 but you didn't put anywhere in there that you were in fear,  
4 right?

5 A. Correct.

6 Q. Fair to say that you submitted a second --

7 MR. WATKINS: I'm going to object, your Honor.

8 THE COURT: Beyond the scope?

9 MR. WATKINS: Yeah, it's beyond the scope.

10 MS. SULLIVAN: May we be seen at sidebar?

11 THE COURT: All right.

12 (The following sidebar discussion commenced.)

13 MS. SULLIVAN: Your Honor, in the cross-examination  
14 defense said to the witness that she didn't say that she was  
15 uncomfortable, and that's a copy of that first statement on  
16 July 28th. Eight days later she submitted to NOAA a more  
17 extensive and detailed two-page document.

18 I don't want this jury to have the perception that it  
19 was simply one word that she used because she was much more  
20 specific and descriptive in her second report, and I don't  
21 think it's fair for them to get the impression that she  
22 didn't say "fear" in the first one, that she wasn't in fear.

23 MR. WATKINS: That's not on the 21st. That's on the  
24 28th. We had started, you know, to go tit-for-tat on all  
25 the statements and the grand jury minutes. That's her

1 initial report. That's not a prior inconsistent statement  
2 to show some -- well, I object, your Honor.

3 THE COURT: On what grounds?

4 MR. WATKINS: I don't know what the basis for  
5 putting it in would be. It's her initial statement to NOAA.  
6 She says "uncomfortable," that's it, I mean, and she's  
7 saying now it's more than that. I don't know --

8 MS. SULLIVAN: Your Honor, he opened the door.

9 MR. WATKINS: Let me finish. I don't know what the  
10 purpose of putting in another statement to say she changed  
11 her story on a different date, at an earlier time would be.

12 MS. SULLIVAN: First of all, I'm not saying she  
13 changed her story. I'm saying Mr. Watkins opened the door.  
14 I did not go into any specifics of what was contained in  
15 the initial report; and now that he has I did, but I didn't  
16 go into the substance whatsoever.

17 And then he asked specific questions about you didn't  
18 say that you were in fear, you just said that you were  
19 uncomfortable.

20 THE COURT: So what does this add eight days later  
21 to that? In other words, he asked her -- in the initial  
22 report you have the testimony now that she said that she  
23 was in fear and the like, what does the subsequent statement  
24 add at this point?

25 MS. SULLIVAN: In other words, I'm sorry?

1 THE COURT: What are you offering these questions  
2 for?

3 MS. SULLIVAN: Because I think that it's unfair to  
4 paint the picture that the defense is trying to portray  
5 that this is -- that she just said she was uncomfortable  
6 and never said she was in fear. She goes into much more  
7 graphics and specifics --

8 MR. WATKINS: But, your Honor --

9 MS. SULLIVAN: Let me finish. She goes into much  
10 more specifics and graphics here about being uncomfortable,  
11 that his comments and suggestions were unwanted. I have  
12 stayed away from the statement relative to the present. I  
13 rephrased the question for that exact purpose.

14 THE COURT: I know, I know, I know.

15 MS. SULLIVAN: She even puts her last sentence, "I  
16 know that there were many more comments that" --

17 THE COURT: Keep your voice down.

18 MS. SULLIVAN: Your Honor, I have been told to keep  
19 my voice up. "I know that there were many more comments."

20 THE COURT: Well, the comment part, I mean, is that  
21 -- he didn't ask her about the comment part. If you want  
22 to ask her that -- can I see this?

23 MS. SULLIVAN: Sure, I'm sorry.

24 THE COURT: That's okay. You're not offering the  
25 report, right?

1 MS. SULLIVAN: No.

2 THE COURT: I think you can ask her -- well, I  
3 think you can ask her a question about whether in here she  
4 said she was afraid. I'm not opening the door. Just so  
5 you all know, I don't think this opens the door here in any  
6 way. I don't know if it's in this statement anyway, but I  
7 think that you're entitled to just ask her about whether  
8 she in some way expressed the fear in here.

