

No. 20-443

---

---

**In the Supreme Court of the United States**

---

UNITED STATES OF AMERICA, PETITIONER

*v.*

DZHOKHAR A. TSARNAEV

---

*ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT*

---

**JOINT APPENDIX  
(VOLUME 1)**

---

ELIZABETH B. PRELOGAR  
*Acting Solicitor General  
Department of Justice  
Washington, D.C. 20530-0001  
SupremeCtBriefs@usdoj.gov  
(202) 514-2217*

*Counsel of Record  
for Petitioner*

GINGER D. ANDERS  
*Munger, Tolles & Olson LLP  
601 Massachusetts Ave., N.W.  
Washington, D.C. 20001  
Suite 500  
ginger.anders@mto.com  
(202) 220-1107*

*Counsel of Record  
for Respondent*

---

---

PETITION FOR A WRIT OF CERTIORARI FILED: NOV. 5, 2020  
CERTIORARI GRANTED: MAR. 22, 2021

## TABLE OF CONTENTS

Page

### Volume 1

Court of appeals docket entries (16-6001) .....	1
District court docket entries (1:13-cr-10200-GAO-1).....	18
Photos of 2013 Boston Marathon finish-line area .....	97
Tsarnaev’s computer records.....	99
al Qaeda magazine accessed by Tsarnaev.....	104
Additional Tsarnaev computer records.....	110
Tsarnaev’s pre-bombing text messages .....	113
Tsarnaev’s pre-bombing tweets.....	121
Photo of Tsarnaev taking bombing position .....	124
Photos of bombing aftermath .....	125
Photos of shrapnel fragments from Martin Richard autopsy .....	139
Tsarnaev’s post-bombing tweets .....	143
Tsarnaev’s post-bombing text messages .....	146
Photos of Tsarnaev engaging law-enforcement officers in Watertown and driving SUV toward them .....	147
Photo of boat .....	150
Photo of Tsarnaev’s boat carving .....	151
Photos of Tsarnaev’s boat message.....	152
Jury trial—day thirty (Mar. 10, 2015).....	155
Jury trial—day twenty-seven (Mar. 4, 2015).....	160
Jury trial—day forty-three (Apr. 6, 2015) .....	198
Jury trial—day one—a.m. session (Jan. 5, 2015) .....	276
Jury trial—day five (Jan. 16, 2015) .....	284
Jury trial—day seven (Jan. 21, 2015).....	304
Jury trial—day nine (Jan. 23, 2015) .....	334
Jury trial—day eleven (Jan. 29, 2015).....	354

II

Table of Contents—Continued:	Page
Jury trial—day thirteen (Feb. 4, 2015) .....	380
Jury trial—day fifteen (Feb. 6, 2015).....	395
Jury trial—day sixteen (Feb. 11, 2015).....	416
Jury trial—day eighteen (Feb. 13, 2015) .....	431

**Volume 2**

Jury trial—day nineteen (Feb. 17, 2015) .....	443
Parties’ agreed-upon preliminary jury instructions (Dec. 1, 2014).....	472
Joint sealed motion for leave to file document under seal (Dec. 2, 2014) .....	474
Lobby conference (Dec. 30, 2014).....	478
Lobby conference (Jan. 2, 2015) .....	484
Tsarnaev’s requested voir dire questions (general) (Jan. 13, 2015) .....	489
Jury trial—day four (Jan. 15, 2015) .....	490
Jury trial—day five (Jan. 16, 2015) .....	495
Jury trial—day seven (Jan. 21, 2015).....	499
Jury trial—day six (Jan. 20, 2015).....	504
Jury trial—day eight (Jan. 22, 2015).....	509
Jury trial—day nine (Jan. 23, 2015) .....	513
Jury trial—day ten (Jan. 26, 2015) .....	516
Jury trial—day eleven (Jan. 29, 2015).....	521
Jury trial—day fifteen (Feb. 6, 2015).....	527
Jury trial—day sixteen (Feb. 11, 2015).....	531
Status conference and motion hearing (Nov. 12, 2013) .....	535
Status conference (Nov. 12, 2014) .....	551
Status conference (Apr. 9, 2015).....	555
Tsarnaev’s motion to compel discovery (Oct. 7, 2013) .....	560
Government’s opposition to defendant’s motion to compel discovery (Oct. 21, 2013) .....	563

III

Table of Contents—Continued:	Page
Tsarnaev’s further motion to compel discovery of favorable evidence (Mar. 28, 2014).....	566
Supplemental memorandum respecting Tsarnaev’s second motion to compel discovery of favorable evidence (Todashev statements concerning Waltham murders) (June 13, 2014).....	569
Florida State Attorney’s Office report on Agent-Involved Shooting of Ibragim Todashev (Mar. 17, 2014) .....	575
Tsarnaev’s motion to compel discovery (Oct. 10, 2014) .....	580
Letter from U.S. Attorney Carmen M. Ortiz to Tsarnaev’s defense counsel (Aug. 15, 2014) .....	583
Government’s opposition to Tsarnaev’s fourth motion to compel (Oct. 24, 2014) .....	586
Supplemental memorandum in opposition to government’s motion in limine to preclude any reference to Waltham triple homicide or other alleged bad acts of Tamerlan Tsarnaev (Apr. 24, 2015).....	589
Penalty phase verdict (May 15, 2015) .....	592
Motion hearing (Apr. 16, 2014) .....	624
Status conference (Aug. 14, 2014) .....	630
Sealed motion hearing (Apr. 13, 2015) .....	632
Sealed lobby conference (Apr. 7, 2015) .....	649
District court order (Nov. 27, 2013) .....	652
District court order (Apr. 17, 2014).....	655
District court opinion and order (Nov. 25, 2014).....	656
Reply to government’s opposition to motion to compel discovery (Nov. 7, 2013) .....	660
Government’s opposition to Tsarnaev’s motions to compel (Apr. 11, 2014) .....	662



IV

Table of Contents—Continued:	Page
Tsarnaev’s reply to government’s opposition to motion to compel discovery (Nov. 4, 2014) .....	665
Opposition to government’s motion in limine to preclude any reference to Waltham triple homicide or other alleged bad acts of Tamerlan Tsarnaev (Apr. 14, 2014) .....	667
Photo of Tsarnaev showing middle finger to camera while in federal-court holding cell .....	672
Jury trial—day thirty-four (Mar. 17, 2015) .....	673
Jury trial—day fifty (Apr. 27, 2015) .....	680
Jury trial—day fifty-one (Apr. 28, 2015) .....	683
Jury trial—day fifty-two (Apr. 29, 2015) .....	688
Jury trial—day fifty-four (May 4, 2015) .....	691
Jury trial—day thirty-one (Mar. 11, 2015) .....	695
Jury trial—day thirty-four (Mar. 17, 2015) .....	700
Jury trial—day thirty-eight (Mar. 24, 2015) .....	709
Jury trial—day thirty-nine (Mar 25, 2015) .....	721
Jury trial—day forty-seven (Apr. 21, 2015) .....	725
Jury trial—day fifty (Apr. 27, 2015) .....	741
Jury trial—day fifty-one (Apr. 28, 2015) .....	776
Jury trial—day fifty-five (May 5, 2015) .....	786
Jury trial—day fifty-nine (May 13, 2015) .....	794
Jury trial—day forty-seven (Apr. 21, 2015) .....	882
Jury trial—day forty-eight (Apr. 22, 2015) .....	886
Map showing relative location of homes of Dzhokhar and Tamerlan Tsarnaev .....	889

**Volume 3 - Under Seal**

Bomb making instructions from Tsarnaev’s al Qaeda magazine .....	890
FBI 302 report on Ibragim Todashev interview (May 21, 2013) .....	900

Table of Contents—Continued:	Page
Transcript of recording of Ibragim Todashev interview (May 21, 2013).....	919
FBI 302 report on Dylan Mess interview (Nov. 5, 2013).....	968
Tsarnaev’s ex parte motion for orders to produce for <i>in camera</i> review material regarding Tamerlan Tsarnaev’s involvement in 2011 Waltham murders (Apr. 22, 2015) .....	970
Government’s motion in limine to preclude any reference to Waltham triple homicide or other alleged bad acts of Tamerlan Tsarnaev (Dec. 30, 2014) .....	974
Excerpt of D. Ct. Doc. 112, Ex. A (Government’s Sept. 30, 2013 response to Tsarnaev’s letter of Sept. 23, 2013 requesting additional discovery) .....	980
Application for a search warrant, including Affidavit of FBI Special Agent Steven Kimball (June 3, 2013).....	983
Seizure and Search Warrant (June 3, 2013) .....	1007
Ex parte conference (July 3, 2014).....	1012
Lobby conference (Mar. 31, 2015) .....	1025

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

---

Docket No. 16-6001

UNITED STATES OF AMERICA, APPELLEE

*v.*

DZHOKHAR A. TSARNAEV, A/K/A JAHAR TSARNI  
(FEDERAL PRISONER: 95079-038),  
DEFENDANT-APPELLANT

---

**DOCKET ENTRIES**

---

<b>DATE</b>	<b>PROCEEDINGS</b>
2/16/16	CRIMINAL CASE docketed. Notice of appeal (doc. #1628) filed by Appellant Dzhokhar Tsarnaev. Docketing Statement, Transcript Report/Order form, and Appearance form due 03/01/2016. [16-6001] (TS) [Entered: 02/16/2016 12:20 PM]
	* * * * *
4/7/17	MOTION to supplement the record on appeal filed by Appellant Dzhokhar A. Tsarnaev. [16-6001] (DP) [Entered: 04/07/2017 04:43 PM]
	* * * * *
4/27/17	RESPONSE filed by Appellee US to motion to supplement record on appeal [6082576-2]. Certificate of service dated 04/27/2017.

---

**DATE PROCEEDINGS**

---

[16-6001] (WAG) [Entered: 04/27/2017 08:51 AM]

\* \* \* \* \*

5/4/17 REPLY filed by Appellant Dzhokhar A. Tsarnaev to response [6087064-2]. Certificate of service dated 05/04/2017. [16-6001] (DP) [Entered: 05/04/2017 02:23 PM]

\* \* \* \* \*

8/11/17 ORDER entered by Juan R. Torruella, Appellate Judge: This matter is before the court on Appellant Tsarnaev's Motion to Disclose on Appeal Government Ex Parte Filings and Proceedings in the District Court. The motion is denied without prejudice. Tsarnaev can re-raise this issue once the appeal is fully briefed. The government's Motion for Leave to File a Sealed Attachment to Its Opposition to Appellant's Motion is allowed. Appellant's brief shall be filed within twelve months from August 18, 2017 and the government's brief within six months after the filing of the appellant's brief. The reply brief shall be filed within sixty days after the filing of the government's brief. [16-6001] (MNH) [Entered: 08/11/2017 02:50 PM]

\* \* \* \* \*

---

<b>DATE</b>	<b>PROCEEDINGS</b>
7/3/18	PLEADING tendered: Motion to Disclose to Appellate Counsel Reports and Recordings of Interviews of Ibragim Todashev Reviewed by the District Court In Camera and Ex Parte <i>provisionally filed under seal</i> filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 06/29/2018. [16-6001]. (TS) [Entered: 07/03/2018 12:12 PM]
	* * * * *
7/11/18	PLEADING tendered: Government's Response in Opposition to [6181362-2] <i>provisionally filed under seal</i> . filed by Appellee US. Certificate of service dated 07/11/2018. [16-6001] (TS) [Entered: 07/11/2018 03:40 PM]
	* * * * *
7/17/18	PLEADING tendered: Appellant's Reply to Government's Response in Opposition [6183078-2] <i>provisionally filed under seal</i> filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 07/17/2018. [16-6001] (TS) [Entered: 07/17/2018 01:48 PM]
	* * * * *
7/25/18	SEALED MOTION to Disclose to Appellate Counsel Reports and Recordings of Interviews of Ibragim Todashev Reviewed by the District Court In Camera and Ex Parte

---

<b>DATE</b>	<b>PROCEEDINGS</b>
	filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 06/29/2018. [16-6001] (TS) [Entered: 07/25/2018 10:11 AM]
7/25/18	SEALED RESPONSE filed by Appellee US to Motion to Disclose to Appellate Counsel Reports and Recordings of Interviews of Ibragim Todashev Reviewed by the District Court In Camera and Ex Parte [6186007-2]. Certificate of service dated 07/11/2018. [16-6001] (TS) [Entered: 07/25/2018 10:13 AM]
	* * * * *
7/25/18	SEALED REPLY filed by Appellant Dzhokhar A. Tsarnaev to response [6186008-2]. Certificate of service dated 07/17/2018. [16-6001] (TS) [Entered: 07/25/2018 10:16 AM]
	* * * * *
10/3/18	ORDER entered by Juan R. Torruella, Appellate Judge: This matter is before the court on defendant's motion for disclosure to his appellate counsel of certain material submitted by the United States to the district court in camera and ex parte. The motion is resolved as follows: Those appellate attorneys who have filed a notice of appearance in this appeal and who maintain an active top secret security clearance ("Au-

---

**DATE      PROCEEDINGS**


---

thorized Counsel”) will be permitted to review the material (contained on a copy of the disk originally submitted to the district court under docket entry 266) at the John J. Moakley Courthouse (the “Courthouse”) on the following dates and at the following times: **October 15, 16, and 17, 18, and 19, 2018, between the hours of 9:00 a.m. and 4:00 p.m.** The United States is hereby instructed forthwith to confirm in writing to this court the date of the video/audio recording submitted on disk to the district court under docket entry 266 and whether the cover letter accompanying the disk lists an incorrect date. One week prior to **October 15, 2018**, appellate counsel shall submit via a sealed letter to the Clerk the names of those attorneys who intend to review the material and verify that those attorneys hold active top secret security clearances. Authorized Counsel’s review of the material shall not delay the appeal. [16-6001] (TS) [Entered: 10/03/2018 04:59 PM]

\* \* \* \* \*

10/25/18 ORDER entered by Juan R. Torruella, Appellate Judge: Defendant’s Motion to Seal and Limit Access to Authorized Counsel’s Unopposed Motion for Modification to Protective Order is resolved as follows: the Motion to Seal is accepted for filing under seal. Authorized Counsel’s Unopposed

---

**DATE      PROCEEDINGS**


---

Motion for Modification to Protective Order is resolved as follows: paragraph (5) of the Court's October 3, 2018 Order is modified as follows: "(5) Only Authorized Counsel and Learned Counsel (Clifford Gardner and Gail K. Johnson) shall be privy to the content of the material and shall not share it with defendant or any other members of the defense team[.]" [16-6001] (MNH) [Entered: 10/25/2018 08:57 AM]

\* \* \* \* \*

12/31/18    OVERSIZED ADDENDUM filed by Appellant Dzhokhar A. Tsarnaev. Number of volumes: 1. Number of copies: 10. Electronic Material: 10 USB drives. Certificate of service dated 12/27/2018. [16-6001]. (JMK) [Entered: 08/28/2019 01:51 PM]

\* \* \* \* \*

1/4/19      APPENDIX filed by Appellant Dzhokhar A. Tsarnaev. Number of volumes: 26. Number of copies: 5. Certificate of service dated 12/27/2018. [16-6001] (TS) [Entered: 01/04/2019 08:17 AM]

\* \* \* \* \*

1/7/19      SEALED APPENDIX filed by Appellant Dzhokhar A. Tsarnaev. Number of volumes: 1. Number of copies: 5. Certifi-



---

DATE	PROCEEDINGS
	<p>cate of service dated 12/27/2018. [16-6001] (TS) [Entered: 01/07/2019 03:36 PM]</p> <p style="text-align: center;">* * * * *</p>
1/7/19	<p>SEALED APPELLANT'S BRIEF filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 12/27/2018.. [16-6001] (TS) [Entered: 01/07/2019 03:47 PM]</p>
1/7/19	<p>PARTIALLY REDACTED APPELLANT'S BRIEF filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 12/27/2018. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 01/14/2019. <b>Brief due 06/27/2019 for APPELLEE United States.</b> [16-6001]. (TS) [Entered: 01/07/2019 04:04 PM]</p> <p style="text-align: center;">* * * * *</p>
4/25/19	<p>PLEADING tendered: Authorized Counsel's Motion For Partial Reconsideration of Disclosure of Government Ex Parte Transcripts Concerning "Discovery Matters" <b>provisionally filed under seal</b> filed by Appellant Dzhokhar A. Tsarnaev. [16-6001] (TS) [Entered: 04/25/2019 02:19 PM]</p> <p style="text-align: center;">* * * * *</p>
4/30/19	<p>PLEADING tendered: Government's Opposition to Authorized Counsel's Motion for Leave to File a Supplemental Opening Brief</p>

---

**DATE PROCEEDINGS**

---

*provisionally filed under seal* filed by Appellee US. [16-6001] (TS) [Entered: 04/30/2019 12:03 PM]

\* \* \* \* \*

5/6/19 PLEADING tendered: Authorized Counsel's Reply to Government's Opposition to File a Supplemental Opening Brief and Reply in Support of Motion for Leave to File a Supplemental Opening Brief *provisionally filed under seal* filed by Appellant Dzhokhar A. Tsarnaev. [16-6001] (TS) [Entered: 05/06/2019 02:13 PM]

\* \* \* \* \*

5/21/19 ORDER entered by Juan R. Torruella, Appellate Judge; Rogeriee Thompson, Appellate Judge and William J. Kayatta, Jr., Appellate Judge: Defendant's Motion for Leave to File a Supplemental Opening Brief is allowed. The supplemental brief shall be limited to 10 pages and shall be filed within 14 days following the issuance of this order. Defendant's Motion for Partial Reconsideration of Disclosure of Government Ex Parte Transcripts Concerning Discovery Matters is denied without prejudice to defendant re-raising the issue, if necessary, within 30 days after the appeal is fully briefed. [16-6001] (KPC) [Entered: 05/21/2019 11:36 AM]

---

**DATE PROCEEDINGS**

---

\* \* \* \* \*

5/29/19 PLEADING tendered: Authorized Counsel's Motion to Disclose on Appeal Recordings of Ibragim Todashev's Final Interview with Law Enforcement ***provisionally filed under seal*** filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 05/24/2019. [16-6001]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (TS) [Entered: 05/29/2019 12:37 PM]

\* \* \* \* \*

5/31/19 PLEADING tendered: Government's Opposition to Authorized Counsel's Motion to Disclose on Appeal Recordings of Ibragim Todashev's Final Interview with Law Enforcement ***provisionally filed under seal*** filed by Appellee US. [16-6001] (TS) [Entered: 05/31/2019 02:52 PM]

\* \* \* \* \*

6/5/19 PLEADING tendered: ***Provisionally filed under seal*** Authorized Counsel's Reply in Support of Motion to Disclose on Appeal Recordings of Ibragim Todahsev's Final Interview with Law Enforcement filed by Appellant Dzhokhar A. Tsarnaev. [16-6001] (TS) [Entered: 06/05/2019 12:01 PM]

\* \* \* \* \*

---

<b>DATE</b>	<b>PROCEEDINGS</b>
6/13/19	SEALED OPENING SUPPLEMENTAL BRIEF RESTRICTED TO AUTHORIZED COUNSEL filed by Appellant Dzhokhar A. Tsarnaev. Number of copies: 9 and 2 disks. Certificate of service dated 06/02/2019. [16-6001] (TS) [Entered: 06/13/2019 12:10 PM]
	* * * * *
6/27/19	APPELLEE'S REDACTED BRIEF filed by Appellee US. Certificate of service dated 06/27/2019. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 07/05/2019. [16-6001]. CLERK'S NOTE: Docket entry was edited to modify the docket text. [16-6001]. (LIM) [Entered: 06/27/2019 04:11 PM]
	* * * * *
6/28/19	APPELLEE'S SEALED BRIEF filed by Appellee US. Number of copies: 2. Certificate of service dated 06/27/2019. Seven paper copies identical to that of the brief filed must be submitted so that they are received by the court on or before 07/05/2019. Reply brief due 08/26/2019 for APPELLANT Dzhokhar A. Tsarnaev. [16-6001]. CLERK'S NOTE: Docket entry was edited to modify the docket text. [16-6001] (LIM) [Entered: 06/28/2019 03:05 PM]

---

**DATE PROCEEDINGS**

---

6/28/19 SUPPLEMENTAL APPENDIX filed by Appellee US. Number of volumes: 1. Number of copies: 5. Electronic Exhibit: 6 USB Drives. Certificate of service dated 06/27/2019. [16-6001] (LIM) [Entered: 06/28/2019 03:19 PM]

\* \* \* \* \*

7/24/19 SECOND SUPPLEMENTAL BRIEF filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 07/14/2019. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 07/31/2019. [16-6001] (TS) [Entered: 07/24/2019 10:14 AM]

\* \* \* \* \*

7/31/19 ORDER entered by Juan R. Torruella, Appellate Judge: Authorized Counsel's Motion to Disclose on Appeal Recordings of Ibragim Todashev's Final Interview with Law Enforcement (the "Recordings") is granted as follows. The government shall produce a single copy of the Recordings to defendant's Authorized Counsel *within three business days following the issuance of this order*. Authorized Counsel shall treat the Recordings as sealed and shall not make copies. Only Authorized Counsel and Learned Counsel (Clifford Gardner and Gail K. John-

---

**DATE      PROCEEDINGS**


---

son) shall be privy to the content of the Recordings and shall not share it with defendant or any other members of the defense team. Authorized Counsel shall file any supplemental brief relating to the Recordings under seal *within ten calendar days after Authorized Counsel's receipt of the Recordings*. The government shall file any responsive supplemental brief under seal within ten calendar days after Authorized Counsel files the supplemental brief. Any reply brief shall be filed under seal within three calendar days after the government files its responsive supplemental brief. The government shall file, on one or more electronic discs, a copy of the Recordings with this court under seal at the same time as the Recordings are produced to defendant's Authorized Counsel. The court must be provided with six copies of the disc(s) which should not be password protected. No extensions will be granted. Authorized Counsel *shall return their copy of the Recordings to the government at the time they file the reply*. [16-6001] (TS) [Entered: 07/31/2019 04:18 PM]

\* \* \* \* \*

8/6/19      SEALED SUPPLEMENTAL APPENDIX  
filed by Appellee US. Number of volumes:  
Vol. 2 (sealed).      Number of copies:    5.

---

<b>DATE</b>	<b>PROCEEDINGS</b>
	[16-6001] (TS) [Entered: 08/06/2019 01:50 PM]
8/16/19	SEALED THIRD SUPPLEMENTAL BRIEF filed by Appellant Dzhokhar A. Tsarnaev. Number of copies: 9. Certificate of service dated 08/15/2019. [16-6001] (LIM) [Entered: 08/16/2019 10:49 AM]
	* * * * *
8/26/19	SEALED SUPPLEMENTAL BRIEF filed by Appellee US. Number of copies: 9. Certificate of service dated 08/26/2019.. [16-6001] (TS) [Entered: 08/26/2019 12:41 PM]
	* * * * *
8/30/19	SECOND SUPPLEMENTAL BRIEF filed by Appellee US. Certificate of service dated 08/30/2019. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 09/03/2019. [16-6001] (DK) [Entered: 08/30/2019 02:43 PM]
	* * * * *
9/25/19	ORDER entered by Juan R. Torruella, Appellate Judge: Authorized Counsel's Unopposed Motion for Second Modification to Protective Order is resolved as follows: paragraph (5) of the Court's October 3, 2018 Order, as modified by the Court's October

---

**DATE PROCEEDINGS**

---

25, 2018, Order is further modified as follows: “(5) Only Authorized Counsel, Learned Counsel (Clifford Gardner and Gail K. Johnson), and Mia Eisner-Grynberg and Daniel Habib of the Federal Defenders-NY shall be privy to the content of the material and shall not share it with defendant or other members of the defense team, if any[.]” [16-6001] (TS) [Entered: 09/25/2019 02:09 PM]

\* \* \* \* \*

10/18/19 REPLY BRIEF filed under seal by Appellant Dzhokhar A. Tsarnaev. Number of copies: 9. Certificate of service dated 10/10/2019.. [16-6001] (DPO) [Entered: 10/18/2019 10:00 AM]

10/18/19 REDACTED REPLY BRIEF filed by Appellant Dzhokhar A. Tsarnaev. Certificate of service dated 10/10/2019. [16-6001] (DPO) [Entered: 10/18/2019 10:02 AM]

\* \* \* \* \*

12/12/19 CASE argued. Panel: Juan R. Torruella, Appellate Judge; Rogeriee Thompson, Appellate Judge and William J. Kayatta, Jr., Appellate Judge. Arguing attorneys: Daniel Habib for Dzhokhar A. Tsarnaev and William A. Glaser for US. [16-6001] (DJT) [Entered: 12/12/2019 01:32 PM]

\* \* \* \* \*



---

<b>DATE</b>	<b>PROCEEDINGS</b>
7/31/20	OPINION issued by Juan R. Torruella, Appellate Judge; Rogeriee Thompson, Appellate Judge and William J. Kayatta, Jr., Appellate Judge. Published. [16-6001] (DPO) [Entered: 07/31/2020 02:56 PM]
7/31/20	JUDGMENT. 16-6001 Dzhokhar Tsarnaev's convictions on Counts 13, 15, and 18 are reversed, and the district court is directed to enter a judgment of acquittal on those counts. Dzhokhar Tsarnaev's death sentences on Counts 4, 5, 9, 10, and 14 are vacated, and the matter is remanded to the district court with directions to hold a new penalty-phase trial consistent with the opinion issued this day and with Local Rule 40.1(k)(1) of the District of Massachusetts. [16-6001] (DPO) [Entered: 07/31/2020 03:00 PM]
	* * * * *
9/14/20	ORDER entered by Rogeriee Thompson, Appellate Judge. Upon consideration of the government's assented-to motion to stay mandate, the motion is granted. The issuance of the mandate is hereby stayed until December 28, 2020. If within that period a timely petition for writ of certiorari is filed, the stay shall continue until final disposition of such petition by the United States Supreme Court. Should any petition for writ certiorari be denied, mandate shall issue

---

**DATE PROCEEDINGS**

---

forthwith. Counsel for the government is directed to promptly notify the Clerk of this court both of the filing of any such petition for writ of certiorari and its disposition. [16-6001] (GAK) [Entered: 09/14/2020 03:44 PM]

\* \* \* \* \*

4/6/21 ORDER entered by Rogeriee Thompson, Appellate Judge: Defendant-appellant's Motion to Seal and Limit Access to Authorized Counsel's Unopposed Motion for Third Modification to Protective Order is granted. The motion for modification is accepted for filing under seal. It is further ordered that defendant-appellant's Unopposed Motion for Third Modification to Protective Order is granted and paragraph (5) of the Court's October 3, 2018 Order is modified as follows: "(5) Only Authorized Counsel, Learned Counsel (Clifford Gardner and Gail K. Johnson), Mia Eisner-Grynberg and Daniel Habib of the Federal Defenders-NY, and Ginger Anders of Munger, Tolles & Olson LLP shall be privy to the content of the material and shall not share it with defendant or other members of the defense team, if any[.]" [16-6001]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (DPO) [Entered: 04/06/2021 09:32 AM]

---

**DATE      PROCEEDINGS**

---

\* \* \* \* \*

5/12/21    ORDER entered by Rogeriee Thompson,  
Appellate Judge: The joint motion for mod-  
ification of protective order and defendant-  
appellant's motion to seal the joint motion  
are granted. [16-6001] (DPO) [Entered:  
05/12/2021 11:35 AM]

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(BOSTON)

---

Docket No. 1:13-cr-10200-GAO-1  
UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS  
JAHAR TSARNI, DEFENDANT

---

**DOCKET ENTRIES**

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
6/27/13	<u>58</u>	INDICTMENT as to Dzhokhar A. Tsarnaev (1) count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15-18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30. (Attachments: # <u>1</u> JS45) (Catino3, Theresa) (Entered: 06/27/2013)
		* * * * *
10/7/13	<u>112</u>	MOTION to Compel <i>Discovery (Redacted for Public Docket)</i> as to Dzhokhar A. Tsarnaev. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Fick, William) (Additional attachment(s) added on 10/9/2013,

DATE	DOCKET NUMBER	PROCEEDINGS
		pursuant to the court's order <u>114</u> # <u>4</u> Sealed Unredacted Motion to Compel # <u>5</u> Sealed Unredacted Exhibit A, # <u>6</u> Sealed Unredacted Exhibit B) (Lyness, Paul). (Entered: 10/07/2013)
		* * * * *
10/21/13	<u>129</u>	MEMORANDUM in Opposition by USA as to Dzhokhar A. Tsarnaev re <u>112</u> MOTION to Compel <i>Discovery (Redacted for Public Docket)</i> (Weinreb, William) (Entered: 10/21/2013)
		* * * * *
11/7/13	<u>144</u>	REPLY TO RESPONSE to Motion by Dzhokhar A. Tsarnaev re <u>112</u> MOTION to Compel <i>Discovery (Redacted for Public Docket)</i> (Fick, William) (Entered: 11/07/2013)
		* * * * *
11/21/13	<u>149</u>	Transcript of Status Conference and Motion Hearing as to Dzhokhar A. Tsarnaev held on November 12, 2013, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 11/21/2013)

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
11/27/13	<u>151</u>	Judge George A. OToole, Jr: ORDER entered granting in part and denying in part <u>112</u> Motion to Compel as to Dzhokhar A. Tsarnaev (1) (Lyness, Paul) (Entered: 11/27/2013)
		* * * * *
1/30/14	<u>167</u>	NOTICE <i>Of Intent</i> by USA as to Dzhokhar A. Tsarnaev (Pellegrini, Nadine) (Entered: 01/30/2014)
		* * * * *
3/28/14	<u>233</u>	Second MOTION to Compel <i>Discovery of Favorable Evidence</i> as to Dzhokhar A. Tsarnaev. (Conrad, Miriam) (Entered: 03/28/2014)
		* * * * *
4/11/14	<u>243</u>	Opposition by USA as to Dzhokhar A. Tsarnaev re <u>235</u> MOTION to Compel <i>Compliance with Automatic Discovery Obligations</i> , <u>233</u> Second MOTION to Compel <i>Discovery of Favorable Evidence</i> (Weinreb, William) (Entered: 04/11/2014)

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
4/17/14	<u>255</u>	Judge George A. OToole, Jr: ORDER entered deny- ing <u>233</u> Motion to Compel as to Dzhokhar A. Tsarnaev (1); denying <u>235</u> Motion to Compel as to Dzhokhar A. Tsarnaev (1) (Danieli, Chris) (Entered: 04/17/2014)
		* * * * *
4/28/14	<u>270</u>	Transcript of Motion Hearing as to Dzhokhar A. Tsarnaev held on April 16, 2014, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 04/28/2014)
		* * * * *
6/13/14	<u>367</u>	Supplemental MEMORAN- DUM in Support by Dzhokhar A. Tsarnaev re <u>233</u> Second MOTION to Compel <i>Discovery of Favorable Evidence</i> (Attach- ments: # <u>1</u> Exhibit)(Conrad, Miriam)(Entered: 06/13/2014)
		* * * * *
6/18/14	<u>376</u>	MOTION to Change Venue as to Dzhokhar A. Tsarnaev. (Clarke, Judy) (Entered:

DATE	DOCKET NUMBER	PROCEEDINGS
		06/18/2014)
		* * * * *
7/1/14	<u>405</u>	Opposition by USA as to Dzhokhar A. Tsarnaev re <u>376</u> MOTION to Change Venue (Pellegrini, Nadine) (Entered: 07/01/2014)
		* * * * *
8/7/14	<u>461</u>	REPLY TO RESPONSE to Motion by Dzhokhar A. Tsarnaev re <u>376</u> MOTION to Change Venue (Attachments: # <u>1</u> Affidavit Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit) (Clarke, Judy) (Entered: 08/07/2014)
		* * * * *
8/25/14	<u>512</u>	SUR-REPLY to Motion by



DATE	DOCKET NUMBER	PROCEEDINGS
		USA as to Dzhokhar A. Tsarnaev re <u>376</u> MOTION to Change Venue (Weinreb, William) (Entered: 08/25/2014)
		* * * * *
9/5/14	<u>538</u>	Transcript of Status Conference as to Dzhokhar A. Tsarnaev held on August 14, 2014, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/05/2014)
		* * * * *
9/24/14	<u>577</u>	Judge George A. OToole, Jr: OPINION AND ORDER entered denying <u>376</u> Motion for Change of Venue as to Dzhokhar A. Tsarnaev (1); granting in part and denying in part <u>518</u> Motion to Continue as to Dzhokhar A. Tsarnaev (1) (Jury Trial set for 1/5/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr., Final Pretrial Conference set for 12/18/2014 10:00 AM in Courtroom 9 before Judge George A. OToole Jr.); granting in part and denying in part <u>529</u> Motion for Order as to Dzhokhar A. Tsarnaev (1);