9 MS. SULLIVAN: If the Court would allow me to ask  
10 her about the fact that this was a much shorter statement,  
11 and that this was longer?

12 THE COURT: You can ask her if she wrote in here --  
13 what she wrote in there, but I won't go any further. That's  
14 all I'm going to say.

15 MS. SULLIVAN: Okay.

16 (The sidebar discussion concluded.)

17 THE COURT: Proceed, Ms. Sullivan.

18 Q. Ms. Bryant, is this the report that you electronically  
19 submitted -- could you just estimate how long is that?

20 A. I guess about a paragraph.

21 Q. One page?

22 A. Yeah, approximately.

23 Q. I'd direct your attention to July 28th of 2010; did you  
24 submit a second statement?

25 A. Yes.



1 Q. Does your signature appear on that one as well as the  
2 date?

3 A. Yes.

4 Q. And focusing on the second statement, is this the same  
5 length as the first statement?

6 A. It's a lot longer.

7 Q. And how many pages, how many typed pages is it, the  
8 signed statement?

9 A. Two.

10 Q. And in relation to the second statement that I'm -- do  
11 you believe that you expressed any fear in the second  
12 statement?

13 MR. WATKINS: I object, your Honor.

14 THE COURT: Overruled.

15 A. Yes.

16 MR. SULLIVAN: Thank you. Just one moment, your  
17 Honor ... thank you very much.

18 THE COURT: Any recross?

19 MR. WATKINS: Just very, very briefly.

20 THE COURT: All right.

21 RE-CROSS-EXAMINATION BY MR. WATKINS:

22 Q. In regard to the sector monitor incident report that  
23 was submitted on the 20th, I think you told us just now you  
24 started that on the 15th or just after you got off the boat?

25 A. Yes.

1 Q. So you had four days to write that?

2 A. Yes.

3 Q. And that is submitted online, right?

4 A. Yes.

5 Q. In that section it allows for an unlimited narrative,  
6 right? You can go as long as you want, is that correct?

7 A. Yes.

8 Q. On the 28th, that was just a statement typed on the  
9 computer, correct?

10 A. Yes.

11 Q. And was that typed on your computer or Dan D'Ambruso's  
12 computer?

13 A. On my computer.

14 Q. But it was after he and another NOAA person met with  
15 you, is that correct?

16 A. Yes.

17 Q. And it was at their request that you create a log or a  
18 statement, right?

19 A. They told me to tell exactly what happened.

20 MR. WATKINS: That's all I have, your Honor.

21 THE COURT: All right. Ms. Bryant, thank you very  
22 much for your testimony. You're excused, and you've  
23 concluded your testimony. You can step down from the  
24 witness stand.

25 Ladies and gentlemen of the jury, we're going to

1 suspend for the day. We'll resume the trial tomorrow  
2 morning. The schedule tomorrow will be 9 until 1. We won't  
3 go tomorrow into the afternoon. We'll finish tomorrow no  
4 later than 1:00 and we'll proceed.

5 I remind you not to talk about the case among yourselves,  
6 not to talk about the case with anyone else, do your best to  
7 be here before 9:00 so we can start at 9:00 sharp, and all  
8 rise for the jury.

9 (Whereupon, the jury exited the courtroom.)

10 THE COURT: Okay. You can be seated. Just in terms  
11 of the schedule, what do we have left? How are we doing  
12 just as a general sense?

13 MS. SULLIVAN: We have Pete Cusenza, Paul Beal, and  
14 Clark Sandler.

15 THE COURT: So the three other people on the boat?

16 MS. SULLIVAN: They were all here today, and they're  
17 coming back tomorrow, and depending on --

18 THE COURT: How long do you think you will be with  
19 each of them; shorter than Ms. Bryant, I'm assuming?

20 MS. SULLIVAN: Shorter than Ms. Bryant. The longest  
21 of the three, I would expect, is Mr. Cusenza.

22 THE COURT: He's Pete?

23 MS. SULLIVAN: He's Pete, I'm sorry.

24 THE COURT: That's all right.

25 MS. SULLIVAN: And based on them, I may or may not

1 have to call a NOAA individual. I do not believe I'm going  
2 to have to call three NOAA individuals, but I at this point  
3 unless barring anything unforeseen, in my estimation there's  
4 a chance that we could have all three of them done tomorrow  
5 and then decide whether or not -- the government could  
6 decide, and if there's time, I'll make the decision right  
7 there whether to call --

8 THE COURT: Sure. So, in other words, you might  
9 rest tomorrow? There's a reasonable possibility you'll rest  
10 tomorrow by 1:00; and if you don't, you're going to rest  
11 fairly early Thursday morning?

12 MS. SULLIVAN: It's a possibility tomorrow.  
13 Although, I don't really expect it, but I just wanted to  
14 bring it to the Court's attention, but that would be my  
15 roadmap for the next day or two.

16 THE COURT: All right, fine. So if we go through  
17 all of the government witnesses and they rest tomorrow,  
18 and if that happened before 1:00, then I think I would send  
19 -- assuming she calls those witnesses she described, am I  
20 correct that you're likely to call in either Mr. Cusick or  
21 not and probably that's it?

22 MR. WATKINS: Probably.

23 THE COURT: There may be somebody short but not a  
24 whole lot of other evidence?

25 MR. WATKINS: The only caveat I have is I'm still

1 trying to decide whether to call the training director from  
2 down in Woods Hole to clear up the issue there, but other  
3 than that --

4 THE COURT: So I will, if the government finishes  
5 tomorrow and before 1:00, I'll let the jury go home early;  
6 and then Thursday you would begin your case. And if the  
7 government doesn't rest tomorrow, we'll begin with the  
8 government on Thursday and then go right into your case, so  
9 that sounds like that the jury might get the case on Friday  
10 possibly.

11 I want to check in with you before I send the jury home  
12 tomorrow depending where we were because I want to have a  
13 charge conference with all of you before you have closing  
14 arguments, and I'd rather have the charge conference the  
15 day before you do your arguments just so you have a chance  
16 to think about it rather than do a charge conference for  
17 20 minutes, do the 20 minutes, and do it close, even  
18 though I'm sure you both could do that.

19 Do you have to look at your schedule?

20 MR. WATKINS: Yeah, tomorrow I'm scheduled to be  
21 down in Rhode Island to do -- to be a presenter at some kind  
22 of Rhode Island District Court conference.

23 THE COURT: I'd rather do it, to be honest with you,  
24 even if you didn't present any case, and it spilled over  
25 and we're done at 10:00, I might rather do the charge

1 conference Thursday sometime.

2 It's a little bit inconvenient to the jury, but it might  
3 be better to have heard all of the evidence before working  
4 on the charge, so it probably won't be tomorrow unless you  
5 tell me tomorrow that there's not -- I mean, if there isn't  
6 going to be any evidence, what time do you have to be in  
7 Rhode Island?

8 MR. WATKINS: I'm sorry?

9 THE COURT: What time do you have to leave?

10 MR. WATKINS: I think around 1:00. I'm supposed to  
11 be presenting at 2. They're already annoyed at me that I'm  
12 not going to be there earlier.

13 THE COURT: All right. I'll work on the jury  
14 instructions today.

15 Anything else? Okay. We're adjourned. See you  
16 tomorrow morning. Try to get here a little early so we can  
17 try to begin at 9:00.

18 (Whereupon, the proceedings concluded at 2:57 p.m.)

19

20

21

22

23

24

25

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

C E R T I F I C A T E

I, Helana E. Kline, a Registered Merit Reporter,  
Certified Realtime Reporter, and Federal Official Court  
Reporter of the United States District Court, do hereby  
certify that the foregoing transcript, from Page 1 to  
Page 199, constitutes, to the best of my skill and ability,  
a true and accurate transcription of my stenotype notes  
taken in the matter of the United States of America v.  
John Cusick.

/s/ Helana E. Kline

November 28, 2011

Helana E. Kline, RMR, CRR  
Federal Official Court Reporter