DATE	DOCKET NUMBER	PROCEEDINGS
		granting in part and denying in part <u>530</u> Motion to Compel as to Dzhokhar A. Tsarnaev (1); granting in part and denying in part <u>245</u> Motion to Compel as to Dzhokhar A. Tsarnaev (1) (Lyness, Paul) (Entered: 09/24/2014)
		* * * * *
10/10/14	<u>602</u>	MOTION to Compel as to Dzhokhar A. Tsarnaev. (Fick, William) (Additional attachment(s) added on 10/20/2014: # <u>1</u> Exhibit Sealed Exhibit A, # <u>2</u> Exhibit—Letter Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (July 25, 2014), # <u>3</u> Exhibit Sealed Exhibit C, # <u>4</u> Exhibit Sealed Exhibit D, # <u>5</u> Exhibit Sealed Exhibit E, # <u>6</u> Exhibit Sealed Exhibit F, # <u>7</u> Exhibit Sealed Exhibit G, # <u>8</u> Exhibit Sealed Exhibit H, Unsealed pursuant to order (docket no. 1749). # <u>9</u> Exhibit Sealed Exhibit I) (Danieli, Chris). Unsealed pursuant to electronic order (docket no. 1627). Modified on 2/11/2016

DATE	DOCKET NUMBER	PROCEEDINGS
		(Abaid, Kimberly). Modified on 3/4/2016 (Danieli, Chris). (Additional attachment(s) added on 9/26/2016: # <u>10</u> Redacted Discovery Letter from Govt., # <u>11</u> Redacted Exhibit-Letter from Defense, # <u>12</u> Redacted Exhibit-Letter from Defense, # <u>13</u> Redacted Exhibit—Letter from Govt., # <u>14</u> Redacted Exhibit-Letter from Govt., # <u>15</u> Redacted Exhibit-Letter from Defense)—pursuant to electronic order (docket no. 1700) (Nicewicz, Craig). Modified on 11/21/2018 (adminn.). (Entered: 10/10/2014)
		* * * * *
10/24/14	<u>618</u>	Opposition by USA as to Dzhokhar A. Tsarnaev re <u>602</u> MOTION to Compel (Weinreb, William) (Entered: 10/24/2014)
		* * * * *
11/4/14	<u>634</u>	REPLY TO RESPONSE to Motion by Dzhokhar A. Tsarnaev re <u>602</u> MOTION to Compel (Fick, William) (Entered: 11/04/2014)

DATE	DOCKET NUMBER	PROCEEDINGS
11/25/14	<u>675</u>	<p style="text-align: center;">* * * * *</p> Judge George A. OToole, Jr: OPINION AND ORDER entered denying <u>602</u> Motion to Compel as to Dzhokhar A. Tsarnaev (1) (Danieli, Chris) Unsealed pursuant to electronic order (docket no. 1627). Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/7/2016 (Danieli, Chris). (Entered: 11/25/2014)
12/1/14	<u>684</u>	<p style="text-align: center;">* * * * *</p> Second MOTION to Change Venue as to Dzhokhar A. Tsarnaev. (Fick, William) (Entered: 12/01/2014)
12/1/14	<u>686</u>	<p style="text-align: center;">* * * * *</p> MEMORANDUM in Support by Dzhokhar A. Tsarnaev re <u>684</u> Second MOTION to Change Venue (Attachments: # <u>1</u> Exhibit 1 (Smith Declaration), # <u>2</u> Exhibit 1a - search terms, # <u>3</u> Exhibit 1b - Globe log and articles, # <u>4</u> Exhibit 1c - Herald log and articles, # <u>5</u> Exhibit 2 (Vidmar Declaration)) (Fick, William) (Attachment 1

DATE	DOCKET NUMBER	PROCEEDINGS
		replaced on 2/19/2015) (Danieli, Chris). Modified on 2/19/2015 (Danieli, Chris). Exhibit 1 (Smith Declaration) replaced with paragraphs stricken and Exhibit 2 (Vidmar Declaration) stricken pursuant to Jan. 2, 2015 Opinion and Order (dkt. no. 887). (Entered: 12/01/2014)
		* * * * *
12/1/14	<u>688</u>	Proposed Jury Instructions by Dzhokhar A. Tsarnaev (Attachments: # <u>1</u> Agreed instructions, # <u>2</u> Agreed instructions) (Bruck, David) (Entered: 12/01/2014)
		* * * * *
12/2/14	<u>702</u>	Motion for Leave to File Document Under Seal (Attachments: # <u>1</u> Exhibit)(Danieli, Chris). Unsealed pursuant to electronic order (docket no. 1627). Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/7/2016 (Danieli, Chris). (Entered: 12/03/2014)
		* * * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
12/8/14	<u>713</u>	Juror Questionnaire Preliminary Instructions (Danieli, Chris). Unsealed pursuant to electronic order (docket no.1627). Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/7/2016 (Danieli, Chris). (Entered: 12/08/2014)
		* * * * *
12/8/14	<u>715</u>	Motion to Supplement Agreed-Upon Questionnaire Under Seal (Danieli, Chris). Unsealed pursuant to electronic order (docket no. 1627). Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/7/2016 (Danieli, Chris). (Entered: 12/08/2014)
		* * * * *
12/22/14	<u>796</u>	Opposition by USA as to Dzhokhar A. Tsarnaev re <u>684</u> Second MOTION to Change Venue (Weinreb, William) (Entered: 12/22/2014)
		* * * * *
12/30/14	<u>867</u>	SEALED MOTION (Danieli, Chris) Modified on 4/17/2015 (Lyness, Paul). (Additional attachment(s) added on 9/20/2016: # <u>1</u> Redacted Government

DATE	DOCKET NUMBER	PROCEEDINGS
		Motion in Limine re: Waltham Triple Homicide)—pursuant to electronic order (docket no. 1700) (Nicewicz, Craig). Unsealed pursuant to order (docket no. 1749). Modified on 11/21/2018 (adminn.). (Entered: 12/30/2014)
		* * * * *
12/31/14	876	Judge George A. OToole, Jr: ELECTRONIC ORDER entered denying <u>684</u> Motion for Change of Venue as to Dzhokhar A. Tsarnaev (1); denying <u>829</u> Motion to Continue as to Dzhokhar A. Tsarnaev (1). Explanatory opinions will be issued shortly. (Lyness, Paul) (Entered: 12/31/2014)
		* * * * *
1/5/15		ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Day 1 of Jury Selection as to Dzhokhar A. Tsarnaev held on 1/5/2015 at 9:00 AM and 1:00 PM. Jury selection begins in Jury Assembly Room. Court makes introductory remarks to jury panels. Counsel and the defendant introduced. Jury

DATE	DOCKET NUMBER	PROCEEDINGS
1/6/15	<u>914</u>	<p>Panels sworn. Jury panels complete questionnaires. * * * (Lyness, Paul) (Entered: 01/06/2015)</p> <p>Judge George A. OToole, Jr: ORDER entered denying <u>715</u> Sealed Motion. Unsealed pursuant to electronic order (docket no. 1627). (Danieli, Chris) Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/2/2016 (Abaid, Kimberly). (Entered: 01/06/2015)</p>
1/6/15		<p>* * * * *</p> <p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Day 2 of Jury Selection as to Dzhokhar A. Tsarnaev held on 1/6/2015 at 9:00 AM and 1:00 PM. Jury selection continues in Jury Assembly Room. Court makes introductory remarks to jury panels. Counsel and the defendant introduced. Jury panels sworn. Jury panels complete questionnaires. * * * (Lyness, Paul) (Entered: 01/06/2015)</p>



DATE	DOCKET NUMBER	PROCEEDINGS
1/7/15		<p style="text-align: center;">* * * * *</p> <p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Day 3 of Jury Selection as to Dzhokhar A. Tsarnaev held on 1/7/2015 at 9:00 AM and 1:00 PM. Jury selection continues in Jury Assembly Room. Court makes introductory remarks to jury panels. Counsel and the defendant introduced. Jury panels sworn. Jury panels complete questionnaires. * * * (Lyness, Paul). (Entered: 01/07/2015)</p>
1/13/15	<u>951</u>	<p style="text-align: center;">* * * * *</p> <p>Sealed Motion to Seal Defendant's Proposed Follow-Up Questions Re Voir Dire. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit). Unsealed pursuant to electronic order (docket no. 1627). (Danieli, Chris) Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/2/2016 (Abaid,</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		Kimberly). (Entered: 01/13/2015)
		* * * * *
1/15/15	963	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Day 4 of Jury Selection as to Dzhokhar A. Tsarnaev held on 1/15/2015 * * * (Lyness, Paul) (Entered: 01/16/2015)
		* * * * *
1/16/15	973	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Day 5 of Jury Selection as to Dzhokhar A. Tsarnaev held on 1/16/2015, (Jury Selection set for 1/20/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 01/16/2015)
		* * * * *
1/21/15	978	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 1/21/2015. Jury panel sworn. The court

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		gives instructions. (Jury Selection set for 1/22/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 01/21/2015)
1/21/15	<u>979</u>	Defense Follow-Up Voir Dire Questions (Third Request). Unsealed pursuant to electronic order (docket no. 1627). (Danieli, Chris) Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/2/2016 (Abaid, Kimberly). (Entered: 01/21/2015)
1/22/15	<u>980</u>	Third MOTION to Change Venue as to Dzhokhar A. Tsarnaev. (Watkins, Timothy) (Entered: 01/22/2015)
		* * * * *
1/22/15	<u>982</u>	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 1/22/2015. The jury panel is sworn. The court gives its instructions. (Jury Selection set for 1/23/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.)

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * (Lyness, Paul) (Entered: 01/22/2015)
		* * * * *
1/23/15	<u>985</u>	Memorandum in Support of Third Motion for Change of Venue. (Attachments: # <u>1</u> Exhibit). Unsealed pursuant to electronic order (docket no. 1627). (Danieli, Chris) Modified on 2/11/2016 (Abaid, Kimberly). Modified on 3/2/2016 (Abaid, Kimberly). (Entered: 01/23/2015)
		* * * * *
1/26/15	<u>988</u>	Transcript of Lobby Conference as to Dzhokhar A. Tsarnaev held on December 30, 2014, before Judge George A. OToole. * * * (Scalfani, Deborah) (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Lobby Conference redacted by parties)-pursuant to Order (docket no. 1749)) (Halley, Taylor). (Entered: 01/26/2015)
1/26/15	989	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>A. Tsarnaev held on 1/26/2015            Jury panel is sworn. The court            gives its instructions. (Jury Se-            lection set for 1/29/2015 09:00            AM in Courtroom 9 before            Judge George A. OToole Jr.)            * * * (Lyness, Paul) (En-            tered: 01/26/2015)</p>
		* * * * *
1/28/15	<u>992</u>	<p>Opposition by USA as to Dzhokhar A. Tsarnaev re <u>980</u> Third MOTION to Change Venue (Weinreb, William) (Entered: 01/28/2015)</p>
		* * * * *
1/29/15	995	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 1/29/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 1/30/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.)            * * * (Lyness, Paul) (Entered: 01/29/2015)</p>
		* * * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
1/30/15	997	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 1/30/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/2/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 01/30/2015)  * * * * *
2/4/15	1004	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/4/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/5/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 02/04/2015)  * * * * *
2/5/15	<u>1006</u>	SEALED Transcript of Jury Trial Day Four (Empanelment) as to Dzhokhar A. Tsarnaev held on January 15, 2015, before

DATE	DOCKET NUMBER	PROCEEDINGS
2/5/15	<u>1007</u>	<p>Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 2/5/2015 (Scalfani, Deborah). Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Four (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)</p> <p>SEALED Transcript of Jury Trial Day Five (Empanelment) as to Dzhokhar A. Tsarnaev held on January 16, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Five (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)</p>
2/5/15	<u>1008</u>	<p>SEALED Transcript of Jury Trial Day Six (Empanelment) as to Dzhokhar A. Tsarnaev held on January 20, 2015, before</p>

DATE	DOCKET NUMBER	PROCEEDINGS
2/5/15	<u>1009</u>	<p>Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Six (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)</p>
2/5/15	<u>1010</u>	<p>SEALED Transcript of Jury Trial Day Seven (Empanelment) as to Dzhokhar A. Tsarnaev held on January 21, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Seven (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)</p> <p>SEALED Transcript of Jury Trial Day Eight (Empanelment) as to Dzhokhar A. Tsarnaev held on January 22, 2015, before Judge George A. OToole.</p>



<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		* * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Eight (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)
2/5/15	<u>1011</u>	SEALED Transcript of Jury Trial Day Nine (Empanelment) as to Dzhokhar A. Tsarnaev held on January 23, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Nine (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)
2/5/15	<u>1012</u>	SEALED Transcript of Jury Trial Day Ten (Empanelment) as to Dzhokhar A. Tsarnaev held on January 26, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah)

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
2/5/15	<u>1013</u>	<p>Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Ten (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)</p> <p>SEALED Transcript of Jury Trial Day Eleven (Empanelment) as to Dzhokhar A. Tsarnaev held on January 29, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah)</p> <p>Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Eleven (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/05/2015)</p>
2/5/15	<u>1014</u>	<p>SEALED Transcript of Jury Trial Day Twelve (Empanelment) as to Dzhokhar A. Tsarnaev held on January 30, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah)</p> <p>Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018:</p>

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		# <u>1</u> Transcript of Jury Trial Day twelve (Empanelment) redacted by parties pursuant to order (docket # 1749) (Halley, Taylor). (Entered: 02/05/2015)
2/5/15	<u>1015</u>	SEALED Transcript of Jury Trial Day Thirteen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 4, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Thirteen (Empanelment) redacted by parties pursuant to order (docket # 1749) (Halley, Taylor). (Entered: 02/05/2015)
		* * * * *
2/5/15	1018	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/5/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/6/2015

DATE	DOCKET NUMBER	PROCEEDINGS
2/6/15	<u>1019</u>	<p>09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 02/05/2015)</p> <p>SEALED Transcript of Jury Trial Day Fourteen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 5, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Fourteen (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/06/2015)</p>
2/6/15	<u>1021</u>	<p>* * * * *</p> <p>Judge George A. OToole, Jr: OPINION AND ORDER entered denying <u>980</u> Motion for Change of Venue; denying <u>984</u> Motion to Amend; denying <u>993</u> Motion for Leave to File; denying <u>996</u> Motion for Leave to File; denying <u>1003</u> Motion to Stay Jury Selection and Trial Pending</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		Disposition of Second Mandamus Petition as to Dzhokhar A. Tsarnaev (1) (Danieli, Chris) (Entered: 02/06/2015)
		* * * * *
2/6/15	1023	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/6/2015. The jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/9/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 02/06/2015)
2/8/15	<u>1024</u>	SEALED Transcript of Jury Trial Day Fifteen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 6, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Fifteen (Empanelment) redacted by parties pursuant to

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		order (docket # 1749)) (Halley, Taylor). (Entered: 02/08/2015)
		* * * * *
2/11/15	<u>1026</u>	SEALED Transcript of Jury Trial Day Sixteen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 11, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Sixteen (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/11/2015)
2/12/15	1027	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/12/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/13/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr..) * * * (Lyness, Paul) (Entered: 02/12/2015)

DATE	DOCKET NUMBER	PROCEEDINGS
2/13/15	<u>1028</u>	SEALED Transcript of Jury Trial Day Seventeen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 12, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Seventeen (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/13/2015)
		* * * * *
2/13/15	1030	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/13/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/17/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr..) * * * (Lyness, Paul) (Entered: 02/13/2015)
		* * * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
2/13/15	<u>1034</u>	SEALED Transcript of Jury Trial Day Eighteen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 13, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). Unsealed pursuant to order (docket no. 1749). Modified on 11/21/2018 (adminn, ). (Entered: 02/15/2015)  * * * * *
2/17/15	1040	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/17/2015. Jury panel is sworn and the court gives its instructions. * * * (Lyness, Paul) (Entered: 02/18/2015)  * * * * *
2/18/15	<u>1041</u>	SEALED Transcript of Jury Trial Day Nineteen (Empanelment) as to Dzhokhar A. Tsarnaev held on February 17, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani,



DATE	DOCKET NUMBER	PROCEEDINGS
		Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Ninteen (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/18/2015)
		* * * * *
2/18/15	1048	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/18/2015 Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/19/2015 11:30 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 02/18/2015)
2/19/15	<u>1049</u>	SEALED Transcript of Jury Trial Day Twenty (Empanelment) as to Dzhokhar A. Tsarnaev held on February 18, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		Day Twenty (Empanelment) redacted by parties pursuant to order (docket # 1749) (Halley, Taylor). (Entered: 02/19/2015)
		* * * * *
2/19/15	<u>1052</u>	SEALED Transcript of Jury Trial Day Twenty One (Empanelment) as to Dzhokhar A. Tsarnaev held on February 19, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Twenty One (Empanelment) redacted by parties pursuant to order (docket # 1749) (Halley, Taylor). (Entered: 02/19/2015)
		* * * * *
2/20/15	1054	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/20/2015. Jury panel is sworn and the court gives its instructions. (Jury Selection set for 2/23/2015 09:00 AM in Courtroom 9 before

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 02/20/2015)</p> <p>* * * * *</p>
2/23/15	<u>1058</u>	<p>SEALED Transcript of Jury Trial Day Twenty Two (Empanelment) as to Dzhokhar A. Tsarnaev held on February 20, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Twenty Two (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/23/2015)</p> <p>* * * * *</p>
2/24/15	1081	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/24/2015. The jury panel is sworn and the court gives its instructions. <u>1069</u> is GRANTED to the extent the defendant seeks additional time to respond to</p>

DATE	DOCKET NUMBER	PROCEEDINGS
2/25/15	<u>1075</u>	<p>the motions at issue. On or before February 28, the defendant shall submit by email oppositions to any motions in limine which the parties agree should be resolved prior to opening statements. (Lyness, Paul) (Entered: 02/26/2015)</p> <p>SEALED Transcript of Jury Trial Day Twenty Three (Empanelment) as to Dzhokhar A. Tsarnaev held on February 24, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Twenty Three (Empanelment) redacted by parties pursuant to order (docket # 1749)) (Halley, Taylor). (Entered: 02/25/2015)</p>
2/25/15	1082	<p>* * * * *</p> <p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 2/25/2015. The jury panel is sworn and the</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>court gives its instructions. * * * (Lyness, Paul) (Entered: 02/26/2015)</p> <p>* * * * *</p>
2/26/15	<u>1083</u>	<p>SEALED Transcript of Jury Trial Day Twenty Four (Empanelment) as to Dzhokhar A. Tsarnaev held on February 25, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified on 3/5/2015 (Scalfani, Deborah). (Additional attachment(s) added on 12/6/2018: # <u>1</u> Transcript of Jury Trial Day Twenty Four (Empanelment) redacted by parties pursuant to order (docket # 1749) (Halley, Taylor). (Entered: 02/26/2015)</p> <p>* * * * *</p>
3/2/15	<u>1108</u>	<p>Fourth MOTION to Change Venue as to Dzhokhar A. Tsarnaev. (Attachments: # <u>1</u> Exhibit A)(Fick, William) Modified on 3/5/2015 (Lyness, Paul). (Entered: 03/02/2015)</p>
3/2/15	<u>1109</u>	<p>Opposition by USA as to Dzhokhar A. Tsarnaev re <u>1108</u> Fourth MOTION to Change Ven-</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		ue (Weinreb, William) (Entered: 03/02/2015)
		* * * * *
3/3/15	1112	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Selection as to Dzhokhar A. Tsarnaev held on 3/3/2015. Counsel exercise their peremptory challenges. The following jurors are seated: #35, 41, 83, 102, 138, 229, 286, 349, 395, 441, 480, 487, 552, 567, 588, 598, 608, 638 (Jury Trial set for 3/4/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/03/2015)
		* * * * *
3/4/15	1114	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/4/2015. The jury is duly empanelled and sworn. Opening statements are made. Testimony of government witnesses' Thomas Grilk, Shane O'Hara, Colton Kilgore, Rebekah Gregory,

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>Sydney Corcoran, and Karen McWaters given. Evidence presented. Motion <u>1080</u> is DENIED. Motion <u>1108</u> DENIED. Motion <u>1103</u> GRANTED. Substantive motion attached to 1103, which does not yet have a docket number, is DENIED. Motion <u>820</u> MOOT. Motion <u>728</u> MOOT. Motion <u>866</u> GRANTED. Jury Trial set for 3/5/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) Modified on 3/4/2015 (Lyness, Paul). Modified on 3/5/2015 (Lyness, Paul). (Entered: 03/04/2015)</p> <p>* * * * *</p>
3/5/15	1119	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/5/2015 Testimony of government witnesses' Frank Chiola, Jeff Bauman, Richard Clafin, James Marinelli, James Tyre, Alan</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		Hern, Lauren Woods, Roseanne Sdoia, Thomas Barrett, William Richard given. Evidence presented. (Jury Trial set for 3/9/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/05/2015)
		* * * * *
3/9/15	1134	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/9/2015. Testimony of government witness Jessica Kensky, Danling Zhou, Matt Patterson, James Bath, Anthony Imel, James Hooley, William Gross, Katelin Harper, Gregory Homel, Christopher Frias. Testimony of Stephen Kimball begins. Evidence presented. (Jury Trial set for 3/10/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) Modified on 3/10/2015 (Lyness, Paul). (Entered: 03/09/2015)



<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
3/10/15	1135	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/10/2015. Testimony of government witness Stephen Kimball concludes. Testimony of government witnesses' Todd Brown, Jeffrey Rolands, Kristen Koch, Michael Macias, Jason Costello, and Paula Ernst given. Testimony of government witness Sarah DeLair begins. Evidence presented. (Jury Trial set for 3/11/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/10/2015)
		* * * * *
3/11/15	1143	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/11/2015. Testimony of government witness Sarah DeLair concludes. Testimony of government witnesses' Chad Fitzgerald, James Eppard, John DiFava, David

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		Sacco, Clarence Henniger, Brendan O'Hurn, Matthew Isgur, and Nathan Harman given. Evidence presented (Jury Trial set for 3/12/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/11/2015)
3/12/15	1144	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/12/2015. Testimony of government witnesses Michael Cashman, Anthony Grassi, Renee Robinson, Alan Mednick, Eddie Lakkis, Dung Meng, Willilam O'Keefe, Michael Nickerson, Joseph Sullivan given. Evidence presented. (Jury Trial set for 3/16/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/12/2015)
		* * * * *
3/16/15	1157	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr:

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>Jury Trial as to Dzhokhar A. Tsarnaev held on 3/16/2015. The jury views the boat at an off-site facility. Testimony of government witnesses Joseph Reynolds, John Maclellan, Jeffrey Pugliese, James Floyd, Andrew Kitzenberg, Heather Studley, Francis Hughes given. Evidence presented. (Jury Trial set for 3/17/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/16/2015)</p> <p>* * * * *</p>
3/17/15	1161	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/17/2015. Testimony of government witnesses David Henneberry, Stephan Silva, Michael Nealon, Jessica Ulmer given. Evidence presented. (Jury Trial set for 3/18/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * *</p>

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		(Lyness, Paul) (Entered: 03/17/2015)
		* * * * *
3/17/15	<u>1178</u>	Juror Questionnaire. (Danieli, Chris) (Entered: 03/17/2015)
3/18/15	1179	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/18/2015. Testimony of government wit- nesses Robert McCarthy, Mat- thew Hess, Patrick Moynihan, D.J. Fife, Stephanie Waite, Jen- nifer Montgomery given. Testi- mony of government witness Brian Corcoran begins. Evi- dence presented. (Jury Trial set for 3/19/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/18/2015)
		* * * * *
3/19/15	1187	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/19/2015,

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>Testimony of government witness Brian Corcoran concludes. Testimony of government witness Philip Christiano given. Testimony of government witness Kevin Swindle begins. Evidence presented. (Jury Trial set for 3/23/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/19/2015)</p> <p>* * * * *</p>
3/23/15	1193	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/23/2015. Testimony of government witness Kevin Swindle concludes. The court denies #865 as to Dr. Matthew Levitt. Testimony of government witness Matthew Levitt begins. Evidence presented. (Jury Trial set for 3/24/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/23/2015)</p> <p>* * * * *</p>

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
3/24/15	1195	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/24/2015. The court denies document number 729. Testimony of government witness Matthew Levitt conclude. Testimony of government witnesses Colleen Tanguay, David Cahill, Matthew Riportella, Timothy Dowd, Christopher Donahue, Miguel Colon, and Mark Preble given. Testimony of government witness Kimberly Franks begins. Evidence presented. (Jury Trial set for 3/25/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul). (Entered: 03/24/2015)  * * * * *
3/25/15	1202	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/25/2015. Testimony of government wit-

DATE	DOCKET NUMBER	PROCEEDINGS
		ness Kimberly Franks concludes. Testimony of government witnesses Christopher Derks, Christian Fierabend, Kenneth Benton, Olga LaFond, Muna Shishani, and Heidi Williams given. Evidence presented. (Jury Trial set for 3/26/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/25/2015)
		* * * * *
3/26/15	1214	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 3/26/2015. Testimony of government witnesses David McCollam, Edward Knapp and Jennifer Hammers given. Evidence presented. (Jury Trial set for 3/30/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 03/26/2015)
		* * * * *
3/30/15	1224	ELECTRONIC Clerk's Notes for proceedings held before

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>Judge George A. OToole, Jr:            Jury Trial as to Dzhokhar A.            Tsarnaev held on 3/30/2015.            Testimony of government wit-            nesses Katherine Lindstrom,            Michelle Gamble, and Henry            Nieves given. Government            rests. Court reserves decision            on <u>1223</u>. Testimony of de-            fendant witnesses Michelle            Gamble and Gerald Grant            given. Evidence presented.            (Jury Trial set for 3/31/2015            09:00 AM in Courtroom 9 before            Judge George A. OToole Jr.)            * * * (Lyness, Paul) (En-            tered: 03/30/2015)</p>
		* * * * *
3/31/15	1228	<p>ELECTRONIC Clerk's Notes            for proceedings held before            Judge George A. OToole, Jr:            Jury Trial as to Dzhokhar A.            Tsarnaev held on 3/31/2015.            Testimony of defendants wit-            nesses Mark Spencer and Elena            Graff given. Evidence pre-            sented. Defense rests. The            defendant renews his Rule 29A            motion after the defendant            rested. Court reserved. The</p>



---

DATE	DOCKET NUMBER	PROCEEDINGS
------	------------------	-------------

---

court reads a joint stipulation into the record. After the jurors left, the defendant renewed his Rule 29A motion. Court reserved. \* \* \* (Lyness, Paul) Modified on 4/1/2015 (Lyness, Paul). (Entered: 04/01/2015)

\* \* \* \* \*

4/6/15	1242	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/6/2015. The court gives the first part of its charge. Closing statements are given by the parties. After the government rebuttal, defense moves for a mistrial which is denied. The court concludes its charge. Jury to begin deliberating. (Jury Trial set for 4/7/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) Modified on 4/7/2015 (Lyness, Paul). (Entered: 04/07/2015)</p>
--------	------	---

\* \* \* \* \*

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
4/8/15	<u>1261</u>	JURY VERDICT as to Dzhokhar A. Tsarnaev (1) Guilty on Count 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15-18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30. (Lyness, Paul) (Entered: 04/09/2015)  * * * * *
4/14/15	<u>1287</u>	Transcript of Jury Trial Day Forty-Six as to Dzhokhar A. Tsarnaev held on April 14, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 04/14/2015)  * * * * *
4/16/15	<u>1297</u>	SEALED Transcript of Motion Hearing as to Dzhokhar A. Tsarnaev held on April 13, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Unsealed pursuant to order (docket no. 1749). Modified on 11/21/2018 (adminn.). (Entered: 04/16/2015)  * * * * *
4/21/15	<u>1306</u>	SEALED Transcript of Lobby Conference as to Dzhokhar A. Tsarnaev held on April 17, 2015, before Judge George A. OToole.

DATE	DOCKET NUMBER	PROCEEDINGS
4/21/15	1307	<p>* * * (Scalfani, Deborah) Unsealed pursuant to order (docket no. 1749). Modified on 11/21/2018 (adminn.). (Entered: 04/21/2015)</p> <p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/21/2015. Penalty phase begins. The court gives the jury instructions. Government gives its opening statements. Defense to defer their opening statement until the presentation of their case. Testimony of government witnesses Celeste Corcoran, Jillian Reny, William Campbell III, William Campbell, Jr., and Nicole Gross given. Evidence presented. (Jury Trial set for 4/22/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.)</p> <p>* * * (Lyness, Paul) Modified on 4/22/2015 (Lyness, Paul). (Entered: 04/21/2015)</p>

\* \* \* \* \*

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
4/22/15	1315	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/22/2015. Testimony of government witnesses Andrew Collier, Joseph Rogers, John DiFalva, Eric Whalley, Adrian Haslet-Davis, Gary Oliviera, and Jinyan Zhou given. Evidence presented. (Jury Trial set for 4/23/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 04/22/2015)
		* * * * *
4/23/15	1324	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/23/2015. Testimony of government witnesses Mark Fuccarile, Heather Abbott, David King, Michelle Gamble and Steven Woolfenden given. Evidence presented. Government rests. (Jury Trial set for 4/27/2015 09:00 AM in Courtroom 9 before

DATE	DOCKET NUMBER	PROCEEDINGS
		Judge George A. OToole Jr.) * * * (Lyness, Paul) (En- tered: 04/23/2015)  * * * * *
4/24/15	<u>1326</u>	SEALED DOCUMENT re <u>867</u> SEALED MOTION (Attachments: # <u>1</u> Exhibit) (Danieli, Chris) Unsealed pur- suant to order (docket no. 1749). Modified on 11/21/2018 (ad- minn, ). (Entered: 04/24/2015)  * * * * *
4/27/15	1347	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/27/2015. Defendant gives its opening in the death penalty phase. Tes- timony of defendant witnesses Laith Albehacy, Loay Assaf, Abderrazak Razak, Robert Barnes, Gerald Grant, Judith Russell, Gina Crawford, and Robert Ponte given. Evidence presented. (Jury Trial set for 4/28/2015 09:00 AM in Court- room 9 before Judge George A. OToole Jr.) * * * Inter- preter name: Bashier Doss-

DATE	DOCKET NUMBER	PROCEEDINGS
		(781) 571-9510, Language: Arabic. (Lyness, Paul) (Entered: 04/27/2015)
		* * * * *
4/28/15	<u>1349</u>	Transcript of Jury Trial Day Fifty as to Dzhokhar A. Tsarnaev held on April 27, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 04/28/2015)
		* * * * *
4/28/15	1353	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/28/2015. Testimony of defendant witnesses Roger Franca, Mark Spencer, John Curran, Kendrick Ball, Brandon Douglas, Sonya Petri given. Testimony of defendant witness Sam Lipson begins. Evidence presented. (Jury Trial set for 4/29/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * Interpreter name: Claudia F. Azoff, Language: Portuguese.

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
4/29/15	<u>1354</u>	(Lyness, Paul) (Entered: 04/28/2015) Transcript of Jury Trial Day Fifty One as to Dzhokhar A. Tsarnaev held on April 28, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Modified the Day of trial (Day 51) on 4/29/2015 (Scalfani, Deborah). (Entered: 04/29/2015)
		* * * * *
4/29/15	1360	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/29/2015. Testimony of defendant witness Sam Lipson concludes. Defense recalls Sonya Petri for additional readings. Testimony of defendant witnesses Michael Sullivan, Laura Lee, Cathryn Charner-Laird, Tracey Gordon, Rebecca Norris, Rachel Otty, Brendan Kells, Tiarrah Dottin given. Testimony of defendant witness Alexa Guevara begins. Evidence presented. (Jury Trial set for 4/30/2015 09:00 AM in Courtroom 9 before Judge

DATE	DOCKET NUMBER	PROCEEDINGS
		George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 04/29/2015)
		* * * * *
4/30/15	<u>1362</u>	Transcript of Jury Trial Day Fifty Two as to Dzhokhar A. Tsarnaev held on April 29, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 04/30/2015)
		* * * * *
4/30/15	1364	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 4/30/2015. Trial is temporarily suspended due to an ill juror. Trial will resume on 5/4/15. (Jury Trial set for 5/4/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 04/30/2015)
		* * * * *
5/4/15	1382	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A.



DATE	DOCKET NUMBER	PROCEEDINGS
		<p>Tsarnaev held on 5/4/2015. Testimony of defendant witnesses Raisat Suleimanova, Naida Suleimanova, Patimat Suleimanova, Shari Suleimanova, Nabeisat Suleimanova and Rosa Booth given. Testimony of defendant witness Alexa Guevara concludes. Evidence presented. (Jury Trial set for 5/5/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * Interpreter name: Larisa Dorfman, Language: Russian. (Lyness, Paul) (Entered: 05/04/2015)</p> <p>* * * * *</p>
5/5/15	<u>1383</u>	<p>Transcript of Jury Trial Day Fifty Four as to Dzhokhar A. Tsarnaev held on May 4, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/05/2015)</p> <p>* * * * *</p>
5/5/15	1387	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/5/2015.</p>

DATE	DOCKET NUMBER	PROCEEDINGS
5/6/15	<u>1388</u>	<p>Testimony of defendant's witnesses Amanda Ranson, Elizabeth Zamparelli, Mirra Kuznetsov, Alexander Niss, Michael Reynolds, Henry Alvarez and Roy Howard given. Evidence presented. (Jury Trial set for 5/6/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * Interpreter name: Larisa Dorfman, Language: Russian. (Lyness, Paul) (Entered: 05/05/2015)</p>
5/6/15	<u>1388</u>	<p>Transcript of Jury Trial Day Fifty Five as to Dzhokhar A. Tsarnaev held on May 5, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/06/2015)</p>
5/6/15	1390	<p>* * * * *</p> <p>ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/6/2015. Testimony of defendant's witnesses Elmirza Khuzhugova (by video conference), Jay Giedd, Jennifer Carr-Callison, Eric</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		Traub, and Kevin Roche given. Testimony of defendant witness Mark Bezy begins. Evidence presented. (Jury Trial set for 5/7/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 05/06/2015)
		* * * * *
5/7/15	1391	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/7/2015. Testimony of defendant witness Mark Bezy concludes. Evidence presented. (Jury Trial set for 5/11/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 05/07/2015)
5/7/15	<u>1393</u>	Transcript of Jury Trial Day Fifty Six as to Dzhokhar A. Tsarnaev held on May 6, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/07/2015)
		* * * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
5/7/15	<u>1398</u>	Transcript of Jury Trial Day Fifty Seven as to Dzhokhar A. Tsarnaev held on May 7, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/07/2015)
		* * * * *
5/11/15	1406	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/11/2015. Testimony of defendant witness Helen Prejean given. Defendant rests. The government begins their rebuttal case. Testimony of government witness Michelle Nicolet and John Oliver given. The government rests. (Jury Trial set for 5/13/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 05/11/2015)
		* * * * *
5/13/15	1416	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/13/2015.

DATE	DOCKET NUMBER	PROCEEDINGS
		The court begins its charge to the jury. Closing arguments are made by the parties. The court concludes its charge to the jury. Jury Begins deliberations. (Jury Trial set for 5/14/2015 09:00 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 05/13/2015)
		* * * * *
5/14/15	<u>1418</u>	Transcript of Jury Trial Day Fifty Nine as to Dzhokhar A. Tsarnaev held on May 13, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/14/2015)
		* * * * *
5/14/15	1421	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/14/2015. Jury continues their deliberations. (Jury Trial set for 5/15/2015 08:30 AM in Courtroom 9 before Judge George A. OToole Jr.) * * * (Lyness, Paul) (Entered: 05/14/2015)

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
5/15/15	<u>1433</u>	ELECTRONIC Clerk's Notes for proceedings held before Judge George A. OToole, Jr: Jury Trial as to Dzhokhar A. Tsarnaev held on 5/15/2015. Jury conclude their deliberations. Jury notes 1-5 are attached as a pdf document * * * (Lyness, Paul). Modified on 5/18/2015 (Lyness, Paul). (Entered: 05/18/2015)
5/15/15	<u>1434</u>	Redacted Penalty phase JURY VERDICT. (Lyness, Paul) (Lyness, Paul). (Entered: 05/18/2015)
		* * * * *
6/24/15	<u>1480</u>	Judge George A. OToole, Jr: ORDER entered. JUDGMENT as to Dzhokhar A. Tsarnaev (1), Count(s) 1, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is

DATE	DOCKET NUMBER PROCEEDINGS
	<p>deferred until 9/22/15. The fine is waived.; Count(s) 10, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 11, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 12, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms).</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 13, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms).</p> <p>No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 14, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms).</p> <p>No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 15-18, Upon the jury's</p>



DATE	DOCKET NUMBER PROCEEDINGS
	<p>verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 19, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 2, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 20, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 21, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 22, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5,</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 23, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 24, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 25, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 26, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 27, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms).</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>ment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 28, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.;</p> <p>Count(s) 29, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until</p>

DATE	DOCKET NUMBER	PROCEEDINGS
9/22/15.		<p>The fine is waived.; Count(s) 3, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 30, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 4, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms).</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 5, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 6, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 7, Upon the jury's verdict, the defendant is</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 8, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived.; Count(s) 9, Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15. (See Judgment and Commitment for additional imprisonment terms). No period of supervised release. The defendant is assessed \$3,000.00 which</p>



<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		is due forthwith. The determination of restitution is deferred until 9/22/15. The fine is waived. (Lyness, Paul) (Entered: 06/25/2015)
		* * * * *
9/8/15	<u>1512</u>	Transcript of Jury Trial Day One (A.M. Session) as to Dzhokhar A. Tsarnaev held on January 5, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1513</u>	Transcript of Jury Trial Day One (P.M. Session) as to Dzhokhar A. Tsarnaev held on January 5, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1514</u>	Transcript of Jury Trial Day Two (A.M. Session) as to Dzhokhar A. Tsarnaev held on January 6, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1515</u>	Transcript of Jury Trial Day Two (P.M. Session) as to Dzhokhar A. Tsarnaev held on January 6, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		khar A. Tsarnaev held on January 6, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1516</u>	Transcript of Jury Trial Day Three (A.M. Session) as to Dzhokhar A. Tsarnaev held on January 7, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1517</u>	Transcript of Jury Trial Day Three (P.M. Session) as to Dzhokhar A. Tsarnaev held on January 7, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1518</u>	Transcript of Jury Trial Day Twenty-Five (Motion Hearing) as to Dzhokhar A. Tsarnaev held on March 2, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
9/8/15	<u>1519</u>	Transcript of Jury Trial Day Thirty-Three as to Dzhokhar A. Tsarnaev held on March 16, 2015, before Judge George A.

DATE	DOCKET NUMBER	PROCEEDINGS
		OToole. * * * (Scalfani, Deborah) (Entered: 09/08/2015)
		* * * * *
9/25/15	<u>1528</u>	Transcript of Jury Trial—Day Twenty-Seven as to Dzhokhar A. Tsarnaev held on March 4, 2015, before Judge George A. OToole. * * * (Scalfani, Deb- orah) (Entered: 09/25/2015)
9/25/15	<u>1529</u>	Transcript of Jury Trial—Day Twenty-Eight as to Dzhokhar A. Tsarnaev held on March 5, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/25/2015)
9/25/15	<u>1530</u>	Transcript of Jury Trial—Day Twenty-Nine as to Dzhokhar A. Tsarnaev held on March 9, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/25/2015)
		* * * * *
9/29/15	<u>1533</u>	Transcript of Jury Trial—Day Twenty-Six as to Dzhokhar A. Tsarnaev held on March 3, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/29/2015)
		* * * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
9/30/15	<u>1537</u>	Transcript of Jury Trial—Day Thirty as to Dzhokhar A. Tsar- naev held on March 10, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/30/2015)
9/30/15	<u>1538</u>	Transcript of Jury Trial—Day Thirty-One as to Dzhokhar A. Tsarnaev held on March 11, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 09/30/2015)
		* * * * *
10/5/15	<u>1544</u>	Transcript of Jury Trial—Day Thirty-Two as to Dzhokhar A. Tsarnaev held on March 12, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/05/2015)
		* * * * *
10/5/15	<u>1546</u>	Transcript of Jury Trial—Day Thirty-Four as to Dzhokhar A. Tsarnaev held on March 17, 2015, before Judge George A. OToole. * * * (Scalfani, Deb- orah) (Entered: 10/05/2015)
		* * * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
10/13/15	<u>1559</u>	Transcript of Jury Trial - Day Thirty-Five as to Dzhokhar A. Tsarnaev held on March 18, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/13/2015)
10/13/15	<u>1560</u>	Transcript of Jury Trial—Day Thirty-Seven as to Dzhokhar A. Tsarnaev held on March 23, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/13/2015)
		* * * * *
10/14/15	<u>1564</u>	Transcript of Jury Trial—Day Thirty-Six as to Dzhokhar A. Tsarnaev held on March 19, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/14/2015)
		* * * * *
10/16/15	<u>1566</u>	Transcript of Jury Trial - Day Thirty-Eight as to Dzhokhar A. Tsarnaev held on March 24, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/16/2015)

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
10/16/15	<u>1567</u>	Transcript of Jury Trial—Day Thirty-Nine as to Dzhokhar A. Tsarnaev held on March 25, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/16/2015)  * * * * *
10/19/15	<u>1569</u>	Transcript of Jury Trial—Day Forty as to Dzhokhar A. Tsarnaev held on March 26, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/19/2015)  * * * * *
10/26/15	<u>1573</u>	SEALED Transcript of Lobby Conference as to Dzhokhar A. Tsarnaev held on March 31, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) Unsealed pursuant to order (docket no. 1749). Modified on 11/21/2018 (adminn,). (Entered: 10/26/2015)  * * * * *
10/28/15	<u>1575</u>	Transcript of Jury Trial—Day Forty-Two as to Dzhokhar A. Tsarnaev held on March 31, 2015, before Judge George A.

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		OToole. * * * (Scalfani, Deborah) (Entered: 10/28/2015)
		* * * * *
10/29/15	<u>1580</u>	Transcript of Jury Trial—Day Forty Three as to Dzhokhar A. Tsarnaev held on April 6, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/29/2015)
10/29/15	<u>1583</u>	Transcript Jury Trial—Day Forty Four as to Dzhokhar A. Tsarnaev held on April 7, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/29/2015)
		* * * * *
10/29/15	<u>1587</u>	Transcript of Jury Trial—Day Forty Five as to Dzhokhar A. Tsarnaev held on April 8, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 10/29/2015)
		* * * * *
11/5/15	<u>1592</u>	Transcript of Status Confer- ence as to Dzhokhar A. Tsar- naev held on April 9, 2015, be- fore Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 11/05/2015)

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
12/14/15	<u>1603</u>	Transcript of Jury Trial—Day Forty-Seven as to Dzhokhar A. Tsarnaev held on April 21, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 12/14/2015)
		* * * * *
12/28/15	<u>1609</u>	Transcript of Jury Trial—Day Forty-Eight as to Dzhokhar A. Tsarnaev held on April 22, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 12/28/2015)
		* * * * *
1/5/16	<u>1611</u>	Transcript of Jury Trial—Day Forty-Nine as to Dzhokhar A. Tsarnaev held on April 23, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 01/05/2016)
		* * * * *
1/25/16	<u>1624</u>	Transcript of Jury Trial—Day Forty-One as to Dzhokhar A. Tsarnaev held on March 30, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 01/25/2016)



DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
5/10/16	<u>1659</u>	Transcript of Jury Trial Day Thirty-Three (Jury View) as to Dzhokhar A. Tsarnaev held on March 16, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/10/2016)
5/10/16	<u>1660</u>	Transcript of Jury Trial Day Sixty as to Dzhokhar A. Tsarnaev held on May 14, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/10/2016)
5/10/16	<u>1661</u>	Transcript of Jury Trial Day Sixty-One as to Dzhokhar A. Tsarnaev held on May 15, 2015, before Judge George A. OToole. * * * (Scalfani, Deborah) (Entered: 05/10/2016)
		* * * * *
	1668	Sealed filing [not on public docket]
		* * * * *
7/25/16	<u>1679</u>	Transcript of Jury Trial—Day Fifty Three as to Dzhokhar A. Tsarnaev held on April 30, 2015, before Judge George A. OToole. COA Case No. 16-6001. * * *

<b>DATE</b>	<b>DOCKET NUMBER</b>	<b>PROCEEDINGS</b>
		(Scalfani, Deborah) (Entered: 07/25/2016)
		* * * * *
11/21/16	<u>1701</u>	Transcript of Jury Trial Day Fifty-Eight as to Dzhokhar A. Tsarnaev held on May 11, 2015, before Judge George A. OToole. COA Case No. 16-6001. * * * (Scalfani, Deborah) (Entered: 11/21/2016)
		* * * * *
11/13/19	<u>1779</u>	Redacted second search war- rant. Released pursuant to E- Order 1778. (Halley, Taylor) (Entered: 11/13/2019)
		* * * * *

[Photos of 2013 Boston Marathon finish-line area]







[Tsarnaev's computer records]

Sony Vaio Laptop (1R6) - Selected User Files		Created in Local Time	Filesystem record date in Local Time
Path on 1R6 Sony Vaio			
Users\Anzor\Desktop\Documents\WebCam Media		2/27/11 11:49 AM	2/27/11 3:00 PM
Users\Anzor\Desktop\Washeed\Sahabaa Nasheed - YouTube.flv		8/29/11 10:56 PM	8/29/11 10:56 PM
Users\Anzor\Desktop\Washeed\Ommy Felestin - Nasheed by Meshary al Aarada - YouTube.flv		8/29/11 10:57 PM	8/29/11 10:57 PM
Users\Anzor\Desktop\Washeed\Nasheed] Bi Jihadina (English Translation) - YouTube.flv		8/29/11 10:56 PM	8/29/11 10:57 PM
Users\Anzor\Desktop\Washeed\Aseer nasheed - YouTube.flv		8/29/11 10:56 PM	8/29/11 11:05 PM
Users\Anzor\Desktop\Washeed\Rasool Allah Inspiring Words Of Truth! - YouTube.flv		8/29/11 10:57 PM	8/29/11 11:05 PM
Users\Anzor\Desktop\Ye\Nasheed] Bi Jihadina (English Translation) - YouTube.mp3		8/29/11 11:05 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Aseer nasheed - YouTube.mp3		8/29/11 11:05 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Commander Khattab - YouTube.mp3		8/29/11 11:05 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Great Jihad Anasheed (Nasheed 2009) - YouTube.mp3		8/29/11 11:05 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Halummu ( Arabic Jhaad Nasheed ) - YouTube.mp3		8/29/11 11:05 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Islamic Nasheed—When will the muslim ummah unite - YouTube.mp3		8/29/11 11:05 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Mishary al Arada - Dust is my bed (nasheed) [Muslim Ummah] - YouTube.mp3		8/29/11 11:06 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Nasheed As-Sabru Nuur (Patience is Light) (+MP3+) - YouTube.mp3		8/29/11 11:06 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Nasheed Must Hear - YouTube.mp3		8/29/11 11:06 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Ommy Felestin - Nasheed by Meshary al Aarada - YouTube.mp3		8/29/11 11:06 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Rasool Allah Inspiring Words Of Truth! - YouTube.mp3		8/29/11 11:06 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Ye\Sahabaa Nasheed - YouTube.mp3		8/29/11 11:06 PM	8/29/11 11:07 PM
Users\Anzor\Desktop\Washeed\Nasheed As-Sabru Nuur (Patience is Light) (+MP3+) - YouTube.flv		8/29/11 10:57 PM	8/30/11 8:48 PM
Users\Anzor\Desktop\Washeed\Nasheed Must Hear - YouTube.flv		8/29/11 10:57 PM	8/30/11 8:48 PM
Users\Anzor\Desktop\Washeed\Rasool Allah The Prophet Of Mercy And War! - YouTube.flv		8/29/11 10:56 PM	8/30/11 8:48 PM
Users\Anzor\Desktop\Ye\InspireMarch 2011.pdf		3/17/11 7:19 PM	9/1/11 1:14 AM
Users\Anzor\Desktop\Ye\Rasool Allah Inspiring Words Of Truth! - YouTube.flv		8/29/11 10:53 PM	9/2/11 12:10 AM
Users\Anzor\Desktop\Ye\Rasool Allah The Prophet Of Mercy And War! - YouTube.flv		8/29/11 10:54 PM	9/2/11 12:10 AM
Users\Anzor\Desktop\Ye\Islamic Nasheed—When will the muslim ummah unite - YouTube.flv		8/29/11 10:55 PM	9/2/11 12:10 AM
Users\Anzor\Documents\WebCam Media\Capture\Image2.jpg		9/4/11 11:13 PM	10/5/11 12:47 AM
Users\Anzor\Desktop\Washeed		8/29/11 10:55 PM	10/10/11 1:00 PM
Users\Anzor\Desktop\Washeed\Commander Khattab - YouTube.flv		8/29/11 10:57 PM	11/14/11 3:15 AM
Users\Anzor\Desktop\Washeed\fundamental_concepts.pdf		9/1/04 4:27 PM	11/14/11 3:15 AM
Users\Anzor\Desktop\Washeed\5_ground_rules.pdf		2/14/06 4:14 AM	11/14/11 3:19 AM
Users\Anzor\Desktop\Washeed\Great Jihad Anasheed (Nasheed 2009) - YouTube.flv		8/29/11 10:57 PM	11/14/11 3:29 AM
Users\Anzor\Desktop\Washeed\Halummu ( Arabic Jhaad Nasheed ) - YouTube.flv		8/29/11 10:57 PM	11/14/11 3:34 AM
Users\Anzor\Desktop\The Hereafter series\10 HD Anti Christ and Jesus Christ - Anwar Al Awlaki The Here After Series - YouTube.flv			
Users\Anzor\Desktop\The Hereafter series\11 HD Other Major Signs - Anwar Awlaki The Here After Series - YouTube.flv		12/26/11 5:11 PM	12/26/11 5:11 PM
		12/26/11 5:11 PM	12/26/11 5:11 PM

\\Users\Anzor\Desktop\The Hereafter series\13 HD Non believer on Judgement Day - Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:11 PM	12/26/11 5:11 PM	12/26/11 5:11 PM
\\Users\Anzor\Desktop\The Hereafter series\15 HD The Righteous Muslims - Anwar Al Awlaki The HereAfter Series - YouTube.flv	12/26/11 5:11 PM	12/26/11 5:11 PM	12/26/11 5:11 PM
\\Users\Anzor\Desktop\The Hereafter series\16 HD The Names and Rules of Akhira - Anwar Al Awlaki The HereAfter Series - YouTube.flv	12/26/11 5:11 PM	12/26/11 5:11 PM	12/26/11 5:11 PM
\\Users\Anzor\Desktop\The Hereafter series\17 HD Accountability - Anwar Al Awlaki The HereAfter Series - YouTube.flv	12/26/11 5:11 PM	12/26/11 5:11 PM	12/26/11 5:11 PM
\\Users\Anzor\Desktop\The Hereafter series\19 HD Some Actions leading to Hell fire - Anwar Al Awlaki The HereAfter Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/26/11 5:12 PM
\\Users\Anzor\Desktop\The Hereafter series\2 HD Death - 1 Imam Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/26/11 5:12 PM
\\Users\Anzor\Desktop\The Hereafter series\3 HD Death - 2 Imam Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/26/11 5:12 PM
\\Users\Anzor\Desktop\The Hereafter series\5 HD Minor Signs of the Day 1 Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/26/11 5:12 PM
\\Users\Anzor\Desktop\The Hereafter series\6 HD Minor Signs of the Day 2 Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/26/11 5:13 PM
\\Users\Anzor\Desktop\The Hereafter series\7 HD Minor Signs of the Day 3 Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:13 PM	12/26/11 5:13 PM	12/26/11 5:13 PM
\\Users\Anzor\Desktop\The Hereafter series\8 HD Minor Signs of the Day 4 Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:13 PM	12/26/11 5:13 PM	12/26/11 5:13 PM
\\Users\Anzor\Desktop\The Hereafter series\14 HD The Sinning Muslims - Anwar Al Awlaki The HereAfter Series - YouTube.flv	12/26/11 5:11 PM	12/26/11 5:11 PM	12/27/11 1:13 AM
\\Users\Anzor\Desktop\The Hereafter series\21 HD Tour of Jannah Paradise - Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/27/11 2:25 AM
\\Users\Anzor\Desktop\The Hereafter series\20 HD Ratio of People in Hell and Paradise - Anwar Al Awlaki The HereAfter - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/27/11 3:52 AM
\\Users\Anzor\Desktop\The Hereafter series\23 HD The People of Paradise Jannah - Anwar Al Awlaki The After Series - YouTube.flv	12/26/11 5:12 PM	12/26/11 5:12 PM	12/28/11 5:17 AM
\\Users\Anzor\Desktop\The Hereafter series\18 HD Hell Fire and Its Ife - Anwar Al Awlaki The HereAfter Series - YouTube.flv	12/26/11 5:11 PM	12/26/11 5:11 PM	12/28/11 1:22 PM
\\Users\Anzor\Desktop\The Hereafter series\4 HD The Grave and Journey of the Soul Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:12 PM	12/28/11 1:38 PM	12/28/11 1:38 PM
\\Users\Anzor\Desktop\The Hereafter series	12/26/11 5:11 PM	12/28/11 9:34 PM	12/28/11 9:34 PM
\\Users\Anzor\Desktop\The Hereafter series\desktop.ini	12/26/11 5:13 PM	12/28/11 9:34 PM	12/28/11 9:34 PM
\\Users\Anzor\Desktop\The Hereafter series\9 HD Major Signs Dajjal Anti Christ Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:13 PM	12/26/11 5:13 PM	12/26/11 5:13 PM
\\Users\Anzor\Desktop\Приводится этот рассказ ибн Джазули в книге.docx	12/26/11 5:13 PM	12/26/11 5:13 PM	12/26/11 5:13 PM
\\Users\Anzor\Desktop\InspireJanuary2011.pdf	12/29/10 2:32 PM	12/29/10 2:32 PM	12/29/10 2:32 PM

\\Users\Anzor\Desktop\The Hereafter series\12 HD The Ressurrection - Anwar Al Awlaki The Here After Series - YouTube.flv	12/26/11 5:11 PM	1/9/12 1:41 PM
\\Users\Anzor\Desktop\papak\Book of The End.pdf	3/9/08 2:34 PM	1/15/12 11:59 PM
\\Users\Anzor\Desktop\papak\Join the Caravan.pdf	2/12/05 8:27 PM	1/15/12 11:59 PM
\\Users\Anzor\Desktop\papak\Usool al-Hadith.pdf	9/24/07 1:34 PM	1/15/12 11:59 PM
\\Users\Anzor\Desktop\Al Maktisi\advice_uboodiyah.pdf	4/17/05 2:19 AM	1/15/12 11:59 PM
\\Users\Anzor\Desktop\Al Maktisi\millat_ibraaheem.pdf	3/25/05 2:59 AM	1/15/12 11:59 PM
\\Users\Anzor\Desktop\papak\Islam\ Dua The Weapon Of The Believer.pdf	9/4/08 1:51 AM	1/16/12 12:00 AM
\\Users\Anzor\Desktop\papak\Islam\giant_mian.pdf	5/5/07 5:53 AM	1/16/12 12:00 AM
\\Users\Anzor\Desktop\papak\Islam\pursuit_freedom.pdf	1/19/06 4:34 PM	1/17/12 3:49 PM
\\Users\Anzor\Desktop\ye	6/25/11 3:02 AM	1/21/12 1:27 AM
\\Users\Anzor\Desktop\ye\InspireSummer2011.pdf	7/3/11 12:07 AM	1/21/12 1:27 AM
\\Users\Anzor\Desktop\Washed\Mishary al Arada - Dust is my bed (nasheed) [Muslim Ummah] - YouTube.flv	8/29/11 10:57 PM	1/26/12 9:37 PM
\\Users\Anzor\Downloads\music\nasheed\Taballah Darb.mp3	1/26/12 9:48 PM	1/28/12 6:32 PM
\\Users\Anzor\Downloads\music\nasheed\Jihad Nasheed Chechen Mujahideen.mp3	1/28/12 6:25 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Jihad nasheed.mp3	1/28/12 6:24 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Kamal Uddin - Illallah (Official).mp3	1/28/12 6:28 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Khalid Bin Walid the best nasheed.mp3	1/28/12 6:22 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Meshary Alarada - Farshy AlTurab Islamic Nasheed MP3 LINK(1).mp3	1/28/12 6:26 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Nasheed FI Kitabil Allah.mp3	1/28/12 6:14 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\nasheed.mp3	1/28/12 6:27 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\One of THE BEST NASHEED IN THE WORLD.mp3	1/28/12 6:23 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Qasidah Burdah nasheed.mp3	1/28/12 6:13 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\The Best Islamic Song (nasheed) very emotional.mp3	1/28/12 6:29 PM	1/28/12 6:42 PM
\\Users\Anzor\Downloads\music\nasheed\Beautiful nasheed by Sameer al Bashiri.mp3	1/28/12 6:23 PM	1/28/12 6:43 PM
\\Users\Anzor\Downloads\music\nasheed\BEAUTIFUL Nasheed by Students of Madrasah Noor for the Blind.mp3	1/28/12 6:26 PM	1/28/12 6:43 PM
\\Users\Anzor\Downloads\music\nasheed\BEST ARABIC NASHEED EVER [HD].mp3	1/28/12 6:24 PM	1/28/12 6:43 PM
\\Users\Anzor\Downloads\music\nasheed\BEST ISLAMIC NASHEED.mp3	1/28/12 6:25 PM	1/28/12 6:43 PM
\\Users\Anzor\Downloads\music\nasheed\chechen jihad nasheed.mp3	1/28/12 6:15 PM	1/28/12 6:43 PM
\\Users\Anzor\Downloads\music\nasheed\I TURN TO YOU .wmv.mp3	1/28/12 6:27 PM	1/28/12 6:43 PM
\\Users\Anzor\Downloads\music\nasheed\The man who went jannah without praying....mp3	1/28/12 6:27 PM	1/28/12 6:55 PM
\\Users\Anzor\Downloads\music\nasheed\The most amazing nasheed....mp3	1/28/12 6:28 PM	1/28/12 6:55 PM
\\Users\Anzor\Downloads\music\nasheed\THE MOST WONDERFUL NASHEED.....mp3	1/28/12 6:28 PM	1/28/12 6:56 PM
\\Users\Anzor\Downloads\music\nasheed\Very Good Arabic Jihad Nasheed.mp3	1/26/12 9:49 PM	1/28/12 6:56 PM
\\Users\Anzor\Downloads\music\nasheed\Zain Bihkha - Woman I Love - Official video 2011.mp3	1/28/12 6:29 PM	1/28/12 6:56 PM
\\Users\Anzor\Music\Playlists\nasheed.wpl	1/28/12 6:37 PM	1/28/12 7:08 PM
\\Users\Anzor\Downloads\249602_2113225911794_1280062155_32615105_2187413_n.jpg	6/5/11 2:06 AM	3/18/12 4:58 AM

Users\Anzor\Downloads\music\nasheed\Arabic Nasheed - La Ilaaha Illa Allah by Sheikh Mishary Rashid Alafasy.mp3	1/28/12 6:14 PM	3/25/12 3:22 AM
Users\Anzor\Documents\WebCam Media\Capture\image45.jpg	4/12/12 2:50 AM	4/14/12 4:24 AM
Users\Anzor\Desktop\papakla\The Etiquette of Seeking Knowledge.pdf	11/15/08 10:08 PM	4/23/12 11:53 PM
Users\Anzor\Desktop\papakla\Defence of Muslim Lands.pdf	5/15/98 12:52 AM	4/23/12 11:53 PM
Users\Anzor\Desktop\ye\Completeinspire.pdf	1/21/12 1:26 AM	4/23/12 11:56 PM
Users\Anzor\Desktop\ye\InspireNovember2010.pdf	11/16/10 4:08 AM	4/27/12 1:29 AM
Users\Anzor\Music\Playlists\vk.wpl	4/29/12 3:01 AM	4/29/12 3:01 AM
Users\Anzor\Desktop\Atham.lnk	4/30/12 4:37 AM	4/30/12 4:37 AM
Users\Anzor\Desktop\Al Makdisi	1/15/12 11:59 PM	5/5/12 5:20 AM
Users\Anzor\Desktop\Al Makdisi\complete_balance.pdf	2/15/06 4:20 AM	5/5/12 5:20 AM
Users\Anzor\Desktop\papakla\Fiqh Made Easy.pdf	8/21/08 9:42 PM	5/6/12 5:46 AM
Users\Anzor\Desktop\papakla\Islam\Islam\sayfAlBatr.pdf	1/15/12 11:58 PM	5/8/12 2:25 AM
Users\Anzor\Desktop\papakla\Islam	1/15/12 11:59 PM	5/8/12 2:35 AM
Users\Anzor\Desktop\The Hereafter series\22 HD Socialization in Paradise Jannah - Anwar Al Awlaki The After Series - YouTube.flv	12/26/11 5:12 PM	5/9/12 11:51 AM
Users\Anzor\Downloads\music\nasheed\Ahmed Shahwan_-_Imane\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:05 AM	5/18/12 3:15 AM
Users\Anzor\Downloads\music\nasheed\Нашид_Мама\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:07 AM	5/18/12 3:15 AM
Users\Anzor\Downloads\music\nasheed\Нашид_Уммати халлаки байнал умми\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:08 AM	5/18/12 3:15 AM
Users\Anzor\Downloads\music\nasheed\Нашид_Аl Shabab Mujahideen\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:06 AM	5/18/12 3:15 AM
Users\Anzor\Downloads\music\nasheed\Шейх Мишари бин Рашид аль-Афаси_-_Нашид\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:04 AM	5/18/12 3:15 AM
Users\Anzor\Downloads\music\nasheed\Нашид_Ауууhal muslim mudjahid\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:07 AM	5/18/12 5:29 AM
Users\Anzor\Downloads\music\nasheed\Winds of Paradise (Ветры Пар).mp3	5/18/12 3:36 AM	5/26/12 1:24 PM
Users\Anzor\Downloads\music\www.shiasource.com_-_Nasheeds by Shia Source.mp3	5/18/12 3:23 AM	5/27/12 3:29 PM
Users\Anzor\Downloads\music\nasheed\Нашид_Коране\Nasheeds™ http--vkontakte.ru-public33641289).mp3	5/14/12 7:08 AM	7/5/12 9:59 PM
Users\Anzor\Downloads\music\nasheed\most Beautiful Nasheed ever.mp3	1/26/12 9:47 PM	7/5/12 9:59 PM
Users\Anzor\Downloads\401233_231917046889906_1442560908_n.jpg	7/11/12 2:56 AM	7/16/12 4:50 PM
Users\Anzor\Downloads\music\nasheed\Nasheed_Liyakun.mp3	5/18/12 3:30 AM	7/20/12 10:21 AM
Users\Anzor\Downloads\music\nasheed\Nasheed_Нашиды.mp3	5/18/12 3:29 AM	7/20/12 10:21 AM
Users\Anzor\Downloads\music\nasheed\Nasheed_Amanatu billah.mp3	5/18/12 3:29 AM	7/20/12 10:24 AM
Users\Anzor\Downloads\music\nasheed\Shia Source_-_Nasheeds.mp3	5/14/12 7:04 AM	7/20/12 4:56 PM
Users\Anzor\Downloads\music\nasheed	1/28/12 6:31 PM	7/20/12 4:57 PM
Users\Anzor\Downloads\music\nasheed\Tariq Jabir_-_Sanakhudu (Nasheed).mp3	5/18/12 3:32 AM	7/20/12 4:57 PM



\\Users\Anzor\Desktop\папка\AlahsPleasure.pdf	4/30/06 8:50 PM	7/20/12 8:26 PM
\\Users\Anzor\Desktop\папка\Gems And Jewels.pdf	11/12/10 12:43 AM	7/30/12 5:45 PM
\\Users\Anzor\Downloads\music	5/26/12 1:24 PM	1/31/13 1:01 AM
\\Users\Anzor\Downloads\2013 music\● Нашид_ - Бей как меч, как ураган, как волны	2/5/13 3:35 AM	2/5/13 3:36 AM
\\Users\Anzor\Downloads\2013 music\Отрете mosheniki_ - Девушки бывают разные. mp3	2/5/13 3:25 AM	2/5/13 10:36 PM
\\Users\Anzor\Documents\WebCam Media\Capture\ArcWCThumb.db	2/27/11 11:49 AM	3/9/13 3:43 AM
\\Users\Anzor\Documents\WebCam Media\Capture	2/27/11 11:49 AM	3/9/13 3:44 AM
\\Users\Anzor\Desktop\папка\issues9.pdf	7/31/12 6:47 PM	3/11/13 3:24 AM
\\Users\Anzor\Desktop\папка\message_youth.pdf	1/15/12 11:59 PM	3/11/13 3:24 AM
\\Users\Anzor\Desktop\Washeed\Islamic Nasheed---When will the muslim ummah unite - YouTube.flv	8/29/11 10:57 PM	3/11/13 3:38 AM
\\Users\Anzor\Desktop\папка	1/15/12 11:59 PM	4/7/13 5:08 PM
\\Users\Anzor\Desktop\папка\Shaykh Anwar Awlaki - The Battle Of Uhud Part 5 - YouTube.mp3	4/7/13 5:08 PM	4/7/13 5:08 PM
\\Users\Anzor\Desktop\Effects\Intention.pdf	4/7/13 5:09 PM	4/10/13 11:35 PM
\\Users\Anzor\Desktop\ye\Inspire Fall 2010.pdf	9/25/10 6:29 AM	4/16/13 3:38 PM
\\Users\Public\Documents\dr ones.docx	4/11/11 12:27 AM	
\\Users\Public\Documents\priemi_strelbi.pdf	8/14/11 7:45 PM	

[al Qaeda magazine accessed by Tsarnaev]

Summer 1431 | 2010

**INSPIRE**

« ...AND INSPIRE THE BELIEVERS »

Periodical Magazine issued by the al-Qa'idah Organization in the Arabian Peninsula

**MAY OUR SOULS BE SACRIFICED FOR YOU!**  
SHAYKH ANWAR AL-'AWLAKI



- » EXCLUSIVE INTERVIEW WITH SHAYKH ABŪ BASĪR
- » MAKE A BOMB IN THE KITCHEN OF YOUR MOM  
THE AQ CHEF
- » ASRAR AL-MUJAHIDEEN 101  
TERRORIST
- » THE WEST SHOULD BAN THE NIQĀB  
COVERING ITS REAL FACE  
YAFĪYA IBRĀHĪM

Al-Malahem Media Foundation - مؤسسة الملاحم للصحافة والاعلام

Supp. App. 40

WHAT TO EXPECT IN JIHĀD | 6 CALLS OF AL-ANFĀL | JIHĀDĪ EXPERIENCES

INSPIRE



26

May our souls be sacrificed for you!

Shaykh Anwar al-'Awlaki

<p><b>Abū Basir Interview 13</b></p> <p>The leader of AQAP answers various questions pertaining to the jihād in the Arabian Peninsula.</p>	<p><b>Make a bomb in the 33</b> <i>Kitchen of your Mom</i></p> <p>A detailed yet short, easy-to-read manual on how to make a bomb using ingredients found in a kitchen.</p>	<p><b>Six calls of al-Anfāl 54</b></p> <p>A look into the calls from Allāh in al-Anfāl in light of the verses beginning with 'O You who Believe'.</p>
--	---	---

### Letter from the editor

Allāh ﷻ says: (And inspire the believers to fight) [al-Anfāl: 65]. It is from this verse that we derive the name of our new magazine. The word used in the verse is "*harid*" which is commonly translated as incite. However, the word should properly be translated as inspire, motivate, or encourage. The word *harid* in Arabic carries none of the negative connotations that the English word "incite" carries. To the contrary, it actually has the opposite meaning. The authoritative Arabic lexicon "*Taj al-Arus*" quotes the classical Arabic language scholar al-Zajjā as saying that the verb *harid* comes from the adjective *hārid*, which means "a person or a being that is perishing." Therefore, he says that when you inspire someone towards something using the verb *harid*, you are saying that unless they do what you are inspiring them to do they would perish. So the word *harid* is an inspiration that saves a person and guides them towards what is good for them. *Harid* is the word used in the above-mentioned verse. According to this meaning by al-

Zajjā, Allāh is commanding His Messenger ﷺ to save the believers from perishing by inspiring them to fight. This meaning is supported by another verse in Qur'ān where Allāh ﷻ says: (O you who believe! Respond to the call of Allāh and His Messenger when they call you to what will give you life) [al-Anfāl: 24]. Imām al-Qurtubi states that this verse is referring to jihād. It is jihād that gives this nation life. We survive through jihād and perish without it. Our history is a testimony to that.

This Islāmic Magazine is geared towards making the Muslim a *mujāhid* in Allāh's path. Our intent is to give the most accurate presentation of Islām as followed by the *Ṣalaf as-Ṣāliḥ*. Our concern for the *ummah* is worldwide and thus we try to touch upon all major issues while giving attention to the events unfolding in the Arabian Peninsula as we witness it on the ground. Jihād has been deconstructed in our age and thus its revival in comprehension and endeavor is of utmost importance for the Caliphate's manifestation.



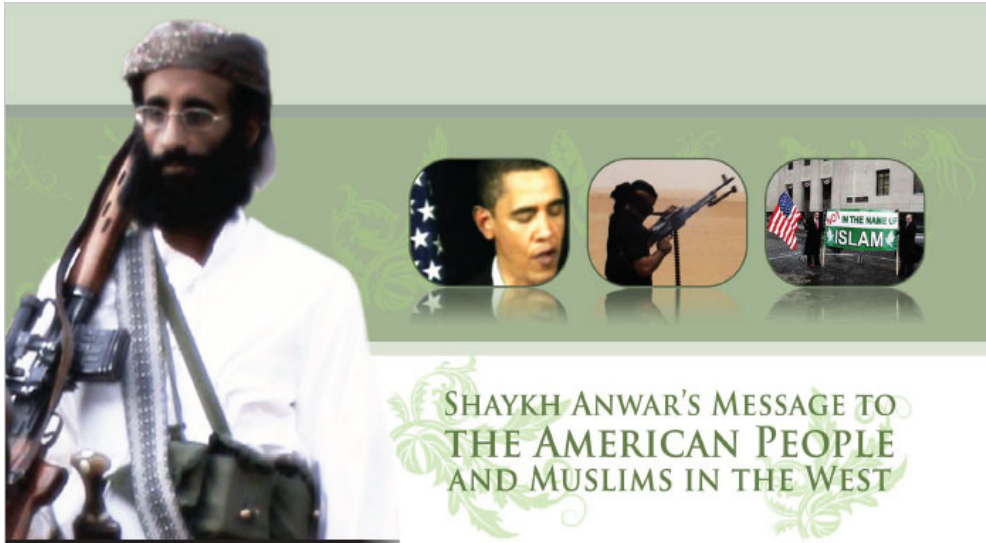
Under the media foundation of al-Malahem, we present the first magazine to be issued by the al-Qā'idah Organization in the English language. In the West; in East, West and South Africa; in South and Southeast Asia and elsewhere are millions of Muslims whose first or second language is English. It is our intent for this magazine to be a platform to present the important issues facing the *ummah* today to the wide and dispersed English speaking Muslim readership. We also call upon and encourage our readers to contribute by sending their articles, comments or suggestions to us.

We ask Allāh ﷻ to assist us in this endeavor and to guide you and us towards the truth. ■

Supp. App. 41

<h1>INSPIRE</h1>	
...AND INSPIRE THE BELIEVERS	
<b>TOPICS CONT.</b>	
DON'T BE SAD: O OUR BROTHERS IN AL-SHABĀB AL-MUJĀHIDĪN [P55] ABŪ 'ATŦĀ TRANSLATION	
MESSAGE TO THE PEOPLE OF YEMEN [P11] TRANSCRIBED MESSAGE FROM DR. AYMAN AL-ŽAWĀHIRĪ	
THE WAY TO SAVE THE EARTH [P08] TRANSCRIBED MESSAGE FROM SHAYKH USĀMAH BIN LĀDĪN	
THE FIGHT OVER THE MOUNTAINS [P60] ADNĀN MUĤAMMAD 'ALĪ AS-SĀ'IGH STORIES	
SHAYKH ANWAR'S MESSAGE TO THE AMERICAN PEOPLE AND MUSLIMS IN THE WEST [P56] TRANSCRIBED MESSAGE FROM SHAYKH ANWAR AL-'AWLAKĪ	
HOW TO USE ASRAR AL-MUJAHIDEEN: SENDING & RECEIVING ENCRYPTED MESSAGES [P41] TERRORIST OPEN SOURCE JIHĀD	
THE JIHĀDĪ EXPERIENCES: THE SCHOOLS OF JIHĀD [P48] TAKEN FROM ABŪ MUŞ'AB AL-ŞŪRĪ HISTORY & STRATEGY	
WHAT TO EXPECT IN JIHĀD (PART 1) [P45] MUKHTĀR ḤASSAN	
THE WEST SHOULD BAN THE NIQĀB COVERING ITS REAL FACE [P19] YAĤYA IBRĀHĪM	
<b>OTHER</b>	
THE CARTOON CRUSADE [P21]	
OPEN SOURCE JIHĀD [P31]	
POEM FOR 'UMAR AL-FĀRŪQ [P63]	
THE CHASTE OF BURAYDAH [P06]	
THE OPERATION OF 'UMAR [P05]	
FROM USĀMAH TO OBAMA [P29]	
NEWS FLASH [P12]	
HEAR THE WORLD [P04]	
QUESTIONS TO ASK [P07]	
O MARTYR, YOU HAVE ILLUMINATED! [P30] Supp. App. 42	
CONTACT US [P65]	





## SHAYKH ANWAR'S MESSAGE TO THE AMERICAN PEOPLE AND MUSLIMS IN THE WEST

All praise is due to Allāh and may peace and blessings be upon His Messenger Muḥammad, his family, and his companions.<sup>1</sup>

Peace be upon those who follow the guidance.

To the American people I say:

Do you remember the good old days when Americans were enjoying the blessings of security and peace? When the word 'terrorism' was rarely invoked, and when you were oblivious to any threats? I remember a time when you could purchase an airline ticket from the classified section of your local or college newspaper, and use it even though it was issued to a different name because no one would bother asking you for an ID before boarding a plane. No long lines, no elaborate searches, no body scans, no sniffing dogs, no taking off your shoes and emptying your pockets.

You were a nation at ease.

But America thought that it could threaten the lives of others, kill and invade, occupy and plunder, and conspire without bearing the consequences of its actions. 9-11 was the answer of the millions of people who suffer from American aggression. And since then America has not been safe. And nine years after 9-11, 9

<sup>1</sup> The following is a transcription of the Shaykh's message that was originally sent to CNN.

years of spending, and nine years of beefing up security, you are still unsafe even in the holiest and most sacred of days to you, Christmas Day.

So do you expect to transgress against others and yet be spared retribution?

Your decision makers: the politicians, the lobbyists, and the major corporations are the ones gaining from your foreign policy, and you are the ones paying the price for it.

Following 9-11, The American people gave George W. Bush, unanimous backing to fight against the *mujahidin*, and gave him a blank check to spend as much as needed to fulfill that objective. The result? He failed, and he failed miserably. So if America failed to defeat the *mujahidin* when it gave its president unlimited support, how can it win with Obama who is on a short leash? If America failed to win when it was at its pinnacle of economic strength, how can it win today with a recession at hand?

The simple answer is: America cannot and will not win. The tables have turned and there is no rolling back of the worldwide jihad movement. On the eve of 9-11 it was Afghanistan alone. Today it is Afghanistan, Pakistan, Iraq, Somalia, North Africa, the Arabian Peninsula, and the list is growing.

How many body bags are American families willing to



receive? How much more can the US treasury handle? 9-11, the war in Afghanistan and Iraq, and then operations such as that of our brother `Umar al-Farūq which could have not cost more than a few thousand dollars end up draining the US treasury billions of dollars in order to give Americans a false sense of security. For how long can the US survive this war of attrition? What benefit is it to the American people to suffer for the sake of supporting Israel, and what benefit is it to the American people to suffer for the sake of the al-Saūd family and the gulf monarchs?

Our brother `Umar al-Farūq `Abdul Muṭṭalib, has succeeded in breaking through the security systems that have cost the US government alone, over 40 billion dollars since 9-11.

Obama has promised that his administration would be one of transparency. But he has not fulfilled his promise. His administration, tried to portray the operation of brother Nidāl Hassan, as an individual act of violence from an estranged individual. The administration practiced a control on the leak of information concerning the operation in order to cushion the reaction of the American public. Until this moment the administration is refusing to release the emails exchanged between myself and Nidāl. And after the operation of our brother `Umar al-Farūq the initial comments coming from the administration were looking the same: another attempt at covering up the truth. But al-Qa`idah cutoff Obama from deceiving the world again, by issuing their statement claiming responsibility for the operation.

However, we are transparent and open in proclaiming our message to the world. Our objective is to bring back Islām to life. We seek to remove the tyrannical and parasitical rulers of the Muslim world, and replace them with men of God, who know the difference between right and wrong, good and evil. We seek to apply the rule of Qur`an and make the word of Allāh ﷻ supreme over all other, and God willing, we will strive to achieve these goals with all what we posses, and we will fight to

the last man against whoever stands in our way. We, the Muslims, do not have an inherent animosity towards any racial group, or ethnicity. We are not against Americans for just being American; we are against evil, and America as a whole has turned into a nation of evil. What we see from America is the invasion of two Muslim countries, we see Abu Ghraib, Baghram and Guantanamo bay. We see Cruise missiles and cluster bombs, and we have just seen in Yemen the death of 23 children and 17 women. We cannot stand idly in the face of such aggression, and we will fight back and incite others to do the same.

I for one, was born in the US, and lived in the US for 21 years. America was my home. I was a preacher of Islām involved in non-violent Islāmic activism. However, with the American invasion of Iraq and continued US aggression against Muslims, I could not reconcile between living in the US and being a Muslim, and I eventually came to the conclusion that jihād against America is

binding upon myself, just as it is binding on every other able Muslim.

Nidāl Hassan was not recruited by al-Qa`idah; Nidāl Hassan was recruited by American crimes, and this is what America refuses to admit. America refuses to admit that its foreign policies are the reason behind a man like Nidāl Hassan, born and raised in the US, turning his guns against American soldiers. And the more crimes America commits, the more *mujahidin* will be recruited to fight against it.

The operation of our brother `Umar al-Farūq `Abdul Muṭṭalib was in retaliation to American cruise missiles and cluster bombs that killed women and children in Yemen.

It is true that we are facing the arsenal of the greatest army on earth with our simple modest means, but victory is on our side. Victory is on our side because there is a difference between us and you. We are fighting for a noble cause. We are fighting for God and you are

**NIDĀL HASSAN WAS RECRUITED BY AMERICAN CRIMES**

fighting for worldly gain. We are fighting for justice because we are defending ourselves and our families and you are fighting for imperialistic goals. We are fighting for truth and justice and you are fighting for oppression. You have your B52s, your apaches, your Abrams, and your Cruise missiles and we have small arms and simple Improvised Explosive Devices, but we have men who are dedicated and sincere, with hearts of lions.

And blessed are the meek, for they shall inherit the world.

Americans need to stop looking at themselves from their own lens but look at themselves from the lens of the world. They will then see the ugly face of America. America is not despised only by Muslims but by many millions of people around the world and in America itself. America may be obstinate in believing that the animosity of a few million Muslims wouldn't really harm them. They would say we have the most powerful army in the world and we have the strongest economy in the world. But don't you think that such a belief is a bit outdated? Don't you think that such a belief was more suitable to days of patriotism that swept over America following 9-11 than it is now, with the American army admitting its inability, and the American economy going through intensive care? But imperial hubris is leading America to its fate: A war of attrition. A continuous hemorrhage that would end with the fall and splintering of the United States of America.

If George W. Bush is remembered by getting America stuck in Afghanistan and Iraq, it's looking like Obama wants to be remembered as the president who got America stuck in Yemen. Obama has already started his war on Yemen by the aerial bombings of Abyan and Shabwa. By doing that, he has waged a publicity campaign for the *mujahidin* in Yemen, and within days accomplished for them the work of years. As the popularity of the *mujahidin* in Yemen skyrocketed, the popularity of Obama in America plummeted.

The corrupt Yemeni government officials and some of the tribal chiefs who claim to be your allies are having a ball these days. The word being passed around among them is that this is the time to extort the gullible American. Your politicians, military and intelligence officers are being milked for millions. They are giving you big promises and handing you big bills. Welcome to the world of Yemeni politicians.

I would like to close my message to you with an invitation to Islam. We were all created by God on this earth to worship Him, and then after death it is either Paradise or Hellfire for eternity. So the matter is not one

to take lightly. It is your future. I invite you to read the book of Allah ﷻ, the Qur'an. You do not have to take anyone's word for it; decide for yourself whether it is the truth or not.

**To the Muslims in America I have this to say:** How can your conscience allow you to live in peaceful coexistence with a nation that is responsible for the tyranny and crimes committed against your own brothers and sisters? How can you have your loyalty to a government that is leading the war against Islam and Muslims? The Muslim community in America has been witnessing a gradual erosion and decline in core Islamic principles, so today many of your scholars and Islamic organizations are openly approving of Muslims serving in the US army to kill Muslims, joining the FBI to spy against Muslims, and are standing between you and your duty of jihad. Slowly but surely, your situation is becoming similar to that of the embattled Muslim community of Spain, after the fall of Granada.

**Muslims of the West:** take heed and learn from the lessons of history. There are ominous clouds gathering in your horizon. Yesterday, America was a land of slavery, segregation, lynching and Ku Klux Klan. And tomorrow it will be a land of religious discrimination and concentration camps.

Do not be deceived by the promises of preserving your rights from a government that is right now killing your own brothers and sisters. Today, with the war between Muslims and the West escalating, you cannot count on the message of solidarity you may get from a civic group or a political party, or the word of support you hear from a kind neighbor or a nice co-worker. The West will eventually turn against its Muslim citizens.

Hence, my advice to you is this: you have two choices: either *hijra* or *jihad*. You either leave or you fight. You leave and live among Muslims or you stay behind and fight with your hand, your wealth and your word. I specifically invite the youth to either fight in the West or join their brothers in the fronts of jihad: Afghanistan, Iraq, and Somalia. I invite them to join the new front, Yemen, the base from which the great jihad of the Arabian Peninsula will begin, the base from which the greatest army of Islam will march forth. The Messenger of Allah ﷺ said: «An army of twelve thousand will come out of Aden-Abyan and they will give victory to Allah and His Messenger and they are the best between me and them»

In closing I pray that Allah ﷻ guides us to the truth and grants us steadfastness on the Straight Path.

And may peace and blessings be upon His Messenger, his family and companions.

FOLDOUT SUPP. APP. V 1 PAGE 46




FOLDOUT SUPP. APP. V 1 PAGE 47

FOLDOUT SUPP. APP. V 1 PAGE 48

[Tsarnaev's pre-bombing text messages]

**Jahar Tsarnaev iPhone 3 SMS Conversation 11/6/2012**

Date	Time (EST)	From	To	Content
11/6/2012	10:30:59 PM	8572475112		Elections are whatever, I want the lesser of two evils to win which would be Obama but either way they're shaytan ass niggas, puppets of the system, killing Muslims is the only promise they will fulfill

**Jahar Tsarnaev iPhone 5 iMessage Conversation 12/25/2012**

Date	Time (EST)	From	To	Body
12/25/2012	12:56:08 AM	[REDACTED]	8572475112	What's your plan?
12/25/2012	12:56:16 AM	[REDACTED]	8572475112	Stay at Dartmouth or transfer out?
12/25/2012	12:56:16 AM	[REDACTED]	8572475112	Yale?
12/25/2012	12:56:16 AM	[REDACTED]	8572475112	MIT?
12/25/2012	12:56:16 AM	[REDACTED]	8572475112	Harvard?
12/25/2012	12:56:16 AM	[REDACTED]	8572475112	Have you thought about what school?
12/25/2012	12:56:29 AM	8572475112	[REDACTED]	One more semester and I'm prolly gonna transfer
12/25/2012	12:56:56 AM	8572475112	[REDACTED]	Not prolly most definitely

**Jahar Tsarnaev iPhone 5 iMessage Conversation 12/25/2012**

Date	Time (EST)	From	To	Body
12/25/2012	12:57:45 AM	[REDACTED]	8572475112	Oxford?
12/25/2012	12:58:12 AM	[REDACTED]	8572475112	Or are all those schools too easy for you?
12/25/2012	12:58:18 AM	8572475112	[REDACTED]	Nah not ivy
12/25/2012	12:58:24 AM	[REDACTED]	8572475112	Ivy schools are a FORCE
12/25/2012	12:58:24 AM	[REDACTED]	8572475112	"Oh shit he's going to Harvard!! That's crazy" none other reason than this
12/25/2012	12:58:24 AM	[REDACTED]	8572475112	No point in going there other than to look good
12/25/2012	12:58:27 AM	8572475112	[REDACTED]	Something manageable
12/25/2012	12:58:47 AM	8572475112	[REDACTED]	Not for working slaving myself and crying myself to sleep

**Jahar Tsarnaev iPhone 5 iMessage Conversation 12/25/2012**

Date	Time (EST)	From	To	Body
12/25/2012	1:00:02 AM	[REDACTED]	8572475112	Niggas need to understand you don't ivy school to be successful
12/25/2012	1:00:04 AM	8572475112	[REDACTED]	I'm trying to go to an ivy for masters tho not gonna lie
12/25/2012	1:00:29 AM	[REDACTED]	8572475112	What you want to be?
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Sniper?
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Pyro?
12/25/2012	1:00:34 AM	[REDACTED]	8572475112	Engineer?
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Knowledge to become imam?
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Biologist? That shit cray

**Jahar Tsarnaev iPhone 5 iMessage Conversation 12/25/2012**

Date	Time (EST)	From	To	Body
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Wtf
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Imam Tsarnaev then?
12/25/2012	1:00:32 AM	[REDACTED]	8572475112	Spy??
12/25/2012	1:01:03 AM	8572475112	[REDACTED]	I wanna bring justice for my people

**Jahar Tsarnaev iPhone5 iMessage Conversation 1/28/2013**

<b>Date</b>	<b>Time (EST)</b>	<b>From</b>	<b>To</b>	<b>Content</b>
01/28/2013	11:36:12 PM	8572475112	[REDACTED]	Come may i'm out
01/28/2013	11:36:31 PM	[REDACTED]	8572475112	Oh yeah you getting yourself s wifey
01/28/2013	11:36:38 PM	[REDACTED]	8572475112	Good shit
01/28/2013	11:36:52 PM	8572475112	[REDACTED]	We'll idk about that but we'll see
01/28/2013	11:37:04 PM	[REDACTED]	8572475112	I think it's a lil too early
01/28/2013	11:37:20 PM	[REDACTED]	8572475112	I don't even know if i want i get married bro
01/28/2013	11:37:58 PM	8572475112	[REDACTED]	Lol yea i know, i'm just tryina finish school
01/28/2013	11:38:46 PM	[REDACTED]	8572475112	To*
01/28/2013	11:39:02 PM	8572475112	[REDACTED]	I mean there's 1 other option bro
01/28/2013	11:39:11 PM	8572475112	[REDACTED]	Highest level of Jannah
01/28/2013	11:39:17 PM	[REDACTED]	8572475112	The only good thing about having a wife is the pussy is halal
01/28/2013	11:39:20 PM	8572475112	[REDACTED]	If ya know what i mean
01/28/2013	11:39:26 PM	[REDACTED]	8572475112	Jihad?
01/28/2013	11:39:28 PM	[REDACTED]	8572475112	I really am down for that Jihad life though
01/28/2013	11:39:28 PM	[REDACTED]	8572475112	I've been thinking about that lately
01/28/2013	11:39:28 PM	[REDACTED]	8572475112	Lol yeah true true
01/28/2013	11:40:10 PM	8572475112	[REDACTED]	Yea with your desires c'mon son
01/28/2013	11:40:19 PM	8572475112	[REDACTED]	Don't be hot over the phone
01/28/2013	11:41:03 PM	8572475112	[REDACTED]	Lol be for that man!



**Jahar Tsarnaev iPhone5 iMessage Conversation 1/28/2013**

<b>Date</b>	<b>Time (EST)</b>	<b>From</b>	<b>To</b>	<b>Content</b>
01/28/2013	11:41:06 PM	[REDACTED]	8572475112	And it's affecting my future plans
01/28/2013	11:41:17 PM	[REDACTED]	8572475112	I don't even know if I want to go to college
01/28/2013	11:41:20 PM	8572475112	[REDACTED]	I'm with you on this one im wanna talk to you in person sometime soon
01/28/2013	11:41:36 PM	[REDACTED]	8572475112	Aight we gotta chill sometime man
01/28/2013	11:41:36 PM	[REDACTED]	8572475112	I'm trying to study Islam or the Quran
01/28/2013	11:41:36 PM	[REDACTED]	8572475112	No bueno
01/28/2013	11:41:36 PM	[REDACTED]	8572475112	I didn't get the chance to chill with you over the break
1/28/2013	11:42:22 PM	8572475112	[REDACTED]	Yo man that's sound good do that
01/28/2013	11:42:32 PM	8572475112	[REDACTED]	But you have to go to school in medina somewhere
01/28/2013	11:42:46 PM	8572475112	[REDACTED]	For now read a lot of Islamic literature
01/28/2013	11:43:20 PM	[REDACTED]	8572475112	There has to be Islamic schools other than at medina
01/28/2013	11:43:41 PM	[REDACTED]	8572475112	If not, then I gotta save up my money and go there
01/28/2013	11:43:42 PM	8572475112	[REDACTED]	I mean like there are other schools but not in America
01/28/2013	11:43:44 PM	[REDACTED]	8572475112	You're looking at a future imam 🙄

**Jahar Tsarnaev iPhone5 iMessage Conversation 1/28/2013**

<b>Date</b>	<b>Time (EST)</b>	<b>From</b>	<b>To</b>	<b>Content</b>
01/28/2013	11:43:44 PM	[REDACTED]	8572475112	When you coming back for break?
01/28/2013	11:44:12 PM	8572475112	[REDACTED]	Inshallah
01/28/2013	11:45:41 PM	8572475112	[REDACTED]	idk ill be back either this weekend or next weekend ill let yu know
01/28/2013	11:46:39 PM	8572475112	[REDACTED]	But for now, all I'm saying is go to college or just chill and educate yourself
01/28/2013	11:46:57 PM	8572475112	[REDACTED]	I got a plan ill tell yu later about it
01/28/2013	11:48:00 PM	[REDACTED]	8572475112	I prefer jihad then an imam lol. I'm not a very good public speaker. And damn we definitely gotta chill bro.
01/28/2013	11:49:09 PM	8572475112	[REDACTED]	But imam tho? That's gonna be a lot of studying

[Tsarnaev's pre-bombing tweets]

**Ghuraba**  
@Al\_firdausIA

TWEETS 8 FOLLOWING 9 FOLLOWERS 151

**Tweets** Tweets & replies

**Ghuraba** @Al\_firdausIA · 13 Mar 2013  
It's our responsibility my brothers & sisters to ask Allah to ease the hardships of the oppressed and give us victory over kufr #islam #dua

**Ghuraba** @Al\_firdausIA · 12 Mar 2013  
Dua is truly the weapon of the believer, pray for the oppressed it is your duty #islam #muslim

**Ghuraba** @Al\_firdausIA · 11 Mar 2013  
Ghuraba, means strangers. Out here in the west, we should stand out among the nonbelievers as one body #islam

**Ghuraba** @Al\_firdausIA · 11 Mar 2013  
strive to be a better muslim, be greedy with your time, devote most of it to the Almighty for it is his satisfaction that you need #islam

**Ghuraba** @Al\_firdausIA · 10 Mar 2013  
LISTEN TO ANWAR BI AWIARI'S (A SHARAH) (A) THE MORE AFTER SERIES, YOU WILL gain an unbelievable amount of knowledge #islam #muslim

**Ghuraba** @Al\_firdausIA · 10 Mar 2013  
I want the highest levels of Jannah, I want to be able to see Allah every single day for that is the best of pleasures #islam #alfirdaus

Ghuraba followed Islam , Jahar, Daily Hadiths and 6 others

The image shows a screenshot of a Twitter profile page. At the top, there are two account cards. The first card is for a user named 'Islam' with the handle '@Islamic\_belief' and the bio 'The Final Divine Religion'. The second card is for a user named 'Jahar' with the handle '@J\_tsr' and the bio 'Salam aleikum'. Below these cards is a tweet from a user named 'GRUPAS WA\_TYOSUBIA' dated '10 MAR 2013'. The tweet text reads: 'Salam aleikum wa rahmatullahi wa barakatu! dear Muslim brothers and sisters follow me for some Islamic insight #Islam #muslim'. Below the tweet text are icons for reply, retweet, and like (with a count of 2), and a three-dot menu icon. At the bottom center of the page is the Twitter logo.

# @J\_tsar Tweet

3/20/2013 – 9:25PM PST



**Jahar**  
@J\_tsar



 Follow

Evil triumphs when good men do nothing



RETWEETS  
**1,163**

FAVORITES  
**630**



9:25 PM - 20 Mar 2013

[Photo of Tsarnaev taking bombing position]





[Photos of bombing aftermath]







































[Photos of shrapnel fragments  
from Martin Richard's autopsy]













[Tsarnaev's post-bombing tweets]

# @J\_tsar Tweet

4/15/2013 – 5:04PM PST



**Jahar**  
@J\_tsar



 Follow

Ain't no love in the heart of the city, stay safe people



RETWEETS 5,462  
FAVORITES 2,164



5:04 PM - 15 Apr 2013

@J\_tsar Tweet  
4/15/2013 – 8:13PM PST

@MelloChamp and they what "god hates  
dead people?" Or victims of tragedies? Lol  
those people are cooked

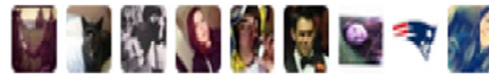


RETWEETS

581

FAVORITES

229



8:13 PM - 15 Apr 2013

# @J\_tsar Tweet

4/16/2013 – 10:43PM PST



**Jahar**  
@J\_tsar



 Follow

I'm a stress free kind of guy



RETWEETS  
**7,216**

FAVORITES  
**2,695**



10:43 PM - 16 Apr 2013

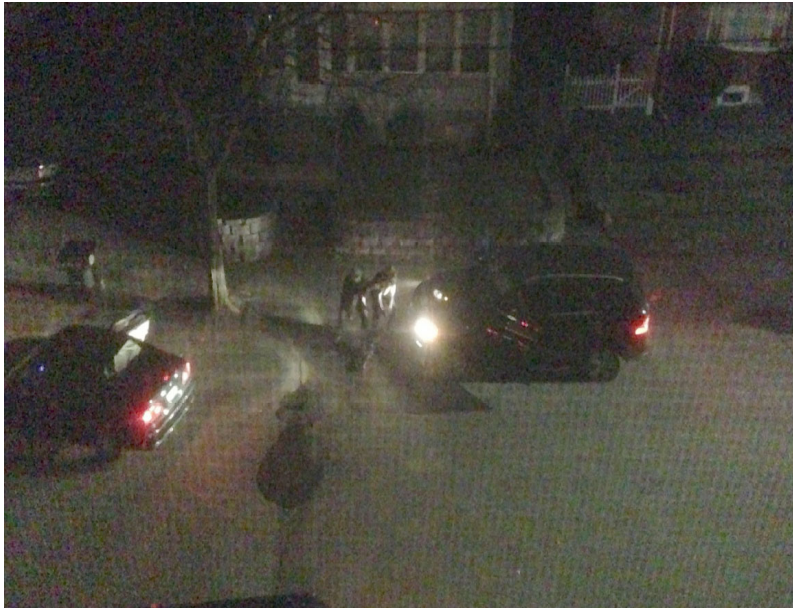
## [Tsarnaev's post-bombing text messages]

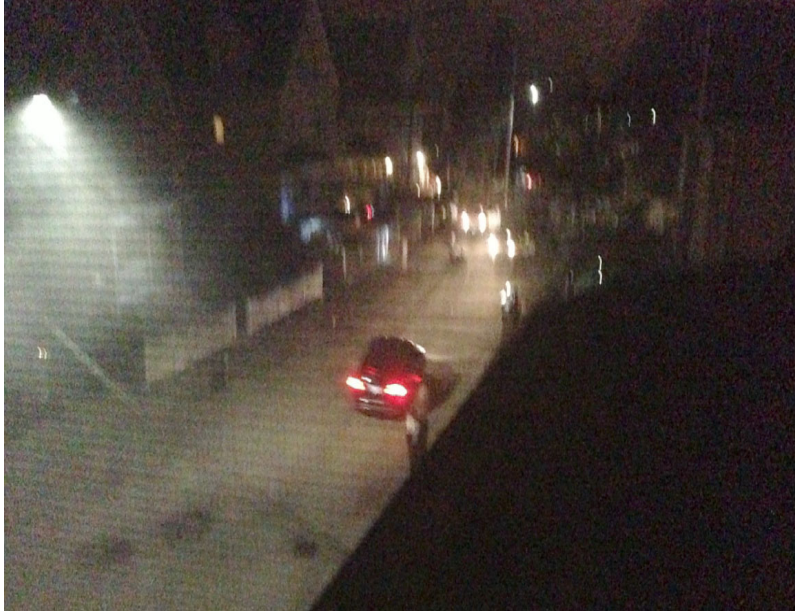
Selected Text Messages on 4/18/13 retrieved from Dias Kadyrbayev's iPhone

DATE	TIME (EDT)	FROM	TO	TEXT
4/18/2013	8:30:01 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	zaed
4/18/2013	8:36:01 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	yo bro
4/18/2013	8:41:52 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Wasup
4/18/2013	8:42:08 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	pick me up please
4/18/2013	8:42:40 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Sorry man I'm in Boston
4/18/2013	8:42:40 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Where r yu?
4/18/2013	8:43:03 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	in my crib
4/18/2013	8:43:11 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	i am tryna go to umass
4/18/2013	8:43:28 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	Please
4/18/2013	8:43:43 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	yo bro
4/18/2013	8:44:06 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	u saw the news?
4/18/2013	8:44:20 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Yea bro I did
4/18/2013	8:44:34 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	for real?
4/18/2013	8:44:46 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	I saw the news...
4/18/2013	8:44:48 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Better not text me my friend
4/18/2013	8:44:48 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Lol
4/18/2013	8:45:00 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	u saw urself in there?
4/18/2013	8:45:10 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	ahaha...
4/18/2013	8:45:43 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	hahaha
4/18/2013	8:46:56 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	If yu want yu can go to my room and take what's there :) but ight bro Salam aleikum
4/18/2013	8:47:47 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	whats wrong with u?
4/18/2013	8:48:05 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	haha ;)
4/18/2013	8:49:04 PM	Jahar (857) 247-5112	DIAS (508) 287-5846	Can't right now man
4/18/2013	8:49:15 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	vk bro
4/18/2013	8:52:20 PM	DIAS (508) 287-5846	Jahar (857) 247-5112	please

**[Photos of Tsarnaev engaging law-enforcement officers in Watertown and driving SUV toward them]**









**[Photo of boat where Tsarnaev hid]**

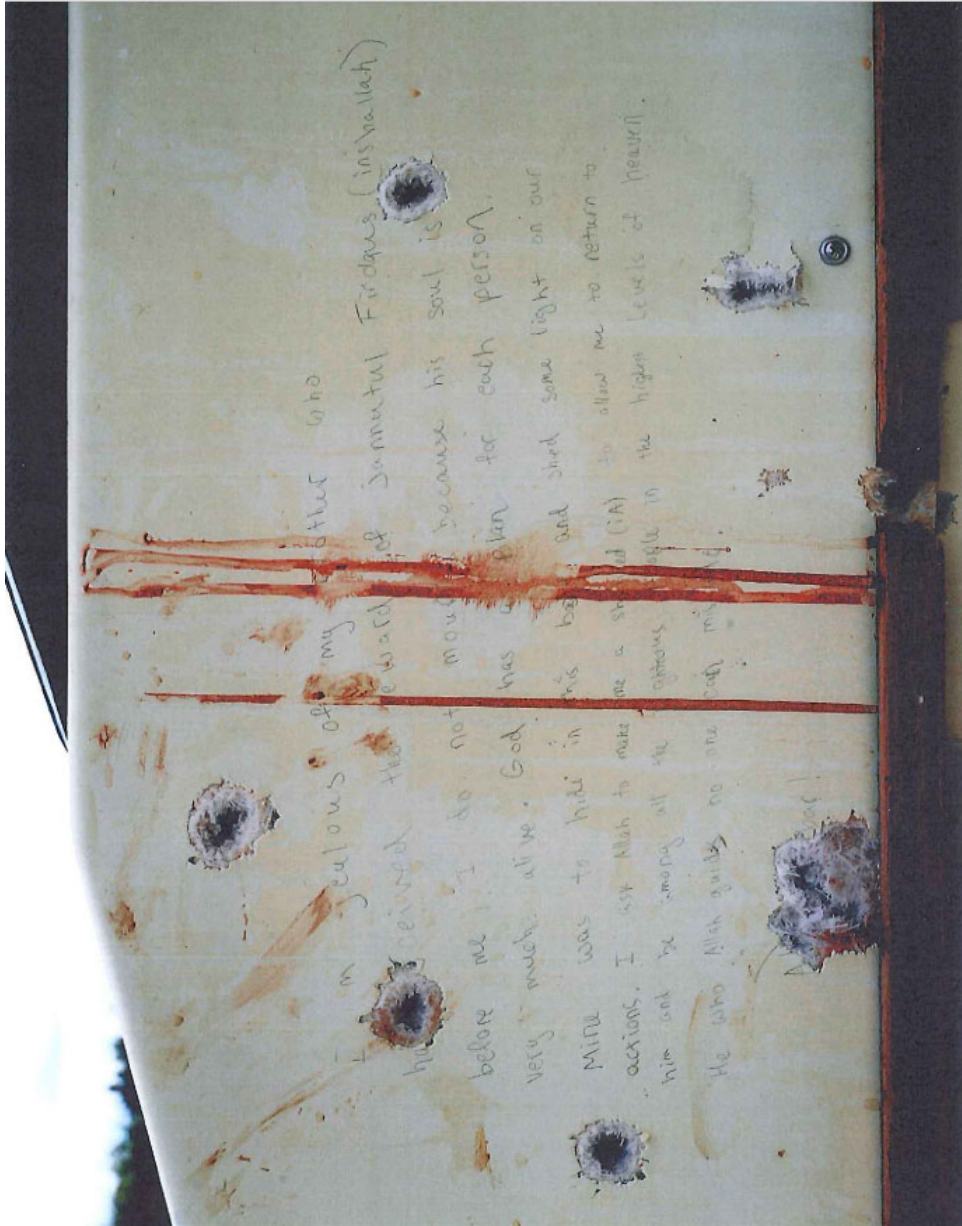




[Photo of Tsarnaev's boat carving]



[Photos of Tsarnaev's boat message]



I'm jealous of my other who  
has received the reward of Jannatul Firdous (inshallah)  
because his soul is  
before me. I do not know how to plan for each person  
very much alive. God has a plan and shed some light on our  
MIND was to hide in his book and allow me to return to  
actions. I ask Allah to make me a scholar (FA) in the higher levels of heaven.  
him and be among all the options  
He who Allah guides no one can mislead.





No Muhammad (pbuh) wanted it to be  
 the ummah is beginning to rise/awake  
 has awoken the Mujahideen, know you are  
 fighting men who lose into the barrel of your  
 gun and see lava, how now can you compare  
 the net, we are promised victory and we  
 will not be get it. Now I don't like killing  
 innocent people is forbidden in Islam  
 but all to see  
 All of you go to  
 + is allowed.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Tues., Mar. 10, 2015  
9:35 a.m.

---

**JURY TRIAL—DAY THIRTY**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, WILLIAM W. FICK and TIMOTHY  
G. WATKINS, Federal Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[30-48]

Q. Is this the blood that was kind of trailing down from the top of the note down?

A. Yes.

Q. Does it appear as if the blood was on top of the writing?

A. Yes.

Q. So the writing was done before the blood came down?

A. Yes.

MR. CHAKRAVARTY: For convenience of reading, can we go to 830, please?

Q. I'll read this panel and ask if I read it correctly. "I'm jealous of my brother who ha"—then there's a hole—"ceived the reward of the jannutul Firdaus inshallah before me. I do not mourn because his soul is very much alive. God has a plan for each person. Mine was to hide in his boat and shed some light on our actions. I ask Allah to make me a shahied (iA) to allow me to return to him and be among all the righteous people in the highest levels of heaven. He who Allah guides no one can misguide. A"—then there's a hole—"bar!" Did I read that correctly?

A. Yes.

MR. CHAKRAVARTY: Can we go back to 826?

Q. Does that accurately reflect what's here?

A. Yes.

MR. CHAKRAVARTY: Go to 827, please.

Q. Is this the part of the boat that separated the first [30-49] portion of the writing with this portion?

A. Yes.

Q. And is this similar to the first portion of the writing that there's some blood stains as well as some holes throughout the note?

A. Yes.

MR. CHAKRAVARTY: Go to Exhibit 830, Page 2.

Q. I'm going to read this transcription and ask if I read it correctly. "I bear witness that there is no God but Allah and that Muhammad is his messenger." Then there's a hole. "R actions came with"—another hole—"a"—another hole—"ssage and that is"—hole—"ha illalah. The U.S. Government is killing our innocent civilians but most of you already know that. As a M"—and then a hole—"I can't stand to see such evil go unpunished. We Muslims are one body, you hurt one, you hurt us all, well at least that's how Muhammad (pbuh) wanted it to be"—hole—"ever. The ummah is beginning to rise/awa," and then there's a hole. Did I correctly read that portion?

A. Yes.

MR. CHAKRAVARTY: Can we go to 828, please?

Q. In 828, does the first two lines that we just read appear on Exhibit 828, so this is a continuation of the same portion of writing?

Yes.

[30-50]

MR. CHAKRAVARTY: Can we go to 830, Page 3, please?

Q. And shaded out are the two lines we just read?

A. Correct.



Q. “. . . has awoken the mujahideen, know you are fighting men who look into the barrel of your gun and see heaven, now how can you compete with that. We are promised victory and we will surely get it. Now I don't like killing innocent people it is forbidden in Islam but due to said”—hole—“it is allowed. All credit goes”—then there's big hole. Did I read that correctly?

A. Yes.

Q. After you cleared the boat, what did you do with this information that you had learned from the—reading the inside of the hull?

A. I immediately told an FBI agent.

Q. What were you and the remainder of the EOD teams doing after you exited the boat?

A. We continued to clear the backyard and surrounding areas.

Q. Was that scene secured?

A. Yes.

Q. And then did the FBI ultimately come over and process that scene?

A. Yes.

MR. CHAKRAVARTY: Thank you.

CROSS-EXAMINATION BY MR. BRUCK:

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Wed., Mar. 4, 2015  
9:16 a.m.

---

**JURY TRIAL—DAY TWENTY-SEVEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, WILLIAM W. FICK and TIMOTHY  
G. WATKINS, Federal Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[27-23]

\* \* \* \* \*

With that, then, we'll proceed to the next stage with  
the opening statements. The government will begin.

MR. WEINREB: Good morning.

THE JURORS: Good morning.

MR. WEINREB: Nearly two years ago, on Marathon Monday, the defendant, Jahar Tsarnaev, rounded the corner onto Boylston Street and began walking towards the Boston Marathon finish line. It was about 2:30 in the afternoon. The race had started about six hours earlier, and the sidewalks were packed with spectators. The Red Sox game had just ended, and people were pouring out of Fenway Park, making the crowds even bigger. There were people from all over the world and all walks of life—men, women, boys, girls—all loudly cheering on the runners. And because Marathon Monday falls on Patriots' Day, the school holiday, there were plenty of families enjoying the special day with their children.

But the defendant wasn't there to watch the race. He had a backpack over his shoulder, and inside that backpack was a homemade bomb. It was the type of bomb favored by terrorists because it's designed to tear people apart and create a bloody spectacle. It was a sealed pressure cooker about this wide and this high, and it was filled with explosive powder and [27-24] thousands of pieces of tiny shrapnel: nails, tacks, and little BBs. The purpose of that type of bomb is to shred flesh, shatter bone, set people on fire, and cause its victims to die painful, bloody deaths and permanent disfigurement.

The defendant's goal that day was to maim and kill as many people as possible, so he took his time figuring out where to plant his bomb. He began walking slowly down towards the finish line with his brother, Tamerlan, who was also carrying a bomb in his own knapsack. They walked a little ways together, and then they split up.

Tamerlan continued all the way down to the finish line and planted his bomb there in a crowd of people. The defendant waited a bit and then started walking in the same direction. He decided to stop in front of a crowded restaurant called Forum, and to place his bomb right behind a row of children who were standing on a railing by a curb—the curb watching the race.

One of those children was an eight-year-old boy named Martin Richard who was watching the race with his family. No one noticed the defendant plant the bomb because there was nothing out of the ordinary to see. He just got there, slipped his backpack onto the ground, and stood there looking at the backs of those children. He pretended to be a spectator, but he had murder in his heart, although you wouldn't have known it just to look at him.

[27-25]

The defendant looked and acted like a typical young adult, but the evidence will show that he wasn't. He had a side to him that he kept hidden, even from his closest friends. When he was with his friends, he hung out and played video games. But when he was by himself, he read terrorist writings and listened to terrorist lectures. Those writings and lectures convinced him that he should kill innocent Americans in order to punish the United States for mistreating Muslims in other countries. And by doing so, he thought he would earn a place in paradise, which explains what happened next.

The defendant stood there for nearly four minutes directly behind the row of children who were watching the race. Dozens of people stood around him, and dozens more were behind him in the Forum restaurant enjoying

a meal with friends, cheering on the runners, or just enjoying the day. Then when the defendant had given his brother, Tamerlan, enough time to get into place, he called Tamerlan on the phone and spoke to him for about 20 seconds. About ten seconds later, Tamerlan detonated his bomb. A few seconds after that, the defendant walked briskly back the way he had come, leaving his own bomb behind him on the ground. When he was a safe distance away, he detonated the bomb by remote control.

The explosions from the two bombs were terrifying. They made a defining roar and created fireballs several stories high. The air filled with the smell of burning sulphur and [27-26] people's screams. Pieces of the pressure cookers and thousands of pieces of tiny shrapnel were propelled with huge force in every direction. Some of them landed hundreds of feet away.

The defendant's bomb exploded in the middle of a crowd of people. Pieces of the pressure cooker and bits of shrapnel tore through them, shredding their flesh and severing their arteries. The explosion deafened many of them and set others on fire. Some of them were blinded. Many had a leg or a foot blown off their bodies, and some bled to death on the pavement while the defendant ran away.

One person the defendant murdered that day was Martin Richard. As I said earlier, he was one of the children standing on the railing watching the race. Martin was eight years old. He was at the marathon with his father, Bill Richard; his mother, Denise; his six-year-old daughter [*sic*], Jane; and his 11-year-old brother, Henry. They were all standing together waiting for a family friend to cross the finish line.

The bomb tore large chunks of flesh out of Martin's body. As the smoke cleared, Denise Richard found her little boy lying on the ground and tried to comfort him. She could only half see him because the bomb had permanently blinded her in one eye. Martin bled to death on the sidewalk as she looked helplessly on. Bill Richard, who had been blown into the street, came back to the curb and reached out to Jane to pick [27-27] her up off the sidewalk. When she tried to stand up, she fell down again because her leg was no longer attached to her body.

Another person the defendant murdered that day is Lingzi Lu, a student at Boston University. She was a 23-year-old known for her kindness and her passion for music. She was at the marathon with her friend, Danling. They just happened to be walking by the Forum restaurant when the bomb went off. That blast knocked Danling to the ground. When she opened her eyes, she saw a man in front of her missing his leg. She looked down to see if her own legs were still there, and she saw that her insides were coming out of her stomach, so she used her hands to push them back in. She looked around to find her friend and saw her lying a few feet away. Lingzi was screaming in pain and terror, but Danling couldn't hear her because the bomb had deafened her. Danling never saw her friend again because Lingzi, like Martin Richard, bled to death on the sidewalk.

A third person the defendant murdered that day was Krystle Marie Campbell. Krystle was 29 years old. She was at the finish line with her good friend, Karen Rand. They were there to cheer on Karen's boyfriend, who was running the race. Krystle was killed by the

bomb that the defendant's brother set off. It burned her skin, filled her with shrapnel, and opened gaping wounds in her legs and torso. It also knocked her friend, Karen Rand, to the ground and blew off Karen's leg. [27-28] Karen held Krystle's hand tight as the life drained out of her body.

Now, even though the defendant's brother set off the bomb that killed Krystle Campbell, the defendant is still responsible for her death. That's because he and his brother were partners in crime. They planned these crimes together, and they carried them out together. The defendant knew that his brother's bomb was going to kill people, just like he knew his own bomb was. That's exactly what he wanted to have happen.

As soon as those bombs went off, Boylston Street erupted into chaos. The wounded lay on the sidewalk in pools of their own blood, wondering if they were going to live. Others fled the scene. But in the midst of the chaos, some people sprang into action. Police officers, medical personnel, family members and friends of the dead and dying, many of them jumped in to offer aid. There were a lot of heroes that day, and you'll hear from some of them.

What was the defendant doing while people were frantically trying to save the wounded from bleeding to death on the street? We know the answer because he was caught on a surveillance tape. Just 20 minutes after he set off that bomb on Boylston Street, while paramedics were still giving CPR to Martin Richard in a futile attempt to try to save his life, the defendant drove to the Whole Foods in Central Square and [27-29] purchased a gallon of milk. You'll see him on the surveillance tape walking into the Whole Foods, going over to



the milk counter, shopping for the milk, choosing which one to buy, going back to the counter, calmly paying for it, and walking out of the store. You'll even see him come back a minute later and decide to exchange that milk for a different type of milk.

And what did he do after that? While victims of the bombing lay in the hospital and learned that they would have to have their limbs chopped off to save their lives, the defendant pretended that nothing had happened. He went back to UMass Dartmouth, where he was enrolled as a sophomore. He hung out with his friends and partied. He went to the gym and played video games. He posted a message on Twitter that said, "I'm a stress free kind of guy." He acted like he didn't have a care in the world.

The defendant acted that way because he believed that what he had done was good, was something right. He believed that he was a soldier in a holy war against Americans and that he had won an important victory in that war by killing Martin Richard, Lingzi Lu, and Krystle Campbell. And he also believed that by winning that victory, he had taken a step toward reaching paradise. That was his motive for committing these crimes.

How do we know that? We know it in part because the defendant wrote out an explanation of why he committed these [27-30] crimes. The police found that writing when they arrested him, and you will see it later on in court. This is part of what the writing said: "I ask Allah to make me a shahied to allow me to return to him and be among all the righteous people in the highest levels of heaven. Allah Akbar." "Shahied" means martyr, and "Allah Akbar" means God is great.

The defendant wrote, “The U.S. government is killing our innocent civilians, but most of you already know that. I can’t stand to see such evil go unpunished. We Muslims are one body. You hurt one, you hurt us all. The ummah is beginning to rise. We are promised victory, and we will surely get it.” “Ummah” is a word that people with the defendant’s beliefs use to describe the Muslim people.

The defendant wrote, “Now, I don’t like killing innocent people. It is forbidden in Islam. Stop killing our innocent people, and we will stop.”

The defendant carried out an attack on the Boston Marathon because he believed that the United States government is the enemy of the Muslim people. He believed that punishing America by killing innocent young women and children would cause America to stop targeting Muslim terrorists overseas and help win him a spot in heaven. And you will hear evidence of how he acquired that belief. He acquired it by reading books, listening to songs, and watching videos that were created by other terrorists, and they convinced him that he should become [27-31] a terrorist too.

The defendant’s transformation into a terrorist took place over a year or two. In 2011, he started reading terrorist writings and posting online messages about the persecution of Muslims. In 2012, he started listening to terrorist lectures and songs. He told one of his friends that he had a plan to reach paradise. In 2013, he created an online identity that he used to spread radical Muslim ideas. He said that people don’t take notice when Muslims die over there, meaning overseas, but if something happens over here, meaning in America,

then everybody takes notice. He also said that he knew how to make a bomb.

You will hear that the defendant had terrorist writings, videos, and lectures on his laptop computer, on his iPod and on CDs in his car. We will show you many of those writings and videos during the trial, and you'll hear evidence that reading those kinds of writings and listening to those lectures, watching those videos, is a common way that young adults like the defendant turn into terrorists themselves.

One of the things the defendant had on his computer was a virtually complete set of *Inspire Magazine*. That is a magazine published in English by a group that calls itself al-Qaeda in the Arabian Peninsula. The goal of *Inspire Magazine* is to do just that: to inspire young men like the defendant to become terrorists and to encourage them to attack [27-32] western countries, regardless of whether they're associated with a terrorist organization.

It's filled with stories of terrorists who punished America by killing innocent people, and it treats them as glorious heroes. It gives instructions on the best way to commit attacks so as to terrify people and kill as many people as possible.

One of the issues in *Inspire Magazine* that the defendant had on his computer contained instructions for making a bomb out of a pressure cooker filled with explosive powder and shrapnel. It recommends placing it in a crowded area to maximize its deadly effect. The defendant and his brother began accessing those instructions around Christmas of 2012. Later, the defendant's brother bought pressure cookers to hold the

explosive powder and remote-control cars that were turned into remote-control detonators. They filled the bombs with explosive powder emptied from ordinary fireworks, as well as nails, tacks, and BBs to make them more deadly.

A few months before the marathon bombing, the defendant got a 9-millimeter handgun. He told a friend of his named Stephen Silva that he needed a gun, so Silva got him a Ruger semiautomatic pistol with the serial number filed off. Silva will be a witness in this case, and he'll testify about giving the Ruger to the defendant.

It is clear that the defendant intended to use the [27-33] Ruger because on March 20th, 2013, just about a month before the marathon attack, he and his brother drove to the Manchester firing range in New Hampshire to practice shooting. The defendant rented two 9-millimeter pistols, just like the Ruger, and purchased four boxes of ammunition, and then he and his brother spent about an hour on target practice.

After bombing the marathon on April 15th, the defendant maintained his double identity. He acted normal around his friends. He pretended to them that he hadn't even been at the Boston Marathon, and he continued reading the terrorist writings and listening to the terrorist lectures on his computer. For example, you'll hear evidence that on April 16th, the day after the bombing, the defendant opened up the copy of *Inspire Magazine* on his computer that contained instructions for building pressure cooker bombs and pipe bombs; and then you'll hear that a few days later, he and his brother exploded several pipe bombs and another pressure cooker bomb, this time in Watertown.

Now, I want to go back to April 15th and talk about what happened after the bombings over the next few days on Boylston Street. As soon as the bombs exploded, police officers halted the marathon midway and everyone—made everyone leave the scene. Bomb technicians began checking for additional bombs. Ambulances came and took the wounded to hospitals. And then the long, painstaking process of gathering [27-34] evidence began.

Three consecutive blocks of Boylston Street were roped off and treated as a crime scene. FBI agents and hundreds of other federal, state, and local law enforcement officers donned special clothing and began scouring the area for evidence. Among all the blood and human remains, they found shredded cloth from the backpacks, pieces of the exploded pressure cookers, and wires and batteries from the remote-control devices used to detonate them.

And they found hundreds of pieces of shrapnel, little nails, tacks, and BBs. They found them on the street, they found them inside buildings, on the tops of roofs, and ER doctors found them on the bodies of the victims they were treating at the hospital, in their hair, in their clothing, and in their bloody wounds. The police also collected surveillance tapes from businesses on Boylston Street and elsewhere, and photos and videos from members of the public who had been there watching the race.

Now, as I said earlier, the defendant exploded his bomb right in front of a restaurant called Forum, and that restaurant has a surveillance camera that is right over the door of the restaurant, and it happened to be pointing directly at the place where the defendant

placed his bomb. The surveillance tape shows the defendant walk up to that spot. He's got a backpack slung over his shoulder. And the moment he [27-35] gets there, he dips his shoulder, and after that, you never see the backpack on his back again. But photographs show that it's at his feet.

It shows him stop right behind Martin Richard and the other children who are lined up on the railing watching the race. It shows him stand there looking at them and looking over their heads at the runners. Then it shows him make the phone call to his brother. A few seconds later, everyone in the Forum snaps their head to the left, towards the finish line, as the first bomb explodes. Almost immediately, the defendant begins walking rapidly in the other direction. As soon as he reaches a safe distance, his bomb explodes.

That video revealed that the defendant was one of the bombers, but the FBI didn't know who the defendant was. They had a face but not a name. So they started looking at all the other surveillance tapes, seeing if they could find him walking up to that spot. And they did find him, and they found him walking with another man, who turned out to be the defendant's brother, Tamerlan. Tamerlan also had a backpack on. So now the FBI had two suspected bombers. They had two faces but still no names.

Three days passed while the FBI and other law enforcement officers worked around the clock trying to identify who the two men in the video were. At the end of three days, they decided it was time to ask the public for help. So on [27-36] Thursday, April 15th [*sic*], at 5 p.m., almost exactly three days after the bombings occurred, the FBI published some of those surveillance

videos and still photos from the surveillance videos on its website, and they had a press conference where they asked members of the public to call in if they had any idea who those two men were.

News stations broadcast those videos and those photos all around the country and around the world. A few hours later, at 8:45 p.m., the defendant got a text from his good friend, Dias Kadyrbayev.

Dias texted, “You saw the news?”

The defendant texted back, “Yeah, bro, I did.”

Dias texted, “For real?”

The defendant texted back, “I saw the news. Better not text me, my friend. LOL.”

Dias texted, “You saw yourself in there?”

The defendant didn’t answer directly. He just texted back, “If you want, you can go to my room and take what’s there.” That’s exactly what Dias did. He and two other of the defendant’s friends went to his dorm room at UMass Dartmouth. They searched it, and they found a backpack containing fireworks that had been partially emptied of their explosive powder. They took that backpack, and they threw it into a Dumpster to get rid of the evidence, but fortunately the police later were able to recover it. They also took the defendant’s [27-37] laptop computer and brought it back to their apartment in New Bedford.

Meanwhile, the defendant and his brother went out in search of another gun. They drove by the MIT campus, which was close to their apartment, and they saw a police officer sitting in his cruiser next to a building. The police officer was named Sean Collier. He was a

27-year-old from Somerville. Students loved him because he was a friendly guy and took an active role in campus life.

A surveillance video shows what happened next. Now, unfortunately, the surveillance camera that took this video was very far away. It was on top of a very high building, the distance from where the car was, and it was so far away that the human figures in it appear tiny. It's impossible to see their faces or exactly what they're doing with their hands. Even so, it shows enough for you to be certain, in conjunction with other evidence that I'll tell you about, that the defendant and his brother killed Officer Collier.

The video shows two men walk through the courtyard and round the corner where Sean Collier is sitting in his cruiser. So they round one corner, walk all the length of the building, walk around the corner right to the cruiser. As soon as they reach the car, they open the door.

A few seconds later you can see a young man ride his bicycle right by the cruiser. The man on the bike was an MIT [27-38] graduate student named Nate Harman. He'll testify that as he rode by, he saw a man leaning into the driver's side of the cruiser, and he startled him. The man looked up in surprise and looked directly into Mr. Harman's face, and Mr. Harman's description of the man matches the defendant exactly.

At the same time the video shows the two men standing by the side of the car, a student working in an office that had a window right above where the cruiser was parked called MIT's version of 911 and reported hearing six possible gunshots from below. Shortly after the



call was made, the video shows the two men, the defendant and his brother, run away from the car back the way that they came. Five minutes later, fellow officers responded to the scene and found Officer Collier dead in his cruiser.

The evidence will show that the defendant and his brother used the defendant's Ruger, the one that he had gotten from his friend, to execute Officer Collier by shooting him in the head at point-blank range twice in the side of his head and once right between the eyes. They also shot him three times in his right hand. Then they tried to steal his gun from his holster, but they couldn't get the holster lock to open, so they gave up, and they fled the scene.

You'll know they tried to steal his gun from his holster because the holster had a two-stage lock to prevent the gun from being pulled out by someone else. The first stage is [27-39] easy to open, but the second one isn't, especially if you're not the person wearing the holster. When other officers found Officer Collier in his cruiser, they saw that the first stage of the lock had been opened, but the second was still closed, and they also saw that the gun and the holster were covered with blood, as if somebody had been yanking at it, while the rest of his utility belt was clean.

Now, because the surveillance camera was so far away, you can't see the defendant and his brother do the actual shooting. So the video doesn't reveal whether the defendant pulled the trigger, whether his brother pulled the trigger, or whether they both did, but it doesn't matter. They both murdered him. And other evidence, which I'll talk about in a few minutes, leaves

no doubt that they are the ones who killed Officer Collier and that they did it with the defendant's gun.

After murdering Officer Collier, the defendant and his brother got back into their Honda Civic, which was loaded with additional bombs, another pressure cooker bomb, like the one that had exploded on Boylston Street, and at least four pipe bombs. Their plan was to drive to New York City, but they needed a different car, one that couldn't be traced back to them or the murder of Sean Collier, so they drove in to Boston to find one.

About 20 minutes later, they found what they were looking for: a young Chinese man named Dun Meng, who was [27-40] sitting in a leased Mercedes SUV next to the AutoZone in Brighton reading a text message on his cell phone. The defendant and his brother drove up in their Honda Civic, and the defendant's brother got out. He went over to the passenger side of Mr. Meng's car, and he knocked on the window, and he signaled to Mr. Meng to roll it down. When Mr. Meng did, the defendant's brother reached inside, opened the lock, opened the door, and got into the car, and then he pointed the defendant's gun in Mr. Meng's face.

He demanded that Mr. Meng give him all of his money, and Mr. Meng did, but he only had \$40 on him. The brothers wanted more, so the defendant's brother told Mr. Meng to start driving, and the defendant followed in the Honda Civic. A nearby surveillance camera captured both cars driving away from the scene.

They kept driving until they got to a quiet block in Watertown, and then they parked, one behind the other. The defendant got out and transferred all of the bombs from the Honda into the trunk of the Mercedes. Then

he, himself, got into the backseat of the Mercedes, and the three of them drove to an ATM in—a Bank of America ATM in Watertown Square. When they got there, the defendant took Mr. Meng's ATM card, demanded his password, and robbed him of \$800 by using the ATM machine to withdraw it from Mr. Meng's bank account. That \$800 was still inside the defendant's wallet when he was arrested [27-41] the next day.

After robbing Mr. Meng, the defendant and his brother drove Mr. Meng to a Shell station on Memorial Drive in Cambridge. They got there about 12:15 a.m. The defendant and his brother had murdered Sean Collier less than two hours earlier, and their terrified carjacking victim was still inside the car. Even so, the first thing the defendant did when they got to the gas station was to leave his brother inside the Mercedes with Mr. Meng and go inside the Shell station to buy snacks. You'll see him shopping for those snacks on the Shell station video. He takes his time. He's not concerned. He makes sure he's getting exactly what he wants.

But then things took a bad turn for the defendant. While he was inside the Shell station shopping for snacks, Mr. Meng realized that this might be his last chance to escape before the defendant and his brother have no longer any use for him. So in a flash, while the defendant's brother's hands were occupied programming the GPS, Mr. Meng undid his seatbelt with one hand, opened the door with the other, jumped out of the car, and sprinted across the street to the Mobil station. You'll see him on a surveillance camera springing across the street and entering the Mobil station. And when

he gets there, you'll see the terrified look on his face, and you'll hear it in his voice on the 911 tape.

After Mr. Meng called 911, the police responded to the [27-42] Mobil station and they interviewed Mr. Meng. They got all the information about the Mercedes, and they began tracking its location in real time using the GPS system in the car. By that time, the defendant and his brother had driven back up to that block in Watertown where they had left the Honda Civic. The defendant had gotten back into the Honda Civic, his brother remained in the Mercedes, and they had begun driving back in the direction of Boston in the two cars.

The GPS tracking system in the Mercedes revealed that it was moving south on Dexter Avenue, which is a quiet, residential street in Watertown. A Watertown police officer named Joe Reynolds heard on his police radio that the Mercedes was wanted in a carjacking, and he began driving north on Dexter Avenue. He had no idea that the two people driving the cars were the Boston Marathon bombers.

As Officer Reynolds drove north on Dexter, the defendant and his brother were driving south. The defendant was in the Honda. He was in the lead. The defendant's brother was in the Mercedes. He was following. As the two cars drove past Officer Reynolds, Officer Reynolds made a U-turn and began following them.

The defendant decided to turn onto Laurel Street, which is another quiet residential street in Watertown, and his brother followed him. It was nearly one in the morning. The houses lining both sides of the street were dark and quiet. [27-43] The street wasn't well lit.

The defendant stopped his car in the middle of the street and got out, and his brother followed his lead and did the same. As soon as Officer Reynolds turned onto Laurel Street to follow them, they fired a bullet through his windshield, trying to kill him. Officer Reynolds backed up a short distance, got out of his car, and began shooting back.

Another Watertown police officer, Sergeant John MacLellan, was on the street within seconds. As soon as he turned onto Laurel Street, the defendant and his brother tried to kill him too. They shot at him with the defendant's gun while he was still in his car. Rather than back up, he put his car into drive, got out, and let it roll slowly down the street towards the brothers so that he and Officer Reynolds could take cover behind it. And that's what they did. They walked behind it, shooting as they went.

The defendant and his brother did everything in their power to kill those two officers. They shot at them with the defendant's Ruger, and they began throwing pipe bombs at them. Two of those bombs exploded within feet of the officers. Two others failed to detonate. Eventually, the defendant hurled a pressure cooker bomb at the officers. It exploded with a thunderous boom and created a massive fireball. Shrapnel rained down on the officers and blew in the homes on Laurel Street where the residents were cowering in terror.

A third Watertown police officer, Sergeant Jeffrey [27-44] Pugliese, arrived on the scene. He ran around the backs of some houses to get as close to the defendant and his brother as he could. The defendant's brother saw Sergeant Pugliese in the side yard of the house and began shooting at him. Sergeant Pugliese just stood

there and shot back. Eventually, the defendant's brother ran out of ammunition. He began walking rapidly down the street towards Officer Reynolds and Sergeant MacLellan. Sergeant Pugliese ran after him. He tackled him and tried to handcuff him. Officer Reynolds and Sergeant MacLellan jumped in.

While they were doing that, the defendant got back into the Mercedes, which was pointing away down the street, turned it around, and began driving at the three officers at top speed trying to mow them down. He must have known they were trying to arrest his brother, but he cared more about killing them than he cared about his brother's life.

Officer Reynolds and Sergeant MacLellan saw the car coming. They jumped off and took cover and told Sergeant Pugliese to do the same, but Sergeant Pugliese didn't. He grabbed the defendant's brother by his belt and tried to drag him out of the way of the coming Mercedes. At the last possible second, when the Mercedes was almost on top of him, Sergeant Pugliese rolled to the side. The defendant ran right over his brother and dragged his body about 50 feet down the street. He sideswiped Officer Reynolds' cruiser, which shook [27-45] his brother's body loose, and continued driving away at top speed.

As he sped by, other officers who had responded to the scene and were waiting down there at the end of the street, began shooting at the Mercedes. One of them was an MBTA officer named Richard Donohue. Officer Donohue was shot in the thigh by a stray bullet. It severed an artery, and he began bleeding heavily. Other officers tried to stanch the flow of blood, but it was impossible. Officer Donohue lost so much blood

that he stopped breathing and nearly died. Fortunately, paramedics arrived, quickly got him to a hospital where doctors were able to save his life.

The defendant drove a few more blocks and then ditched the Mercedes in the middle of the street. He made his way through the quiet, sleeping neighborhood to a house with a dry-docked boat in the backyard. The boat was a good size. It was about 22 feet long, about 8 feet wide, and it was up on a trailer, and it was covered with a tarp. It was still the end of winter, and it was covered with a tarp to protect it from the elements. It must have struck the defendant as a good place to hide out while the police searched for him.

Although the defendant had been shot and was bleeding, he still had his wits about him. He smashed the cell phone that he had used to call his brother right before they detonated the bombs. He also smashed his other cell phone. By [27-46] smashing those phones, he destroyed some of the evidence of what he had done, such as text messages between him and his brother that were stored on his phone. He also made it impossible for the police to use the GPS devices in the phones to figure out his location. Once he had smashed the phones, he took out Dun Meng's ATM card, which he still had, and he tried to hide it, along with the smashed phones, in a kind of ditch by where the boat was. But, again, the police searched the area and found it later.

Once he had destroyed and hidden the evidence, he climbed into the boat and hid. Meanwhile, the police cordoned off a whole section of Watertown where they knew the defendant might be hiding, and they searched all night and all the next day, but they couldn't find him. When they finally decided to call off the search for the

day, David Henneberry, the man who owned the boat, went outside to check on it. Mr. Henneberry saw that the tarp covering the boat was loose, and he climbed a short ladder to investigate. When he lifted the tarp to look inside, he saw the defendant lying there, so he went back into his house and called 911.

The police showed up quickly and surrounded the boat. Several officers saw what they considered suspicious movement and fired on it. That triggered a barrage of shots at the boat. Then hostage negotiators arrived and tried to talk the defendant into surrendering. Eventually they succeeded. The [27-47] defendant climbed out of the boat, and the police arrested him.

That's when the police found the writing I mentioned earlier, the one where the defendant explained that he had bombed the marathon to punish America for mistreating Muslim people. He had written that explanation in pencil on an inside wall of the boat while he was hiding inside of it, and you will see the writing itself, the pencil he used to write it, and other evidence that was found in the boat.

Meanwhile, officers had been combing Laurel Street and Dexter Streets for evidence. One of the first places they looked was the Honda Civic that the defendant had been driving. When the defendant escaped from Laurel Street in the Mercedes, he left the Honda Civic behind. On the floor of the Civic, on the driver's side, right beneath the defendant's feet where he had been driving, officers found two bloody white gloves. DNA analysis shows that the blood on those gloves came from Officer Collier. That is one of the ways you will know that the defendant and his brother are the ones who killed Officer Collier.



Another piece of evidence found in the Honda was the defendant's key ring, which had a UMass Dartmouth tag on it, and his car key, the same key he had used to drive the Honda to Laurel Street. Those items also were bloody, and once again, DNA analysis shows that the blood came from Officer Collier. That's yet another way you'll know that the defendant helped [27-48] kill Officer Collier that night.

Officers also found the defendant's Ruger, a BB gun that looks exactly like a Ruger, and 54 spent Ruger casings, meaning shells from bullets that had been fired from the Ruger. All of the Ruger casings were matched by a ballistics expert to the defendant's Ruger.

Now, six Ruger casings were also found at the MIT crime scene, three inside the cruiser and three outside of it. A ballistics expert examined those, and they also matched the defendant's Ruger. And that's yet another way you will know that the defendant and his brother murdered Officer Collier that night using the defendant's gun.

You're going to see all of the ballistics evidence, you'll hear from the ballistics expert, and you'll hear from the DNA expert who examined the gloves and the key ring.

Shrapnel from the bombs the defendant used on Laurel Street and pieces of the pressure cooker were found everywhere. They were inside people's cars, on their front lawns, in their backyards, on their roofs, even inside their homes. Slugs from the Ruger were also found inside people's homes, some of them embedded in their—in their interior walls. We will show you maps, diagrams, photographs of them.

Now, you've heard me talk a lot about the defendant's brother, Tamerlan, but you won't be seeing him in the courtroom. That's because the defendant killed him by running [27-49] him over with this Mercedes. Tamerlan's bullet wounds also contributed to his death. But even though Tamerlan won't be in the courtroom, this case involves him too. That's because he and the defendant were partners. They agreed to do these crimes together, and they carried them out together.

The judge will instruct you that when two people agree to commit a crime together, they're guilty of conspiracy. And the defendant is charged with three counts of conspiracy: conspiracy to use a weapon of mass destruction, conspiracy to bomb a place of public use, and conspiracy to destroy property with explosives.

The defendant is also charged with many substantive counts of using a weapon of mass destruction, arming a place of public use, and destroying property with explosives. And he's charged with many counts of using guns and explosives to commit violent crimes. Even though he and his brother played different roles in each of these crimes, they are both equally guilty of committing them because they carried them out as partners.

Now, what do I mean when I say they were partners? I don't mean that they did exactly the same thing. That's not required for the defendant to be guilty under the law. What I mean is that each one played a role in committing the crime. For example, the defendant—the defendant planted one bomb at the marathon, and his brother planted the other one. The [27-50] defendant got his—got a gun from his friend, Stephen Silva, and his brother stuck it in Dun Meng's face. The defendant took Dun Meng's ATM card and password and

robbed him of \$800. The defendant's brother told Dun Meng where to drive. The defendant threw bombs at the police in Watertown and handled the ammunition while his brother fired shots at the officers. And both brothers together murdered Officer Sean Collier and tried to steal his gun.

So even though Tamerlan Tsarnaev is not here, we will be offering evidence about his role in these crimes, but the focus is going to be on the defendant. That's because this is his day in court. He's the one the government has to prove guilty, not his brother. It's important for you to hear all the evidence against the defendant so that at the end of the trial you have what you need to find him guilty. It's far less important for you to hear all the evidence against the defendant's brother. In the end, it doesn't matter what role each of them played, so long as you find that they were partners and carried out these crimes together.

Now, as you can tell from what I've said, there's a lot of evidence in this case. Some of the witnesses are just going to talk about how and where things were found. Others will simply testify that things are what they appear to be. We need to call those witnesses because you need to have confidence in the evidence, but we'll do our best to streamline [27-51] its—its introduction into evidence and make that go as fast as possible, if we can.

I want to conclude just by telling you a bit about the order in which we're going to present the government's case. We'll start with the marathon bombings and the collection of evidence at the marathon crime scenes. We'll show you some of the surveillance video, photos and—photos from the people who were at the—the marathon before the bombs went off that the FBI used to

identify the defendant and his brother as suspects in the bombing.

Then we'll put on evidence of what the defendant did in the days after the bombings and of the manifesto he wrote on the inside wall of the boat. Next we'll put on evidence of the events on April 18th and 19th, how the FBI published photos of the defendant and his brother on their website and held the press conference; how the defendant and his brother then murdered Officer Collier, carjacked, kidnapped, and robbed Dun Meng, and tried to kill police officers in Watertown with gun—with a Ruger and with bombs.

After hearing about all the evi- —the events that led up to the defendant's arrest, you'll hear about all the evidence that was collected from the Watertown crime scene and analyzed by the experts, including the bloody gloves, the bloody car keys, the Ruger, and all the ballistics evidence. You'll also hear about evidence collected from the defendant's [27-52] residence in Cambridge and from his dorm room at UMass Dartmouth.

One of the most important pieces of evidence is the defendant's laptop computer, the one that his friends took from the dorm room. The police got that computer and analyzed it. As with a lot of people, the defendant's computer is a window into his life, especially into the part of him that he kept mostly hidden from his friends.

You'll hear a lot of evidence about all of the terrorist materials that were on his computer and the other digital devices that he owned. And you'll hear about other things that the defendant said and wrote that shed light on the sources of his terrorist beliefs. Some of those

are papers he wrote for school, and some are things he wrote to friends and emails and text messages and posted on social media.

You'll also hear from the medical examiners who examined the bodies of the four people the defendant murdered.

MR. BRUENNER: If you could choose number 4, please.

THE COURT: I'm sorry?

MR. BRUENNER: If you could choose 4, please.

THE COURT: Do you want a feed?

Jurors in the back row, just as you see monitors in the front row, there are between your seats a console. You can lift up the monitor, and—actually, it may not be at the very end. I think you may have to look in front.

[27-53]

MR. WEINREB: Each of the medical examiners who examined the people who died in this case will be testifying. And they'll tell you that Sean Collier was killed by multiple gunshot wounds to the brain. Krystle Campbell had blast injuries to her head, neck, body, and limbs. Her back was burned red; and her head, body, and legs were filled with shrapnel. There were gaping wounds in her legs that had drained virtually all of the blood from her body.

Lingzi Lu was cut, battered, and bruised. The bomb that the defendant detonated blew large perforating holes in her legs that caused her to bleed to death. Martin Richard was only 4 feet, 5 inches tall, and he weighed only 70 pounds. Because of his size and

height, the bomb damaged his entire body. The defendant blew large holes into Martin's chest and abdomen, exposing his ribs and organs and eviscerating his bowels. He blew Martin's arm nearly entirely off his body, burned his skin, and drove BBs and nails into his legs. Martin lost so much blood that he had virtually none left in his body by the time he was brought to the morgue. He died at the scene from his wounds.

In the end, the evidence will prove to you beyond a reasonable doubt that the defendant committed all 30 crimes that he is charged with. He murdered Martin Richard, Lingzi Lu, Krystle Campbell, and Sean Collier. He used weapons of mass destruction at the Boston Marathon to terrorize the [27-54] country and to influence American foreign policy. He used guns and bombs in Watertown to continue his campaign of terror, and he did it all because he believed that America needed to be punished for killing Muslims overseas. He did it to advance a cause that he believed in. And he did it because he thought it would help secure him a place in paradise. That is why, at the end of the case, we will ask you to find him guilty of all 30 counts in the indictment. Thank you.

THE COURT: Ms. Clarke?

MS. CLARKE: We meet in the most tragic of circumstances, tragedy in the lives of the victims of the bombings, lives that were lost and torn and shattered: the loss of a precious eight-year-old boy, whose smile captured all of our hearts; a young woman who—with an infectious laugh, who was always there for her friends and her family; a young graduate student whose passion for music was so clear, and she embraced Boston as her

home away from home; and a very fine young police officer whose lifelong dream was to protect and serve.

The circumstances that bring us here today still are difficult to grasp. They're incomprehensible. They're inexcusable. You just heard about the devastation, the loss, and the unbearable grief, and we're going to see it, feel it, and agonize with every witness who comes to talk about what they saw, they felt, and they experienced and what happened to [27-55] them and to those that they love.

For the next several weeks, we're all going to come face to face with unbearable grief, loss, and pain caused by a series of senseless, horribly misguided acts carried out by two brothers: 26-year-old Tamerlan Tsarnaev and his younger brother, 19-year-old Jahar.

The government and the defense will agree about many things that happened during the week of April 15th, 2013. On Marathon Monday, Tamerlan Tsarnaev walked down Boylston Street with a backpack on his back, carrying a pressure cooker bomb, and put it down in front of the Marathon Sports near the finish line of the marathon. Jahar Tsarnaev walked down Boylston Street with a backpack on his back carrying a pressure cooker bomb and placed it next to a tree in front of the Forum restaurant. The explosions extinguished three lives. They unalterably injured and devastated many others.

After their pictures were on television and on the Internet, Tamerlan and Jahar went on a path of devastation the night of April the 18th, leaving dead in their path a young MIT police officer and a community in fear

and sheltering in place. Tamerlan held an unsuspecting driver, Dun Meng, at gunpoint, demanded his money and compelled him, commanded him, to drive while Jahar followed behind.

The evening ended in a shootout. You've heard about it. Tamerlan walked straight into a barrage of gunfire, [27-56] shooting at the police, throwing his gun, determined not to be taken alive. Jahar fled, abandoned a car, and was found hiding in a boat.

There's little that occurred the week of April the 15th—the bombings, the murder of Officer Collier, the carjacking, the shootout in Watertown—that we dispute. If the only question was whether or not that was Jahar Tsarnaev in the video that you will see walking down Boylston Street, or if that was Jahar Tsarnaev who dropped the backpack on the ground, or if that was Jahar Tsarnaev in the boat—captured in the boat, it would be very easy for you: It was him.

So you might say, why a trial?

Now, you've heard several instructions, and when we sat in this courtroom at the table—you may remember that—the judge talked to you about how this is a capital trial. The government has elected to seek the death penalty, and in a capital trial there are two phases—

MR. WEINREB: Objection, your Honor.

MS. CLARKE: —one in which—

THE COURT: Overruled. Go ahead.

MS. CLARKE: —one in which the jury makes a determination of guilt and one in which the jury makes the determination of the appropriate penalty.



The indictment in this case is not that simple. It's 30 counts. You heard the counts described. It's 74 pages [27-57] long. There are complicated federal charges involved. And there will be much for you to analyze and decide.

But the essence of the charges are four sets of criminal acts: the bombings at the marathon that killed three people and injured many others, the murder of Officer Collier, the carjacking, and the shootout in Watertown.

We do not and will not at any point in this case sidestep—attempt to sidestep or sidestep Jahar's responsibility for his actions, but the indictment alleges, and the prosecutor talked with you about why, and we think the question of why is important, and this is where we disagree.

We have a different answer to this question: What took Jahar Tsarnaev from this (indicating), Jahar and his brother—what took Jahar Tsarnaev from this (indicating) to Jahar Tsarnaev and his brother with backpacks walking down Boylston? What took Jahar Tsarnaev from this to this (indicating)?

The government has told you their answer to the question of why, and we ask you to look further. Clearly, Tamerlan Tsarnaev became obsessed with violent Islamic extremism. He became increasingly religious in a radical way. He traveled to Russia in—for six months in 2012 and explored violent jihad with people over there. He became aggressively obsessed with talking about Islam because of his radical views and his insistence that people accept them and agree with them. [27-58] He disrupted services at the mosques here in

Boston where he once fit in. It was Tamerlan Tsarnaev who self-radicalized. It was Jahar who followed him.

The evidence will show that Tamerlan planned and orchestrated and enlisted his brother into these series of horrific acts. Tamerlan Tsarnaev did the Internet research on the electronic components, the transmitter and the receiver you'll hear more about, for the two bombs, and he bought them. Tamerlan Tsarnaev had the Russian-translated version of how to build a bomb on his computer. Tamerlan bought the BBs that were in the shrapnel that were in the pressure cooker and the pipe bombs. Tamerlan bought the pressure cookers. Tamerlan bought the fireworks that went into making the bombs. Tamerlan bought the ammunition. Tamerlan bought both of the backpacks. Rubber gloves with explosive residue on them were found in Tamerlan's car. Tamerlan led the way down Boylston Street. Tamerlan shot and killed Officer Collier. Tamerlan pointed the gun at Dun Meng, demanded his money, commanded him to drive away, telling him, "I just killed a police officer."

You'll hear evidence about computers and the electronic devices, phones, hard drives that were seized in this case, and it will show that Tamerlan spent much of his time on the Internet in death and destruction and images of carnage in the Middle East. Make no mistake, Jahar Tsarnaev's computer had many of the materials that the prosecutor told you [27-59] about: *Inspire Magazine*, "Join the Caravan," a number of extremist materials that you'll hear about. But there will not be any evidence that Jahar downloaded those materials as if he were searching the Internet to find them.

The earliest traces of any extremist materials go back to a thumb drive, a jump drive. You know what I'm talking about? You stick in the computer and you transfer files. The earliest traces of the extremist materials traced back to this thumb drive that has never been found, but forensics can tell you about it. The last traces of attachment—when you stick it into the computer and pull it out, the attachment into the computer—were into Tamerlan's laptop, Jahar's laptop, and a desktop computer that was at the Norfolk Street apartment where Tamerlan and his wife and daughter lived, where the family had lived. The last known attachment was, then, the day that Tamerlan left for Russia for six months in 2012.

So as you hear the computer evidence, please ask: What's the source of the document? Where else was it? Who else had it? Where did it come from? Can I know by the fact that it's on there who put it there and why?

An analysis of the computer evidence will, at baseline, show that both Tamerlan and Jahar's computers had this library of extremist materials, but the evidence will also show you that, while Tamerlan Tsarnaev was looking and immersed in death and destruction and carnage in the Middle East, Jahar [27-60] spent most of his time on the Internet doing things that teenagers do: Facebook, cars, girls. The evidence will also help point you in the direction of understanding the flow of the materials: who got what first, who got the most, and who had the most.

The evidence will not establish, and we will not argue, that Tamerlan put a gun to Jahar's head or that he

forced him to join in the plan, but you will hear evidence of the kind of influence that this older brother had.

MR. WEINREB: Objection, your Honor.

MS. CLARKE: During the period of time—

THE COURT: Very limited evidence, if that, but go ahead.

MS. CLARKE: Thank you, your Honor.

During the period of time when Tamerlan was becoming more radical and traveling to Russia and identifying with violent jihad, the evidence will show you what was happening with Jahar. His parents: his dad, Anzor; his mother, Zubeidat—

THE COURT: I think this is—yeah, I think the family history is not appropriate, as I previously indicated.

MS. CLARKE: His parents left and moved back to Russia. He was a student at UMass Dartmouth, but things were not going very well. His grades were plummeting; he wasn't going to class; and he was in danger of failing out of school. [27-61] And Jahar, in one of those tough times of adolescence, as we all know, became much more vulnerable—

MR. WEINREB: Objection, your Honor.

MS. CLARKE: —to the influence—

THE COURT: No, go ahead.

MS. CLARKE: —of someone that he loved and respected very much: his older brother.

You'll see from the evidence that Tamerlan had a special kind of influence dictated by his age, their culture,

and Tamerlan's sheer force of personality. They committed the acts in April of 2013 that led to death and destruction, and they are inexcusable and for which Jahar must be held responsible. But he came to his role by a very different path than suggested to you by the prosecution: a path born of his brother, created by his brother, and paid by his brother. And unfortunately and tragically, Jahar was drawn into his brother's passion and plan, and that led him to Boylston Street.

The government talked to you about writings that were in the boat where Jahar was found hiding and where he had found a pencil, and those writings are very important to read in their entirety. And you'll see them. You'll get to read them. But essentially what Jahar wrote was, first, he expressed that he was jealous of his brother who had achieved martyrdom and his wish that he would as well. He wrote that he perhaps [27-62] guessed that he was alive so that he could shed some light on their motives, and he wrote words that he had read and heard—read and heard—that the United States was responsible for the suffering of Muslims around the world.

We ask you to carefully evaluate the testimony—and there will be testimony about these writings, not just the writings themselves—but about the writings inside the boat, where they came from, and how deeply rooted they may or may not be.

And at the end of this first phase of the case, we think that you will have the evidence that you need to make the decisions about the 30 counts, about the four sorts of—essence of the criminal charges. We think that you will have the evidence that you need to weigh and analyze and make the decision in the first phase. But there

will be questions that we cannot answer now. There will be questions that we ask you to carry over to the second phase, as the judge has explained.

When we talked to you in voir dire around this table centered in the courtroom, the government, the defense, the Court was here. Most of you acknowledged that you knew something about this case. And most of you said—or many of you said that you had seen images of devastation, and many of you knew about certain events—

MR. WEINREB: Objection, your Honor.

MS. CLARKE: —and people whose lives—

[27-63]

THE COURT: Go ahead.

MS. CLARKE: —were changed.

But none of you would be sitting here today, right now, had you not convincingly and with conviction told us that you can remain open through this phase, that you can hold your questions throughout the trial, and that you can remain open—your hearts and minds open to thinking about the evidence all the way.

Witnesses—many witnesses are about to start to be called, some who work in forensics, some police officers who risked their lives, a number of first responders who cared for victims, a number of victims who were injured, and survivors, eyewitnesses, people that lost loved ones. We're all going to see and listen to their testimony with heavy hearts.

Holding your assurances to us that you can hold your minds open to not only listening to the who, what, where,

and when, but to the how and why, those assurances are going to be tested and going to be very difficult promises to keep. Holding the questions that you have that can't be answered in this phase, holding them open—your hearts and minds open until the second phase will not be an easy task, but that's what you promised when you swore your oath as jurors. That's what the judge expects. That's what our system of justice expects. It's going to be a lot to ask of you to hold your minds and hearts open, but that is what we ask.

[27-64]

Thank you.

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Mon., Apr. 6, 2015  
9:59 a.m.

---

**JURY TRIAL—DAY FORTY-THREE**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section



1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, WILLIAM W. FICK and TIMOTHY  
G. WATKINS, Federal Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[43-51]

\* \* \* \* \*

We're now going to turn to the closing arguments, or closing statements, by the lawyers. And as I say, when they're finished we'll have some more to say to you about how to deliberate on the evidence.

The order of presentation of the closing statements is the government goes first, followed by the defendant. And if the government wishes, it may have the opportunity for a brief rebuttal. So we'll begin with the government's closing.

Mr. Chakravarty.

MR. CHAKRAVARTY: Just a moment to set up, your Honor?

THE COURT: For the convenience of the reporter, we're going to take a five-minute break. Please, of course, no discussion of any of the matters.

THE CLERK: All rise for the Court and jury. The Court will take a five-minute break.

(The Court and jury exit the courtroom and there is a recess in the proceedings at 11:15 a.m.)

THE CLERK: All rise for the Court and the jury.

(The Court and jury enter the courtroom at 11:31 a.m.)

[43-52]

THE CLERK: Be seated.

THE COURT: Mr. Chakravarty.

MR. CHAKRAVARTY: Thank you, your Honor. The defendant brought terrorism to backyards and to main streets. The defendant thought that his values were more important than the people around him. He wanted to awake the mujahidin, or the holy warriors, and so he chose Patriots' Day. He chose marathon Monday. He chose a family day of celebration. He

chose a day when the eyes of the world would be on Boston, a sporting event celebrating human achievement. He chose a day where there would be civilians on the sidewalks. And he and his brother targeted those civilians, men, women and children, because he wanted to make a point. He wanted to terrorize this country. He wanted to punish America for what it was doing to his people.

So that's what he did. He and his brother killed two young women that day. They killed a little boy. They maimed and permanently disfigured dozens of people. At least 17 amputees. At least 240 were injured. And after they did it, he coolly, not 20 minutes later, went to the Whole Foods to make sure he got the half gallon of milk that he wanted. The next day he went back down to college, joked with his friends, got a workout in. He even went back to Twitter, and he decided to tweet so that everybody knew what he was feeling.

The defendant and his brother did this together. He [43-53] planted one bomb, his brother planted the other. It was a coordinated attack to maximize the terror. Because that was the purpose. And after they did, they went back and they laid low. But three days later, when their faces were all over the news, they sprung back into action, and again in a coordinated style, they went back and they said they needed to build more bombs. They needed to continue with their campaign. But they needed a gun. So they went to MIT and there they saw Officer Sean Collier. They targeted him and they killed him. They tried to get his gun. They couldn't.

Now that their car was captured on camera, now that they couldn't get that extra gun, what did they decide to

do? They needed a new car. So they drove over the bridge from Cambridge into Brighton, and there they found Dun Meng who was on the side of the road. Dun Meng in his Mercedes SUV. And Tamerlan approached from the passenger's side and brandishes the gun and carjacked the vehicle.

Dun Meng didn't even know that the defendant was following closely until they got to Watertown. And in Watertown they transferred some things into the car. The defendant gets into the car. What they didn't realize was that the police would track down that Mercedes so fast. And so where they had been planning to go to New York with all of their bombs, all their guns, they were instead encountered by the Watertown police. And when they did, they made their last [43-54] stand.

And in their last stand—you heard about it and you'll hear more about it today—eventually Tamerlan had run out of bullets and he went and charged at the police. He was subdued. And then the defendant was all alone. And he had choices to make: He could surrender; he could keep driving—get back into the car and keep driving; he could do what his brother did and charge at the police.

But he chose a different path altogether. He chose to get back into the Mercedes, turn it around, use it as a weapon and try to mow down the police officers who had apprehended his brother. He hit his brother. He dragged him. He almost hit Officer Colon. And then he made his escape.

A short while later, about half a mile down the road, he abandoned the Mercedes and he was on foot. He was alone. He was injured. He made his way down a

hill looking for a place for refuge. You heard that there were some blood marks where he was trying to find some place to hide.

Eventually he found the winterized boat with a tarp on it in Dave Henneberry's backyard. When he saw that, he found a place for refuge. But before he climbed into that boat he took his phones, he went behind the shed right next door, and he had the presence of mind to smash his phones, including the phone that he had coordinated the attacks with his brother with. The phone that he had used to talk to his brother after the [43-55] attacks, he smashed that phone. He ditched it behind the shed with his other phone and Dun Meng's bank card. And then without the help of a ladder even he pulls himself up into the boat that you all saw—he pulls himself up into the boat and he lies down and he thinks about what he did and what he was going to do in that boat.

And ultimately, he did what terrorists do after they commit terrorist acts: He wanted his actions to stand for more than what people might think, so he wanted to tell the world why he did what he did. He wanted to take credit. He wanted to justify his acts. And in that boat, when the helicopters were overhead, the sirens were blaring, there were police canvassing, looking for him, he was all alone, and in his voice he chose to write something to the American people.

“I'm jealous of my brother who has received the reward of jannatul Firdaus (inshallah—” remember, that's the highest levels of paradise. “— God willing) before me. I do not mourn because his soul is very much alive. God has a plan for each person. Mine was to hide in his boat and shed some light on our actions. I ask Allah to

make me a shahied—” martyr “—inshallah, to allow me to return to him and be among all the righteous people in the highest levels of heaven.

“He who Allah guides, no one can misguide. Allah Akbar!

“I bear witness that there is no God but Allah and [43-56] that Muhammad is his messenger. Our actions came with a message and that is La illaha illallah.” That’s the statement of faith you heard.

“The U.S. government is killing our innocent civilians, but most of you already know that. As a Muslim, I can’t stand to see such evil go unpunished. We Muslims are one body. You hurt one, you hurt us all. Well, at least that’s how Muhammad (peace be upon him) wanted it to be forever.

“The ummah,” which we know is the Muslim nation, “is beginning to rise and awaken . . . has awoken the mujahideen,” the holy warriors, “know you are fighting men who look into the barrel of your gun and see heaven. Now, how can you compete with that?”

“We are promised victory and we will surely get it. Now, I don’t like killing people innocent people. It is forbidden in Islam. But due to said, it is allowed. All credit goes to Allah.”

You’ve all sat through the evidence in this case. You know it better than anyone. The evidence here speaks for itself, and so I’m going to simply present that evidence to you. Some of it. Because pictures speak louder than words, I’m going to direct you to some of the images on your screens. I have a screen here when I want to point something out to you. The evidence I’m

going to show you will give you the confidence to conclude that the defendant did indeed commit each of the [43-57] crimes that are charged in the indictment.

THE COURT: Jurors in the back row, you should get your monitors ready.

They're active now.

MR. CHAKRAVARTY: We'll start with a video of the crime itself, at least the first crime, the marathon bombing.

(Video recording played.)

MR. CHAKRAVARTY: You remember this clip from the timeline video. It was about 2:37 in the afternoon when cameras first captured footage of the defendant and his brother turning onto Boylston Street the day of the marathon. They calmly strolled down the street, each transporting the deadly contents of a pressure cooker bomb concealed in a backpack.

You can tell by the defendant's expressions, by the casual way he walks, that he is entirely untroubled by what he is about to do. That's because the terrorist literature and the lectures and the songs that he had been consuming for over a year had convinced him that what he was going to do was just.

His brother takes position down by Marathon Sports and he waits to coordinate. He's checking his phone. The defendant, on the other hand, is still up by the Forum. After all their planning and preparation, they were looking for the right place to make the impact that they wanted to make. The defendant slung his bomb over his right shoulder, appearing very much like a college student. But that day they felt they [43-58] were

soldiers. They were the mujahidin and they were bringing their battle to Boston.

This is the defendant finally approaching his target. Compared to the crowd at Whiskey's, the crowd was much more dense here. There's a bar behind him, a restaurant. People are having fun. There's cheering, there's clapping. People are egging on the runners. There's a cow bell behind them. There are people coming and going. And in front of him, you can't help but see them, there's a row of children on the barricade.

He puts the bomb down as soon as he gets there right behind that tree. So he's on the grate. Between the tree and him there's no place for people to walk. Nobody was accidentally going to step on his bomb. And there he hovers over it, surveying the crowd, seeing the children again, seeing the Richard family. He's contemplating. He's waiting for his brother to get in position. He's thinking about what he's right about to do, about the plan that he and his brother have set in motion.

It's about this time, 2:48, that he checks his bomb for one last time, and then he gets ready to make his phone call to his brother to tell him that things are a go. He's making his call. Remember, ladies and gentlemen, this was a 19-second call. It coordinates with his phone records. We don't know exactly what he said, but we know what he told his [43-59] brother. He told him he was in position. He told him it was go time.

He thought his cause was more important than the people around him so he picked this place because it would cause massive damage. Look at how thick the people are there. It would cause memorable damage.



He picked this place. And he was waiting for his brother. He's waiting. He knows it's coming. And there it is. He waits for a moment, and then like a salmon upstream, he's on his way up, and right before he leaves the screen he turns his head. This is the defendant running away, pushing people out of the way. He's got places to go.

The fact that he exploded the bombs was devastating. His bomb we have the devastation on video. We didn't dwell on it during the trial but I'm going to play a short clip for you now. I'd just ask you to focus on where the Richards' family is, and I'd ask you to focus on what happens after the explosion.

(Video recording played.)

MR. CHAKRAVARTY: The defendant is over here. He puts down his phone. Bill Richard is here, Denise Richard is over here, and Martin and Jane and Henry are in front.

(Video recording played.)

MR. CHAKRAVARTY: Remember the video that Colton Kilgore shot? Remember, he was the photographer. He [43-60] reflexively just started hitting "record" after the bomb blew up at Scene A. He captured some of the sights and sounds of the chaos and the terror that everybody was experiencing that day. So we're going to play some of that so you can hear it for yourself and bring yourself back to it.

(Audio and video recording played.)

MR. CHAKRAVARTY: That's Rebekah Gregory. Remember how she said she was hoisted into the air, thrown back? She immediately began searching for

her son, despite the fact that bones were sticking out of her hands. Clearly you see her leg. She saw terror on everybody's faces. Finally she heard her son's cries. She was placed into a medically induced coma as a result of the blast. She's had 18 surgeries. Foreign objects are still in her body.

Remember Shane O'Hara? He was the manager at the Marathon Sports right there? He said all he could do was hear screaming and cries. He heard someone say, "Stay with me. Don't leave me." He and others rushed to find materials for tourniquets. He said he never thought he would have to choose who to help, whose life to try to save.

That's Rebekah Gregory right there. And that's Krystle Campbell screaming in pain. She lies dying on the sidewalk.

You'll recall Sydney Corcoran, the young lady who's now a sophomore in college. She was there with her family like [43-61] so many others. She told you what it feels like to feel the lifeblood slipping out of your body. She said she started feeling cold, but peaceful, as the blood left her body.

Karen McWatters, who spent the afternoon with Krystle Campbell, described what a beautiful day it was. She posted a photo on Facebook that she and Krystle took in the public garden a short time earlier. When the bomb went off, Karen saw the smoke, the chaos, confusion. She asked herself whether she was dreaming, if this nightmare was a reality. That's Karen and Krystle.

Officer Frank Chiola was one of the first to respond to Krystle Campbell. He described her injuries in two

words: Complete mutilation. When the explosion happened there was complete silence, he said, and then the screaming began.

And then there was Jeff Bauman. Bauman lost both of his legs. You could see him here with his body torn apart. And as he lay there with what remained of his legs in the air he thought very clearly, "We're under attack." And when he later woke up in the hospital, he remembered the man who placed the bomb that blew him up. It was the defendant's brother, Tamerlan Tsarnaev.

But nobody was able to remember the defendant at Scene B, at the Forum. That's because he blended in. To be successful, he had to lie in wait trying not to draw attention to himself. This image shows the moment after the defendant [43-62] called his brother to say that they were a go a moment after this. He checked on his bomb and then he made his escape. He swiveled his head around right at the last second, once he was right outside of the blast radius. This is him turning his head just to make sure he has enough space, and then the bomb goes off.

Alan Hern, the teacher from California, recalled how he and his family had been lined up near Martin Richard and Jane Richard and the other children. He said the injuries that he saw were something out of a war zone. He recalled finding his 11-year-old son Aaron on the ground, eyebrows singed. His legs were black. His left thigh was mangled and bloody. "It really hurts, daddy. It really hurts," he said. Aaron was put on a breathing tube. And he had zipper-like wounds down his legs, BB marks on his abdomen. They found bone fragments of someone else inside his body.

This is the defendant hiding behind the tree looming over the row of children behind whom he placed his bomb. It was a heavy bag. The decision must have weighed on him. But these children weren't innocent to him; they were American. He knew what the bag contained and what it was designed to do. And of all the places that he could have placed this bomb, he placed it right here.

He stood behind it for four minutes. We cut some of that out when we played it a moment ago. Four minutes. He [43-63] watched people come and go. You heard that these children never left. He decided to place it here. Bill Richard then told you what happened to his family. He told you about that morning. He told you about the fact that the marathon was a family tradition and everyone hurriedly left the house in excitement. The children had participated in the youth relay, and they were looking forward to the marathon and the ice cream.

Jane was six years old when the defendant tore her leg from her body. His bomb injured her all the way up from her head, behind her ear, her back, her torso, down to her legs. Bill Richard saw her through the smoke, he smelled a vile smell. He just wanted to get it off his body. You can see her on that video we just saw trying to stand but not having a leg to stand upon. Bill grabbed her and his son Henry. And then do you remember what he told us? He saw his other son through the smoke. He saw Martin Richard. He knew he was dead. He could tell just by looking at him. The defendant had killed him. He could not bear to lose Jane as well, and so he grabbed Jane. And with the help of Matt Patterson, they went to try to stop

Jane's bleeding. They saved her life. Patterson, you'll recall, described Jane's leg looking as though it had just been put through a meat grinder. The defendant blinded Denise Richard, Jane's mother, in one eye. Of course he took Martin.

Jessica Kensky was a nurse. You'll recall she was a [43-64] newlywed who wheeled herself up onto that witness stand. She said the medical tent where she was taken looked like it was treating soldiers on a battlefield. They were war wounds. All she could feel was terror. Sheer terror. She heard animalistic screams. Bomb parts, pieces of steel and dirt had been blown into her body.

She explained that parts of her body had been blown off and she had unbearable burns. Her husband Patrick also lost a leg. Shrapnel had ripped through him, tearing apart his skin and causing infection.

Danling Zhou was Lingzi Lu's friend. They were also at Scene B. They were both international students who had come from China to come to Boston to study at graduate school. They chose to go to the marathon that day to experience something that was classic Boston but had the eyes of the world on it. They made a day of it, shopping, having lunch on Newbury Street, trying to get over to the Prudential Building to get Danling's phone fixed at the Apple store. And as they made their way up Boylston Street, the defendant's bomb went off.

This is Lingzi Lu with her hands over her face. This is Danling Zhou, whose abdomen was ripped apart. She's leaning against the railing. There's Bill Richard,

Henry, Jane, Aaron, Roseanne Sdoia over here. And there are other victims.

Danling told you that her internal organs were spilling out of her body. She had to hold them in. She told [43-65] you that the man she saw in front of her seemed like he was yelling in slow motion. He didn't have a leg anymore. She looked to her friend, Lingzi Lu, who was flailing her arms. Danling thought that she was going to make it, but she didn't. The defendant killed her too.

Dr. Bath said it looked like people had dropped like puzzle pieces in front of the Forum. He tried to help whoever he could but it was too late for Lindsay. Her leg had been flayed open. They tried CPR. You heard Officer Woods and others cleared her airway and she vomited, but by the time the paramedics arrived, it was too late.

Dr. Bath was surrounded by screams, parts of limbs, tissue, burned clothing. Eventually he was able to get a tourniquet on one victim. And that's how others saved others that day. First responders and others were able to get tourniquets on people and they were rushed to the hospital. EMS Director James Hooley told you that 30 people were given red tags.

Do you remember the red, green and yellow tags? The red tags meant that they had life-threatening injuries, that if they didn't get to the hospital in an hour, then they would die. Fortunately, except for Krystle Campbell, Lingzi Lu and Martin Richard, all of them did make it to the hospital. And even so, the defendant and his brother maimed 17 more and injured at least 240 others.

[43-66]

After they fled the scene they decided to lay low for a while. In fact, the defendant acted as if nothing had happened. He bought milk at the Whole Foods, calmly walking up and down the aisles, and he even came back a little later to replace this milk because he didn't get the one that he wanted.

You'll recall his demeanor, his strut walking up and down those aisles. He was just blending back in. He returned to UMass Dartmouth and decided to go to the gym, get a little workout in. This is him joking, laughing with his friend. About an hour later he finishes his workout, just hanging out with his friend.

After the bombing he decided to tweet about it. Remember this one? "Ain't no love in the heart of the city. Stay safe, people." How about this one? "I'm a stress-free kind of guy." Why did he choose to post these things at this time after what he had done?

In the days after the bombing, along with these tweets, the computer evidence and the online social media materials show you that the defendant was publicly pretending to be just like everyone else while inside, in fact, back on his computer, he was accessing the same jihad materials that he had looked at before the bombings: *Inspire* magazine.

In fact, on April 16th, the day after the marathon bombings, he accessed this *Inspire* magazine. This is the one that talks about how to make the pressure cooker bombs and how [43-67] to make pipe bombs. This picture down here is a clip from that portion that you saw that shows how to make the pipe bombs. He opened it up, and a few days later you all know that they

had assembled five pipe bombs, another pressure cooker bomb and the Rubbermaid device.

Also on April 16th, the day after the bombing, the computer evidence shows that the defendant accessed the “Effects of Intention” document. Dr. Levitt talked about that document and he told you that the essence of that document was that if you’re going to engage in jihad, you have to be sincere about it. You have to do it for God; you can’t do it for some other reason. If you want to get the rewards, you have to be sincere.

That same day he also accessed the fall issue of *Inspire* magazine, the second issue. And in that one, among other tips about what to do in jihad, it included a declaration of Anwar al-Awlaki who Dr. Levitt told you about. And Dr. Levitt read this excerpt as he went through the writing on the boat. And this is what he said:

“According to these scholars, we the Muslims are not allowed to terrorize the Israelis or the Americans or the British who are living in safety and security while millions of Muslims are being terrorized by them. We are told to never mind the insecurity of the Palestinian or the Chechen or the Kashmiri. Never mind them. We are simply never allowed to [43-68] terrorize, period. No. We do not agree with that. We say that whoever terrorizes us, we will terrorize them and we will do what we can to strip them of their safety and security as long as they do the same.”

And that’s precisely what the defendant wrote in the boat a few days later: “Stop killing our innocent people and we will stop.”

These were deliberate choices. These were political choices. He thought his values were more important



than everyone else. He was making a statement: An eye for an eye. You kill us, we kill you. That's what he read, that's what he said, and that's what he did.

Witnesses described the 12-block radius that was carved out of the Boylston Street crime scene, the lockdown. The FBI and other agencies gathered evidence. They gathered pieces of pressure cookers, cloth from backpacks, shrapnel from the bombs. They also gathered photographs, surveillance video. The photos in the videos revealed that the defendant and his brother had, in fact, exploded the bombs, although the FBI didn't know who the defendant was, who his brother was. So on Thursday, three days later, April 18th, the FBI released some of the images and asked for the public's help in identifying the bombers.

The photos and the videos were broadcast all over the world. They were accessed millions of times on the FBI's [43-69] website. A few hours later the defendant picks up the phone. He speaks with his brother, and then he returned to Cambridge from UMass. Remember, he went back down to his dorm room with his friends in the intervening three days.

And you know that he came back because Chad Fitzgerald—he was the FBI agent from Atlanta, who was the cell site location specialist—he showed you that the defendant's cell phone pinged down in Dartmouth at first and then came back to Cambridge.

And when he came back, he had this text message exchange with one of his friends, Dias Kadyrbayev. And in it Dias asks him whether he saw the news. And he says, "Yeah, bro. I did." And Dias says, "For real?" The defendant says, "I saw the news. Better not text

me my friend, LOL,” or laugh out loud. “You saw yourself in there?” Dias asks. “If you want, you can go to my room and take what’s there. Salaam alaikum.”

Now that their faces were all over the news, they decided to move on with the rest of their plan. He knew he wasn’t going back. He gave Dias his computer and stuff in his dorm room, including the backpack with the fireworks in them. He and his brother loaded the pipe bombs and explosive powder and the pressure cooker bomb, the CD with the jihad songs on it. They took Tamerlan’s computer, that external hard drive that you heard so much about, the remaining transmitter and [43-70] some identifying documents. They needed these things for what they planned to do next. They were going to go to New York to continue setting off bombs.

Most importantly, they brought the gun that the defendant acquired from his friend Stephen Silva. But there were two of them and they needed two guns. And they only had a Ruger and that pellet gun, which you know looked real. It would probably work to stick somebody up. It couldn’t kill like a real gun. So they decided to go over to the MIT campus. It’s a short drive away from their house in Cambridge.

Chief DiFava told you about Sean Collier that morning—that day—excuse me—that evening, how they chatted that evening and the chief told him to be safe. Officer Collier was working the night shift, and Sergeant Henninger had checked in with him earlier that evening. About 10:20 p.m. the 911 call came in. Some gunshots, some hitting of trash cans.

And you know through surveillance video that the brothers were driving their Honda Civic that night. They may have actually seen Officer Collier parked next to the Koch building as they drove by.

There's the Koch building. They decided to walk all the way around the Koch building and approach him from the rear. They had a plan, they knew exactly what they were going to do, and they just had to execute it.

[43-71]

(Video recording played.)

MR. CHAKRAVARTY: They get to the car. They immediately force open the door. They stick their gun at Officer Collier, then about ten seconds you'll see Nate Harriman come by on his bicycle. There he is.

(Video recording played.)

MR. CHAKRAVARTY: The brake lights go off, then they go back on. The defendant and his brother run away.

This was a purposeful mission. They needed that gun. They had already agreed on how to assassinate him and they did.

We can't tell who shot Officer Collier. That's what we know. We know he was shot in the hand, possibly as he was reaching for the microphone, on the radio. We know he was shot twice in the head at close range. Remember Dr. Robinson explain that there was stippling in the head wounds? He was shot between the eyes. They assassinated him.

You also know that the brothers tried to get the gun from Officer Collier's gun belt but they couldn't. Remember when the officers arrived on the scene, they saw the gun belt. The gun itself had been smeared with blood. And they saw that the first stage of that three-part safety system had been undone. But they didn't know how to get the second and the third stage out, so they left without the gun. They had failed. They had risked being detected, they risked being caught just to get that gun because they needed it for what [43-72] they were going to go do next. They wanted to go out and use the remainder of the bombs that they had built. They wanted to go out in a blaze of glory.

So we don't know who shot Officer Collier but we know that Officer Collier's blood was found on the defendant's car keys in the Honda Civic in the ignition with the UMass Dartmouth fog. We know that Officer Collier's blood was found on the gloves that were found in the floor well of the driver's seat of that same Honda Civic that the defendant was driving that night. We know that Officer Collier was shot with the Ruger that the defendant procured from his friend Stephen Silva. And we know that Nate Harriman, as he passes them in front of the Koch building that day, makes eye contact with the defendant. And you saw the defendant had been leaning in and he comes out and he makes eye contact and then he leaves.

Officer Collier didn't have a chance. You heard his injuries were incompatible with life. Just think about what Nate Harriman told you. He saw the defendant leaning in. So in those few seconds the defendant probably felt Officer Collier's last breaths. He probably heard the gasping or the gurgling that his fellow officers

heard a little while later. That didn't deter him any more than seeing what happened on Boylston Street deter him, because he felt what he was doing was right. He felt he was standing up for others.

They knew their time was short. Frustrated by their [43-73] failure to get the gun, the brothers knew they needed another car, and they went across the bridge and found Dun Meng. Remember how terrified Dung Meng was but how clear-headed he was, how clearly he thought through how was he going to get through this.

And when they got to Watertown, he'd noticed the defendant had been following him the whole way and that both of the brothers moved things from the Honda Civic into the Mercedes SUV. And then they went back into town to try to go get gas and money. Meng describes them talking to each other, like partners, in a foreign language. They were communicating. It was a team.

They went to the ATM in Watertown and the defendant demands Meng's PIN number. He saw the defendant coolly walk into the ATM, take out the money, money he still had in his wallet when he was arrested the next day. The defendant and his brother asked if the car can go out of state, go to New York. And Meng said that it could, in fact, go to New York. He had gone there a couple of times—a few times.

But first, before they made that long drive to New York, they went back to Watertown where the Honda Civic was so they could get that CD, a CD containing those jihad nasheeds on it. Meng said it was a style of music that he had never heard before. And Dr. Levitt

told you what it was. It was portable inspiration, a CD full of songs, chants.

[43-74]

Finally, they go back towards Boston. They need to go to a gas station, so they stop at a gas station that the defendant knew very well. He knew it because it was across the street from Stephen Silva's house. You'll recall that he and Stephen Silva would go there and get smokes occasionally.

He asked Meng how much gas the Mercedes could hold, and they were going to go pay in cash. And then the defendant goes into the store to get some snacks for the long drive to New York.

Now, the snacks seem trivial but they show the defendant and his brother were on their way to New York for purposes of doing something. Not running away. That's Red Bull in his hand. Those are snacks in his hands. They needed their energy for the long drive and for what they were going to do when they got there. They had more bombs and they were going to use them. They were a team. You'll also notice that this hat, it was the same hat the defendant was wearing a little while earlier. They were a team. That's how they rolled.

But Tamerlan turned his attention to the GPS while they were waiting in the car, and that's when Meng acted. He got up—and you saw the terror in his face, you'll see it in a second. And he ran across the street from one gas station to another. This is him pleading to call 911. And that was more significant than we might know because Meng's escape was more [43-75] than just a setback for the defendant and his brother.

Now the police would know the car—the new car that they were driving. So they had to go back to Watertown, they had to ditch the Mercedes, they had to get back into the Civic and then head back off to New York.

And they must not have expected that the police would have reacted as quickly as they did. In Watertown, Officer Joseph Reynolds was the first on-scene. Remember, he passes first the Honda that the defendant was driving, who was in front—he was leading—and behind him was the Mercedes. And they were driving slowly around Dexter Ave. in Watertown. Officer Reynolds passes them, calls it in, and they say, “Wait for backup before you light him up,” before you hit the flashing lights.

But he turns around, he doesn't light them up yet, he turns around, he starts to approach, and that's when Tamerlan greets him with gunfire around through the windshield. What did the defendant do then? He didn't keep going like he didn't know what was happening. He then stopped, he got out of his car, he got in front of the Mercedes with his brother, and he took his position. They had planned this.

It was the brothers' last stand. They go into the bag, they pull out bombs, they pull out backpacks, the ammunition, the extra magazines, they pull out their lighter, even the pellet gun. And the police saw two sets of muzzle [43-76] flashes. While one was shooting, the other was lighting and throwing the bombs. Since we know that Tamerlan was shooting many of the rounds of the Ruger, we know that the defendant was the one lighting the fuses for at least two of the pipe bombs.

Sergeant MacLellan saw the defendant throw the second and the third bomb. Remember, he said he threw it like a hook shot as opposed to like a baseball like Tamerlan threw it. He said he threw the second bomb like a hook shot and then, remember, the pressure cooker bomb? He heaved it like this. And you all felt how heavy those are.

The officers probably saw the flashing of the lighter as that second muzzle flashed, but whatever the point, the defendant hurled that pressure cooker bomb, he hurled the pipe bombs. And they were in this together. Officer Reynolds screamed to Sergeant MacLellan to look out. And then Sergeant MacLellan described that explosion. He described how it shook him to his knees. How the explosion was horrendous. The plume of smoke went up about two stories. There was debris being scattered everywhere.

And you saw what happened to the pressure cooker bomb. It shot like a missile, embedded into that Honda where MacLellan had just been standing, where his cruiser had been crashed into that Honda. The lid of the pot had gone two stories up, into a house and into the neighbors' yard.

There were several pauses in the shooting, and now we [43-77] know that they also had to reload. You'll recall the ballistics evidence, Lieutenant Cahill. The Ruger shot 56 rounds that they collected, the casings that they collected. And the three magazines that they had with them, the extended-capacity magazine and the other two magazines, between them could hold 38 rounds. That means they were refilling these magazines and reloading the gun. And it also explains why the defendant's fingerprints are on the ammunition box and also why



there was a half-filled magazine in the Mercedes that they—that the defendant used to escape.

They were partners. Each one was doing their part. This shows the defendant either crouching or getting ready to throw one of the pipe bombs. James Floyd: Remember, he was one of the neighbors there? He was the one with the newborn. He had to take the newborn to the back of the house for safety. And he comes back and he looks out the window. And he said they were—both of the brothers were ducking in and out. You could barely distinguish the two. But he did know that it was the defendant who pulled something out in a book-bag and he threw it. And he showed us.

Sergeant Pugliese, who had been flanking, came from this direction. He felt the debris falling on him. When he emerged from that house, behind that fence, he took aim and he shot at Tamerlan, first directly and then he tried to skip shot him underneath to try to get him at the ankles.

[43-78]

He got Tamerlan's attention, and Tamerlan turned to him and tried to shoot him, and he missed him every time. And after he ran out of bullets, he threw the gun and he charged up the street at the police officers. Tamerlan at that point was done. He wanted to commit suicide by cop. He was ready to get to heaven.

While the defendant—while Tamerlan was ready, the defendant had other plans. He was still behind the Mercedes. And like I said, he didn't go with Tamerlan. He didn't go the other way. He didn't just give up. He got back into the car, he turned it around, and then James Floyd told you what he saw and what he heard.

Despite the fact that there was no one in front of him and he could have escaped, Floyd said that he floored it. He turned around and he floored it. He really floored it—the engine roaring—and he made a beeline for where Tamerlan and Sergeant Pugliese and Sergeant MacLellan and Officer Reynolds were.

The defendant drove from the right side of the road straight for them. They got out of the way just in time, as you saw. The defendant hit the brother, he dragged him down the street. When he hit Officer Reynolds' cruiser, almost striking Officer Colon, Officer Colon saw him. Remember, he saw him driving like this. The defendant still had the presence of mind to avoid the gunfire as he was making his escape and as he was aiming for the police.

[43-79]

Now, at some point during that escape, the defendant got shot. We know because he was bleeding sometime later. And as the police finally subdued Tamerlan, they realized that Officer Donohue had also been shot. Remember Dr. Studley described that he had lost all of his blood by the time that she was treating him. Amazingly, she and others brought him back, and but for the defendant's actions, carjacking this vehicle, the defendant and his brother, that chain of events would not have happened and Officer Donohue would not have been shot. He would not have been seriously injured. That's why it's charged in the indictment, as a result of the carjacking caused serious bodily injury. And that's what happened here.

The defendant abandoned the Mercedes, leaving the Rubbermaid bomb and the other items in it as he fled.

And since he made the decision to drive the police [*sic*], he knew now that he was all alone. His brother was gone. He was injured. He made his way down that hill.

The blood marks you heard, there were some on a bathroom door, on a shed, on a car, and then on the boat itself. David Henneberry's boat, the Slip Away II. The defendant could not have imagined that this was where he was going to write his prophetic statements to the world.

But before climbing in, he wanted to do that one last thing. Remember, he had two phones. He had that burner phone, we call it, which he had just activated that SIM card on that [43-80] Sunday before. He put the SIM card in and he used that phone to talk to his brother about planning the bombing, executing it and then what happened after.

His other phone was the phone he used all the time. It was the phone he was using to talk to his friends. It was the phone that he was using to surf the Internet, to read documents. At his age, he lived on that phone. Even in the video you see him, you see him always fumbling with his phone.

So he had the presence of mind at that stage to smash those phones beyond recognition. He knew those phones could track him, and he knew by smashing those phones neither the FBI, the state police, the Boston police or Watertown nor anybody was going to be able to extract the data that would be useful in the investigation. He takes Dun Meng's card and he throws it down there. That's Dun Meng's card, that's the phone, both phones pulverized.

He was in the boat for a while. And after pulling himself in, he pulled out a life preserver. You saw some of the pictures and you saw the boat. He tried to get comfortable. And he laid there probably thinking he wouldn't survive. He had been hurt. And in those moments of all of the things in the world to say, he chose to write that declaration we saw. He chose to justify what he did.

But even after writing those words, that well thought out, cohesive narrative, he still was angry. People were [43-81] looking for him, he was hiding in this boat, and he was still angry. He was so angry he had to get something. And he had etched into boards on the slat. As if his note wasn't clear enough, he had to emphasize it. "Stop killing our people and we will stop."

He was negotiating the terms of death with America. This is what the defendant was thinking after all he had done that week. In the evening, David Henneberry noticed the blood on his boat. He investigated and saw the defendant lying in it. Minutes later, he was surrounded. At one point the police shot at the boat, not knowing whether the defendant was armed, whether he still had any bombs on him. They threw flash bangs then, hoping—convincing him to give up, and eventually he was arrested.

The investigation of the defendant and his brother lasted two years. You saw that he first started accessing the *Inspire* magazine when they were in—approximately Christmas of 2012. We know both the defendant and his brother were radicalized to believe that jihad was the solution to their problems.

We know that both of them participated in the bombing, the murder of Officer Collier, the carjacking, the robbery of Dun Meng, the standoff with the police in Watertown. The fingerprint evidence showed the defendant's prints in many places that you would expect them: On the driver's side of the [43-82] Honda that he was driving, on the radio where he was listening to his nasheeds. His prints are on the gas tank of the Mercedes where he tried to fill it up with gas. They are also on the front passenger quarter where he, as you see in that picture, was holed up, taking cover in the shootout. They're also on the nasheed CD that was found in the radio of the Mercedes. His prints are on the ammo box that were found on Laurel Street. They're on the Rubbermaid bomb that was found in the back of the Mercedes. They're also on that pellet gun. Tamerlan also left prints where you would expect them.

But the defendant was more careful. Unlike Tamerlan, the defendant had led a double life. To the outside world he showed one face and inside he harbored another. He was careful, just like *Inspire* magazine had taught him to be.

Explosive technicians examined every piece of evidence found in Watertown and on Boylston Street and tried to re-create how the devices were made. You saw that. Who knew that making a bomb was so easy? Well, the terrorists. The publishers of *Inspire* magazine. That's who knew. And they were just hoping, they were wanting, they were asking for some young terrorist to come by and to use their instructions. And that's what the defendant and his brother did.

You heard how there was no explanation for how and where all the pounds of explosives that were necessary

to build all these bombs, where they were purchased or where they were [43-83] built. You heard that there was some trace explosives in the apartment in Cambridge, at 410 Norfolk Street, and there were intact fire-works down at the dorm room in Dartmouth. But given how much explosives were necessary, much more was expected.

Many of the materials that were consistent with those that were used to construct the devices were found at the Norfolk Street apartment where Tamerlan and his family lived and the defendant would visit from time to time, where he had grown up. Some of those materials were found conspicuously in the defendant's bedroom there, where he had spent the weekend before the bombing.

There was the construction paper—the red construction paper, the caulk gun, the gun-cleaning equipment. You also know that from the swipe card data from UMass Dartmouth that he hadn't been down at UMass for days before the bombing.

It's clear that both the defendant and his brother were partners. They both handled the bombs. The evidence shows that the defendant and his brother transported, placed and exploded the bombs on Boylston Street and in Watertown. In addition to the eyewitness testimony, people like James Floyd and Sergeant MacLellan, we know that the defendant committed these crimes, threw the pipe bombs, the big pressure-cooker bomb in Watertown.

The brothers prepared for their attack. They also [43-84] coordinated with each other, as partners do. The investigation revealed that the pressure cookers

were probably bought at Macy's; for the January 31st, purchased from the Square One Mall in Saugus. It was probably Tamerlan although there is no video and it was a cash purchase. But who was he texting just before making that purchase? Who was he talking to earlier that day? The defendant.

Tamerlan bought the backpacks on that Sunday afternoon, the day before the bombing. That same afternoon the defendant went somewhere else to buy that SIM card for his phone. It may have been Tamerlan who bought BB's up in New Hampshire, but there was a box of BB's in the defendant's dorm room down at Dartmouth.

Tamerlan bought the remote control car parts on the Internet, first from Flysky, and then at the other—RC Hobby Car shop for the Spectrum set. And that was a week before the bombings. By that time, a week before the bombings, the defendant and his brother were fully engaged in their conspiracy to plant these bombs. They knew what they were going to do. In fact, the same day as that transmitter purchase, the defendant tweeted this: "If you have the knowledge and the inspiration, all that's left is to take action."

They each had their roles. Around the same time that Tamerlan was ordering that first transmitter, the defendant was [43-85] ordering up a gun from his friend Stephen Silva. Stephen Silva had just come in to a gun, and he said he could let the defendant borrow it for what the defendant said, so he could rob a couple of University of Rhode Island students.

Remember Silva's testimony? Silva had known him since he was a kid. Silva couldn't imagine that the defendant was capable of doing something like this, but he didn't know the jihadi side of the defendant. He took the defendant at his word when in January or February he asked for the gun for the robbery. The defendant also had asked him for the food for the dog, which was a reference to the ammunition for the gun.

And obtaining this gun was the key that the defendant and his brother needed for what happened after the bombings. Without this gun, they wouldn't have been able to kill Sean Collier. Without this gun, they wouldn't have been able to hold up Dun Meng. Without this gun, they wouldn't have been able to shoot at police officers in Watertown. The defendant had done his job well.

Silva didn't know that in March, spring break, the defendant and his brother went back up to New Hampshire to go to the gun range up there. There they practiced shooting 9 millimeters. The defendant paid, and for an hour the two of them spent about \$170 just shooting. It's easy to wonder what they were imagining were targets as they were shooting.

But in this case, ladies and gentlemen, we don't have [43-86] to wonder. We know that they were imagining police officers because that's what they used—that's what they used the gun to actually shoot at.

We've seen other evidence of the defendant's double life. There were sides of himself that he did not show to his friends. Around them, Stephen Silva told you, he was well liked, he would smoke pot, he was cool, he was laid back, but there were signs of another side to him.



Silva mentioned one time the defendant called him an infidel or a kafir, another where the defendant got pissed off when Silva called him a Russian refugee. Silva rarely visited him at his house. The defendant spent most of his other life, the other side, the jihadi side, in the privacy of his bedroom, sometimes with his brother, sometimes with his headphones on. There he descended into violent Islamist extremism.

The computer evidence showed you that since 2011, well before the missing thumb drive that you heard about, he had been accessing these jihad nasheeds and other inspirational media on his laptop. The defendant got the stuff, he read the stuff, he believed the stuff, and he acted on it. That's what the computer evidence shows. He assembled a library. Some of it Tamerlan gave him; some of it he gathered himself. The defendant would put his headphones on and lose himself in the chants, the lectures, the music of jihad. He escaped when he put that music on. And that's why he put it on all of his [43-87] phones, his iPods, his computer, all without his brother.

In fact, even after his brother left for Russia, the defendant was accessing jihadi materials on his computer. He was accessing Anwar al-Awlaki. That's why he went back to Watertown to grab that CD of jihad—nasheeds CD—nasheeds on that CD before they headed to New York. They were doing this together, just like other terrorists. They had decided that justice for them meant they were becoming holy warriors.

The defendant's radicalization started years before, perhaps even in high school. But you saw that no matter when it started, by the time it was Patriots' Day of

2012, the year before the marathon bombings, the defendant had completely internalized Anwar Awlaki's message. He posted this quote: "They will spend their money, and they will regret it, and they will be defeated." Now, none of his friends would know what this means unless they, too, had listened to Anwar Awlaki. That day, he went to the marathon with his friend.

Later, he accessed some of the jihadi materials on his computer. And on Christmas break of 2012, the Christmas before the bombings, he accessed the *Inspire* magazine with the bomb-making instructions on the desktop computer in his bedroom at 410 Norfolk. The computer evidence shows that this complete file, which is the file of that first *Inspire* magazine, was accessed on December 23rd, again on December 26th, and we know he was accessing his own email on that computer.

[43-88]

Of course we also know that he and his brother were planning something then because he said so. This—sorry. The cell site location also showed that he was at the dorm room—excuse me, at the 410 Norfolk Street around Christmas of 2012. This is Chad Fitzgerald.

He even said that he was doing something with Tamerlan—this is Christmas Day back in 2012—doing something with Tamerlan. "I'll hit you up in a bit, bro." Later, talking to that same friend, he explains that he wants to bring justice for his people. This is his mind-set at that time.

Later, talking with the same friend in January, he says, "There's one other option, bro. Get the highest level of Jannah." His friend asks whether it's jihad. He says that he's really down with the jihad way of life,

and the defendant said, “Don’t be hot over the phone. LOL. Be for that, man.”

Then finally he says here, January 28th, “I got a plan. I’ll tell you later about it.”

He was conscious of the fact that law enforcement may have actually picked up on his conversation. He was careful. That’s what you do when you live a double life. What they were doing together was starting their plan to bomb the Boston Marathon. What they were doing together was planning to get a gun. What they were doing together was getting ready for what unfolded.

[43-89]

During that time, the defendant starts accessing more websites related to this extremist material, and he creates another alter ego online. He creates this—another Twitter account called Ghuraba. You heard that means stranger. In fact, he says it right here. “Ghuraba means stranger. Out here in the West, we should stand out among the non-believers.”

He talks about the infidels and getting victory over them. He talks about the weapons of the believers. And he talks about Anwar al-Awlaki, and he encourages people, his followers, to listen to Awlaki’s Hereafter series. It worked on him. He said he strives to reach Jannah, or paradise.

We saw from the defendant’s computer witness that around March of 2013 it was the defendant who was accessing Awlaki files on that portable hard drive that was found in Watertown. He wished the Silva twins a happy birthday at the beginning of April, he picked up some pot and then he retreated to the place where he

found comfort, with his headphones on, with his brother, in his bedroom at 410 Norfolk, his black flag on the wall. He had found the solution for his failures. He had opportunities to make different choices along the way. These are the choices that he made, and that's why we're here.

Now, you won't be surprised to know, as the judge already explained to you, that blowing up bombs at the Boston Marathon and the other places is a violation of several federal laws. And the more bombs, the more charges. And while the [43-90] verdict slip may be long and sometimes confusing, you should not be intimidated. Each of the elements are straightforward, and the crimes are, in the end, pretty simple.

Although the defendant's charged with 30 counts, 30 different crimes, many of them overlap. You heard from the instructions how some of them overlap, and they interrelate to each other. There are really only six sets of charges. They involve different crime scenes and different acts.

Many of the charges are interrelated, so that, for example, using a bomb with a firearm together might be a separate charge than just using the bomb or just using the firearm. And using either of those, the bomb, which is technically called a firearm, in the course of one of the conspiracy charges, the conspiracy to use a weapon of mass destruction, conspiracy to bomb a place of public use, and the other conspiracy charge, that each of those is—also constitutes a crime.

Some of the charges involve a conspiracy, and the judge explained that to you, and it's basically when two

or more people agree to do something that the law forbids. That itself is a crime. You don't actually have to go through with it. If you plan to do it, then just that agreement becomes the crime.

In this case, there are three sets of crimes—conspiracy crimes. And they relate to the entire chain of [43-91] events, from the beginning to the end, because this was a terrorist conspiracy; they were trying to inflict terror. The agreement was between the defendant and his brother to engage in this terrorist bombing campaign.

And this chart helps you explain—helps kind of graphically represent how you might want to think about this. I'd suggest to you the best way—the best tool that you're going to have as you deliberate is the verdict slip itself. It lays things out in a step-wise manner. You can answer one question, then move to the next. And it tracks the language in the indictment. And you can use that as a guide.

But just so you have a graphic representation on how to compartmentalize from 30 charges down to about six, put them in this mode. The last conspiracy was maliciously destroying property.

The first set of counts involves the marathon bombing. Judge O'Toole told you that the conspiracy is one way to find liability, and the other way is to find through something called aiding and abetting. When two people who do a crime together, where each has a different goal but they both intend to do the same crime and act in accordance with that plan, that they're equally guilty in the eyes of the law. And that's why the defendant is

guilty for the crimes in front of Marathon Sports just as much as he is for those in front of the Forum.

Each of the two bombs at the marathon killed and [43-92] caused grave risk of harm. Each were weapons of mass destruction and technically constituted what are called firearms.

There's one other element that may not be self-evident, and the judge touched on it, and that's that the place of public use must affect interstate commerce. Clearly the stores, Marathon Sports and Forum, affects interstate commerce. The marathon itself interstate—affects interstate commerce. And “interstate commerce” basically means that they're in the stream of commerce. And that, as you can imagine, is an element because this is federal court.

For some of the other crimes, the interstate commerce element will also come in. That's why—one of the reasons you heard that there was a stipulation that the Mercedes, Dun Meng's Mercedes, that that too had traveled in interstate commerce, because as part of the carjacking you have to find that that had traveled in interstate commerce.

You also heard that the Ruger, the gun, was manufactured out of state, so that too traveled in interstate commerce, again because of one of these elements. And then finally, the ATM card, going in and taking money out of Dun Meng's ATM bank account, which was connected to all the other banks in the country and around the world, that too affected interstate commerce. That's why that information was presented to you.

[43-93]

So the first set of charges, the overall conspiracy; then scene A, these are the substantive counts; then scene B, these are the substantive counts at the Forum.

Then there are the charges of the murder of Sean Collier, Counts 16 through 18. Those involve using the firearm in order to commit the crime of violence. They're based on the fact that in the course of the conspiracy they used that gun so that they could continue their campaign of terror. And since we've said from the beginning it doesn't matter who pulled the trigger, both the defendant and his brother are equally guilty of committing this crime.

Third, you have the use of the—to skip over the robbery for a second, you have the use of the gun and the bombs in Watertown. These are the charges related to how this defendant and his brother tried to kill the police officers in Watertown. It's hard to imagine how Officer Donohue actually survived and how more officers weren't injured, but for each pipe bomb that had exploded, the pressure cooker bomb and the use of the Ruger—each of those provides a basis for another criminal charge.

And you'll see that these crimes, as you'll see in the verdict slip, they're couplets. So when you use one of these device—a firearm in the course of committing another crime of violence, then that itself is a crime, and that's why you'll see two pairs of charges for each of those for [43-94] Watertown.

And then finally, the robbery of Dun Meng. He was charged with carjacking Dun Meng's car, and the fact

that Officer Dick Donohue was seriously injured as a result of that carjacking.

Many of the charges involve the use of a firearm, one of the bombs and the Ruger, in conjunction with the other charges that I mentioned. Because of this, you'll have to go through and assess whether each of the bombs that exploded was used and whether the Ruger was carried, brandished—which the judge explained means shown—or discharged, because the evidence in this case is that all of those things happened. Even though these charges capture similar conduct, they involve different elements, and for that reason, the defendant is guilty of those crimes as well.

The defendant and his brother teamed up to terrorize a region in 2013. They bought bags full of bombs, planned to kill even more, and by the end, they had murdered four people, they had maimed 17, and they wounded hundreds, more than 240 others. Martin William Richard, Krystle Marie Campbell, Lingzi Lu, and Officer Sean Collier are no longer with us. This is the result of the defendant's choice to be a terrorist hero, to make a statement. These were choices that he was proud of, and it devastated the lives of those who survived.

This is how the defendant saw his crimes.

[43-95]

(Audio and video recording played.)

MR. CHAKRAVARTY: But this is the cold reality of what his crimes left behind.

(Photographs displayed.)

MR. CHAKRAVARTY: Officer Collier was shot five times, at least three shots in the head, two from



close range. One shot was between the eyes. He died of his gunshot wounds.

Krystle Campbell received massive blast injuries to her lower extremities. Parts of her body were shredded from the bomb. She lived for up to a minute while the blood seeped out of her body onto the pavement. She told her friends that her legs hurt, and she died from loss of blood.

Lingzi Lu received mass injuries all over her body. She didn't even plan to be there on that day. Her leg was torn open, transecting her blood vessels. She bled out as emergency responders performed CPR on her.

And Martin Richard. His entire body was shattered. It was broken, eviscerated, burned. There wasn't a part of this boy's body that wasn't destroyed.

You'll probably never forget Bill Richard. At one point he said, as only he could, "I guess we were just unlucky that day." But there was nothing about this day that was a twist of fate. This was a cold, calculated, terrorist act. This was intentional. It was blood thirsty. It was to make a point. It was, "Tell America that we will not be terrorized by [43-96] you anymore. We will terrorize you. We will punish you."

The Richard family happens to pass—their path happened to cross the defendant's that day, and the defendant made them pay. He was there to punish.

Each of the 30 criminal charges capture the criminal conduct that the defendant and his brother did. The defendant ran away from Boylston Street. He ran away from Officer Collier's killing at MIT. He fled the scene in Watertown, and he hid in that boat, and he

penned his last justification, taking credit and being proud of what he had done.

Now, ladies and gentlemen, finally, it's the time to hold him accountable, to find him responsible for each of the charges in the indictment. We ask you to do that now.

THE COURT: I think, in light of the hour, we'll take a lunch recess at this point.

So, jurors, we'll take the lunch recess as normal. We'll resume, I guess, at two o'clock to give everybody comfortable time.

Please, no discussion of the case, obviously, until you've heard the rest of what we have to present today. And I'm sure you'll find other things to talk about and engage your interest during the lunch. Enjoy the lunch, and we'll see you at two o'clock to continue the matter.

THE CLERK: All rise for the Court and the jury. The Court will take the lunch recess.

[43-97]

(The Court and jury exit the courtroom and there is a recess in the proceedings at 12:53 p.m.)

THE CLERK: All rise for the Court and the jury.

(The Court and jury enter the courtroom at 2:14 p.m.)

THE CLERK: Be seated.

THE COURT: All right. We're ready to continue with the defendant's closing.

Ms. Clarke.

Are you using the CART computer?

MR. FICK: I think it's all set up, your Honor. Thank you.

MS. CLARKE: Good afternoon.

THE JURORS: Good afternoon.

MS. CLARKE: In the past few weeks, we have come face-to-face with tragedy, suffering and grief in dimensions that none of us could imagine possible. We would never have thought that this devastation would touch our lives so directly.

We've heard words, we've heard screams, and we've heard cries. We've seen shocking videos; we've seen horrific photos; we've seen the clothes of young Martin Richard. We've seen the faces of people who live daily the pain and devastation that we only witnessed.

For this destruction, suffering and profound loss, there is no excuse. No one is trying to make one. Planting [43-98] bombs at the Boston Marathon one year and 51 weeks ago was a senseless act.

Jahar Tsarnaev followed his brother down Boylston Street carrying a backpack with a pressure cooker bomb in it and put it down in front of the Forum restaurant, knowing that within minutes it would explode. Three days later, Tamerlan Tsarnaev murdered Officer Collier, and Jahar was right there with him.

Within a half an hour or so, Tamerlan—this is giving me feedback—Tamerlan Tsarnaev held a gun to Dun Meng's head, demanded him to drive, and Jahar followed in the Honda. He took the ATM card, he took the code, and he stole \$800 from Dun Meng's ATM account. Jahar was part of a shootout in Watertown. We know that his brother had the Ruger P95 because he

was shooting at the police. We know that Jahar had a BB gun.

Still, he hurled explosives at the police, and when he saw his brother walk into a hail of gunfire shooting, clearly determined to go out in a blaze of glory, he ran to the Mercedes and escaped as police riddled the Mercedes with bullets. And he ran over his older brother, the brother that he loved, and the brother that he followed.

When I talked with you almost—just over a month ago, I said to you the evidence would bear out all of the events that I just talked about and that they just talked [43-99] about. And it has. I said to you that we would not disagree with this evidence or dispute it, challenge it, and we haven't. I said to you that it was inexcusable, and it is. And Jahar Tsarnaev stands ready, by your verdict, to be held responsible for his actions.

I also told you that while we agreed with the prosecution on a lot, mostly the big questions in this case—the who, what, where and when—we very much disagreed about the why. In order to fully understand what happened on April the 15th, 2013, and the four days that followed it, it's important to know who did what and why it was done. Tamerlan and Jahar were brothers, but they're both individual people who thought differently, acted differently and had a very different role in the conspiracies charged.

The prosecution must believe that this is important to understand their varying roles because they made an issue of it and attempted to bring you evidence that Jahar Tsarnaev was an equal partner with his brother

and that he self-radicalized himself. This is simply not true.

What you heard from the government, and you heard it again today—they made the bombs, they killed Officer Collier, Tamerlan didn't always lead down Boylston Street, they said to Dun Meng certain things—when the evidence is that Tamerlan built the bombs, Tamerlan murdered Officer Collier, Tamerlan led and Jahar followed, and Tamerlan talked always to [43-100] Dun Meng. You remember his testimony.

So let's talk a little bit about what the evidence does show in terms of roles. Who researched building the bombs? Who bought the necessary materials? Who planned this series of horrific events? And I see you don't have notes, so I won't give you exhibit numbers, but I want to show you some exhibits and talk with you about some of the exhibits.

We know that Tamerlan did Internet research about the electronic parts. And you can see it here. The radio transmitter receiver, the radio transmitter, the transmitter receiver, the radio, all on April the 7th. You can see it; I think it's—is it on your screens? The fireworks firing system. Tamerlan did that research.

Tamerlan's computer—and if we could pull up the next one.

Tamerlan's computer had a Russian translation of the *Inspire* magazine. Remember that, the *Inspire* magazine, bomb-making instructions. He had a sort of value-added Russian translation on his computer which advised search the Internet with the terms “radio detonator” and “mobile detonator.” There was a Russian

language set of instructions on Tamerlan's computer, and this is in evidence with the translations.

The second document was telling people how to construct these bombs without blowing themselves up. Also, when you're making the bomb, get rid of all the metal things, [43-101] as they might detonate the powder. Work only with wooden and plastic things; for example, you should not use a metal bucket and all that is connected to it. That was on Tamerlan's computer. Those bomb-making instructions were not on Jahar's computer.

Tamerlan bought the pressure cookers. Now, we heard evidence and I think we saw the GPS maps of the January 31st purchase of pressure cookers. Today the prosecutor suggested to you that perhaps Tamerlan bought them. Of course Tamerlan bought them because here's what we know: Tamerlan is at the—he stops at 7:45 p.m. up north of—here's Saugus, but up north, and then he comes back and he stops at 8:13 p.m., and the pressure cookers are purchased at 8:38 p.m. So he's on the road at 7:45, stopping at 8:13 and buying the pressure cookers at 8:38 p.m.

Where was Jahar? He was in Dartmouth during those time periods. It's not that it might have been Tamerlan buying the pressure cookers; it was Tamerlan buying the pressure cookers. Jahar was in Dartmouth. Well, his telephone was in Dartmouth. Now, I don't know too many 19-year-old folks who leave their phones and go without them. In fact, the prosecutor made the point of that, how they always carry their phones. And here's Jahar with an outbound text and data usage on his phone making it impossible for him to have been

where the pressure cookers were bought and when the pressure cookers [43-102] were bought.

Tamerlan bought the—you saw with Agent Knapp's testimony that the agent that brought us the mock-up of the pressure cooker bombs, and he showed you the car—how the car would be used—the parts of the radio-controlled car would be used. Tamerlan brought—bought a radio—the Rally Monster truck. On February the 8th, it was shipped to his house. And we can show what he purchased at the bottom of the receipt.

Can you pull it up?

MR. FICK: No.

MS. CLARKE: Well, the bottom of the receipt shows—there we go—purchasing the Rally Monster—Off-Road Rally truck. It has rechargeable batteries being purchased and transmitters being purchased. Tamerlan bought those.

Tamerlan bought the BBs that were loaded into the bombs. Now, that was another one of those series of GPS maps, and then Jerry Grant, who testified, showed where Jahar's phone was.

Here is the GPS that shows Tamerlan's journey that day, and I want you to hang on in your head for a moment, if you can. The first stop was at Keller Street in Manchester, New Hampshire. Walmart in Keller Street in Manchester, New Hampshire. There's a receipt for the purchase of BBs at 3:22 p.m. Keller Street. And then there's a stop at Bedford, New Hampshire, and then there's a stop in Amherst, New [43-103] Hampshire, and another purchase of BBs at the Amherst, New Hampshire, stop. The purchase was in the—at 5:36 p.m. And then there's another stop in Hudson. So

there's a stop on Keller Street, Bedford, Amherst, and Hudson.

Now, you remember Tamerlan Tsarnaev's wallet that was found in the back of the Honda on Watertown. In his wallet were a variety of receipts that we helped put into evidence. And one of the documents in his wallet was this, with Walmart and telephones, Hudson, New Hampshire; Keller Street; Bedford. He had his notes in his wallet of where he had gone to purchase the BBs.

Where was Jahar? Again, he was in Dartmouth. Data usage on his phone, an outbound text on his phone at about the same times that the purchases were being made.

It's not that possibly Tamerlan bought these items; he did. Jahar wasn't with him.

Tamerlan bought the additional electronics on April the 8th. There's a receipt, RC Cars of Boston, that was found in one of the cars parked on Norfolk Street. And it's in Tamerlan's name, RC Cars of Boston. And I think it was Agent Knapp who again told you that that was a purchase of an additional transmitter and receiver. Tamerlan did that.

Tamerlan searched online for the Boston Marathon. The prosecution argued to you that Jahar selected the marathon. Tamerlan did. Tamerlan searched the Boston Marathon before the [43-104] Boston Marathon. There are no such searches on Jahar's computers. This is Tamerlan's Samsung laptop.

Tamerlan bought the backpacks. He—again in that wallet, there's a Target receipt for purchase of the backpacks.



Have you got that, Bill?

Here's the—it's in the wallet. You'll see a picture of all of the items that were in the wallet, and you'll have the wallet as well, but in the wallet is the Target backpack purchase. And here's the picture of Tamerlan leaving the store. He was alone.

Now, the prosecution introduced a lot of evidence found at the Norfolk Street apartment, and you would think that they gave it to you because it's related in some way to bomb making. But what didn't they bring to you? Whose prints were all over those items?

Now, the cross-examination of Elena Graff, who was—it's a first for her. She's an FBI fingerprint analyst called by the defense to testify about fingerprints, and the cross-examination [*sic*] is some fingerprints disappear. So all of Jahar's fingerprints disappeared, and Tamerlan's stayed on there. You know who made these bombs. It was Tamerlan.

We know from Elena Graff that Tamerlan's prints were on the glass jar with the nails in it. Tamerlan's prints were on the caulk gun. Tamerlan's prints were on—well, you'll find this caulk gun in several places. I think actually [43-105] physically in evidence, but you won't be able to find fingerprints on it. I wouldn't be able to. But prints were on it. And it's also in the interactive. Remember that exhibit that you can click on and see the room and click on a button and it shows you what was found where? It's also in that exhibit. Tamerlan's prints were on the tape. Tamerlan's prints were on the solder gun. In fact, in Tamerlan's wallet was a Home Depot receipt for the purchase of that solder gun.

Tamerlan's prints were on the tape inside the toolkit. Tamerlan's—and this is just a larger picture. You can see the little ring of tape where they found Tamerlan's prints and the toolkit. Tamerlan's prints are on a set of pliers in the toolkit. Tamerlan's prints were on the gun-cleaning kit. And Tamerlan's prints were on the wiring book.

So the items of evidence that the prosecut- —and the government—that the investigation seized from Norfolk, those items were seized because somebody thought they were relevant to bomb making. And whose prints were on them all? Tamerlan's. Whose prints were not? Jahar's.

Elena Graff, though, FBI fingerprint analyst, also told you that Tamerlan's prints were found on two items of evidence seized on Boylston Street. The cardboard was seized from what they called Scene A, the first bomb, and the paper inside an exploded backpack seized at what they call Scene B, the second bomb; and Tamerlan's prints were found on the [43-106] cardboard, and Tamerlan's prints were found on the paper. Whose prints were not found? Jahar's.

There was a transmitter found at Watertown that Elena Graff also analyzed, and this was the lab photo of it sort of dismantled. Tamerlan's prints were found on the transmitter.

There was a pressure cooker lid. And you may remember the picture. It's like it landed far away and in somebody's backyard, the pressure cooker lid. Tamerlan's prints were found on it.

We know that explosive residue was found on a set of rubber gloves found in Tamerlan's car. Remember the

agent testified about that being residue? Found in Tamerlan's car.

And notably missing was any residue found in Jahar's dorm room where he did live. There was some explosive residue found in Norfolk where he didn't live. And contrary to what Agent Imel—you may remember his testimony early in the days of this case—contrary to his suggestion that Tamerlan didn't always lead down Boylston, he did.

So let's be honest about what the evidence actually shows. We are not asking you to excuse the conduct, but let's look at the varying roles. Tamerlan shot and killed Officer Collier. The prosecution argued they didn't know who did that murder. We know. We know. Let's look at the evidence of what we know.

First, he confessed to Dun Meng that "I just killed a [43-107] policeman." He confessed. You probably remember this video, and I don't think we have to play it again. The prosecution played it for you. This is that—that—you've got the distant surveillance and then the up-close surveillance. Oh, they're playing it.

(Video recording played.)

MS. CLARKE: Very clearly—if you can stop it, Bill.

Very clearly, two people walk up to the driver's side of Officer Collier's car. Two people. Very clearly. I mean, to the extent anything is very clear, but you can see two figures, one in front of the other, walking up to Officer Collier's car.

Now, Nate Harman, the MIT student who came in, rides by on his bicycle not long after this. He rides by

on his bicycle. Remember, he's going home. It's a little late, and he's going to bike on home. And what Nate Harman said is, "I only saw one person." And that one person was who? Jahar. And that one person stood up—had the yellow on his sweatshirt and stood up, and they locked eyes for a moment. That was the only person that Nate Harman saw.

So where was Tamerlan? If Jahar is standing up and looking at Nate Harman, where is Tamerlan? As the door opens—you know, here's the car, and the door opens—there's a V. Here's Jahar standing, looking at Nate Harman. Where is Tamerlan? He's got to be squatted down trying to get [43-108] Officer Collier's gun. And getting Officer Collier's gun would put blood on your hands or blood on the gloves that you were wearing.

Now, remember those gloves were found in the driver's side floor with blood on them? Whose blood? Officer Collier's blood. Officer Collier's blood was found on the keys, so the gloves were used to start the car.

Where were the—where was Tamerlan's personal belongings found?

And I don't know if we have it. Exhibit 879.

Where was Tamerlan's personal items found? Right behind the driver's seat in the Honda. The bloody gloves are found on the driver's side. Tamerlan's wallet was found on the backseat driver's side.

Now, the prosecution put on Stephen Silva to say that Jahar asked him for a gun. But pretty clearly that gun went to who? Tamerlan.

In addition to the confession that he gave to Dun Meng, Tamerlan did what? He searched the Ruger P95 on the Internet. He had the gun at Watertown. He shot at the police at Watertown. He threw the gun at the police at Watertown. Tamerlan had that Ruger the entire time. Tamerlan is the one who murdered Officer Collier. Whose prints were found on the magazine that went in that gun? Tamerlan's.

Now, what does any of this matter when we know that [43-109] Jahar walked down Boylston Street with a bomb in a backpack and put it down in front of the Forum restaurant? When he was beside his brother when his brother murdered Officer Collier? When we know that when Tamerlan held Dun Meng hostage, Jahar took money out of his account; and we know that Jahar hurled bombs at the police? What does any of what I just discussed with you matter?

It matters because you're entitled to know the full picture. It matters because it's important for us at this stage to tell you as much as we could. We don't deny that Jahar fully participated in the events, but if not for Tamerlan, it would not have happened.

There's some other things that we should talk about, and one is radicalization. The government wants you to believe that Jahar was self-radicalized essentially from high school; that he was a young extremist in the making; that he was a young jihadi in high school in the making; that his tweets were jihadi; and that he attended the 2012 marathon, I guess, because he was planning it that much in advance.

They brought you Stephen Silva to suggest that there was a debate in the world history class and Jahar took some extreme position. He didn't.

They continued to flash up onto the screen but when going through the computers a paper called "The Predator War"—you'll see it—in which there was a discussion of the [43-110] use of drones. And what they seemingly just simply deny is that was a class assignment, and instead use it to try to promote that Jahar was a young jihadi in the making.

The government introduced the black Islamic flag and a picture of Jahar in front of it suggesting self-radicalization and suggesting perhaps a connection to a terrorist group. They just played, to tug on your heart-strings, some nasheeds while looking at the flag, suggesting that there's something ominous or wrong about that flag. Their own expert, their own expert, Matthew Levitt, said there's nothing radical about that flag. Some groups have adopted it, but there is nothing radical about the flag. It is a religious flag.

The government argued to you through Stephen Silva, again, that Jahar went to the 2012 marathon. Now, going back that far, it's hard to convince somebody you weren't where they say you were that long ago. But we did the best we could to provide you circumstantial evidence, and I think the circumstantial evidence is pretty strong that he wasn't there.

There is, in evidence, again, one of the swipe card sheets from UMass Dartmouth on April 15th in the afternoon, about four o'clock. Jahar goes in to Maple Ridge Hall, which was the dorm he was in first year.

At about five o'clock, he tweets, "I'm about to sleep for 20 hours." That sounds like a 19-year-old to me.

April 16th, the next day, the day of the 2012 [43-111] marathon, at 6:42 in the morning he tweets—and you've seen this tweet quite a lot, actually—"They will spend their money, and they will regret it, and they will be defeated." Now, that—everybody debated the source of that and what that meant and the context of it.

At 8:38 in the morning, Jahar tweets, "Hmm. Get breakfast or go back to sleep? This is always a tough one." It sounds like a teenager. At 8:45 he tweets, "Sleep after breakfast is so much sweeter." At 8—at 10:56, he uses his access card to come back into the dorm. At almost—12:46, almost one o'clock, he's tweeting again.

At 1:30 in the morning—again, only the teenagers can do it—he uses his access card to enter his dorm again. The likelihood that this kid, who was sleeping and eating breakfast and going back to sleep and about to sleep for 20 hours, drove to Boston and went to the 2012 marathon is slim. I don't know what it means if he did, but it sure doesn't look like he did.

The government suggested to you deep and self-radicalization by the—remember the Al\_Firdausia account, the seven tweets over a two-day period of time? Look at them. There is no promotion of violence in there. There's no promotion of extremism in there. Looking back, somebody can always say that you must have been thinking something evil at the time. There isn't. And regardless, it went for two days [43-112] and ended. Jahar lost interest in it.

The government then suggested that Jahar's regular Twitter account—and you may remember the agent that testified and Ms. Conrad who cross-examined him about the tweets. And they're suggesting that all of these tweets had some ominous, evil context to them. The agent didn't bother to investigate rap songs, to investigate Nas' and Eminem and Lil Wayne and to investigate that the quotes from poems, from horoscopes, from Comedy Central, instead telling you that this is some evidence of a jihadi in the making. The entire tweet is in—it's Exhibit 3,000. It's a thick document. And it's in evidence, and you can look.

And the government really cherry-picked the tweets that they showed you and left out the ones where it was pretty much teenage, adolescent sort of tweeting about girls and missing class and not doing homework and sleeping.

If we look in the context of the allegation of self-radicalization, let's look at Jahar's Internet-browsing history. Remember Mark Spencer, the computer guy that came in and testified? And here's Jahar's browsing history. The leading candidate is—not candidate, the leading browsing search was Facebook. The next one was VK, which is the Russian Facebook. This is a kid doing kid things. This is an adolescent—this is a teenager doing teenage things.

The government suggested to you that a representative [43-113] sample of the documents on Jahar's computer were all jihadi, and they selected a few files from 500,000 items and thousands of files on a computer and brought them to you. We do not deny that he had these extremist materials on his computer. But let's be honest about how prominent they were in his life and when.



The library of extremist materials—you remember the hard drive found in Watertown—we called it the Laurel hard drive—and it was found inside a computer bag that had Tamerlan’s high school graduation certificate, a travel document that—for Tamerlan. It had Tamerlan’s computer in it. That computer bag had the hard drive in it.

And what we brought to you was very clear evidence through Mark Spencer that that hard drive was formatted by Tamerlan’s Samsung; that hard drive was loaded—all of those documents on that hard drive came from Tamerlan’s Samsung laptop.

There was a lot of discussion about complete *Inspire*. That’s the one that has “How to Build a Bomb in the Kitchen of Your Mom” in it. A lot of discussion about that. A lot of times you were shown that document.

But we tried to trace the history of it for you. We know that Tamerlan got his—activated Windows on his laptop. I hope you’re computer friendly, but after listening to how much you know about people from computers, I think we may want [43-114] to never use one again.

But complete *Inspire* was on—let me start this way: Tamerlan’s laptop opened Windows on December the 21st.

Have you got that, Bill?

MR. FICK: Hang on.

MS. CLARKE: Do you remember Mark Spencer showed you a PowerPoint-slide-looking thing that had Tamerlan’s laptop, the Sony and the HP? And it

showed when Windows was opened on all of those. Essentially what that means is that's when the computer—somebody got it and started it up and began to use it. And Tamerlan's laptop was—Windows was loaded—

Have you got it here?

Windows was loaded on Tamerlan's laptop on December 21st, 2011. The complete *Inspire* went onto Tamerlan's laptop on December 21st, 2011, almost immediately. And then we can show you the flow of this complete *Inspire* magazine because it goes from Tamerlan's laptop, which is the Samsung—there's an attachment of the Patriot—the now-missing Patriot thumb drive—to the laptop on January 21st. And remember, January 21st is the day that Tamerlan left for Russia.

The file was created—complete *Inspire* was created on that Patriot thumb drive from the Samsung, and then it attached—the Patriot attached then to the Sony, and the file was created on the Sony. So it came from Tamerlan's laptop to the Patriot thumb drive to Jahar's laptop. That is the course [42-115] of the complete *Inspire* magazine. It does not mean that Jahar did not have it, but we need to understand who was leading and who was following.

The government made a—well, we also have a chart of the other *Inspire* magazines, you know, because the one was how to build a bomb in the kitchen of your mom, and then there were these other *Inspire* magazines, and they follow essentially the same path. The Samsung attaches to the missing Patriot thumb drive on January the 21st, the complete *Inspire* is created, and the attachment also creates the remaining *Inspires*, and they go onto the Sony, and you can see the time, 6:22, 6:24, 6:24,

25, 25. They go from the Samsung to the Patriot to the Sony.

Now, the government made a big deal about the HP desktop at Norfolk and, in fact, today said that Jahar accessed jihadi materials over the Christmas break on that HP. I have no idea where that evidence comes from or where that suggestion comes from. We do know that at, like, two in the morning on January the 1st, Jahar accesses his email on that. He's clearly home for Christmas break. The testimony that we heard about that HP was that everybody in the household used it, that it was open, and that it was clear there were multiple users. And I don't know why we would suggest today that it was Jahar accessing those materials and not Tamerlan.

Two thumb drives were found, one in the dorm room and one in the Crapo landfill. Remember those? They both had [43-116] extremist materials on them. But what else did they also both have on them? Katherine Tsarnaev, Tamerlan's wife's paycheck stub and a rental application in her name. Those thumb drives, fairly clearly, came from Tamerlan.

Let's talk for just a minute about Jahar's actions after the bombing because the government makes a big deal about buying the milk and going to the gym. It is bizarre. It's about as bizarre as going back into the Mobil station to put the Doritos back down when Tamerlan comes and says, "Hurry up." It's about as disconnected as that.

I think what it really shows is that, overall, he bought into his brother's plan and his brother's actions and, as

the boat writing suggests, was convinced they were right.

We should talk about the writings in the boat. We should talk about these. You won't find them on the verdict form, but you will find them in the evidence. The prosecution sort of paints the picture of calm reflection inside the boat and that Jahar had time to think and plan out what he was doing.

Remember how he got there? He had gotten into the Mercedes, fled into a hail of gunfire, the windshield bullet-riddled. There's a series of these Mercedes pictures. But you can see the bullets right at the driver's—you can see a picture where the bullets lodged into the headrest. There wasn't time for calm reflection.

[43-117]

You've seen the boat. He's in the boat, and he's bleeding, and you've seen the pictures in the boat of the blood all over. And what does this 19-year-old do? He tries to tell why they did what they did. It wasn't like it was written out and ready to be distributed. It wasn't like it was a message to the world. It was this 19-year-old's attempt to write about why they did what they did.

And what does he say? "I'm jealous of my brother who has received the reward of paradise. He's gone." And he tries to explain why they did what they did. What he doesn't write in here is what you might think a violent jihadi might write: "Death to America." He doesn't write that. He doesn't write—he doesn't write, "Curse to America." He knew it all along that it was wrong to take innocent lives, and he says that. But he

expressed the very twisted belief, the very twisted belief, that his actions would make a difference.

The government tried to tie these writings to *Inspire* magazine and some of the other extremist materials. It's not on your verdict form to find, but if you look at those other materials, maybe some of the ideas expressed are in there, but the language is not. That's up to you to judge. And we don't know whether he got that, those ideas, from *Inspire* magazine or from his brother.

Finally, I'd like to talk with you for just a few minutes about the four minutes on Boylston. The government —  
[43-118]

Is that in your way?

THE COURT: It's blocking my view of the—some of the lawyers.

MS. CLARKE: How's that?

THE COURT: That's much better. Thank you.

MS. CLARKE: The government argued to you in opening statement, and again now, that there were four minutes, and Jahar could have changed his mind. They argued to you that Jahar went to that location to target children. They argued to you in opening that after reaching—after talking with his brother, he reached a safe distance and detonated the bomb. There were families there.

And who got killed and who got hurt and who escaped was inexplicable, and Jahar's actions inexcusable, but for what he saw when he arrived at that tree—and I'm going to play that video again for you to see if there was

any indication that he walked up to that spot and targeted children. I think you'll see on the clip on the video that Jahar walks up and the selection was made because it was a tree. So let's . . .

(Video recording played.)

MS. CLARKE: You see him walking up.

(Video recording played.)

MS. CLARKE: Okay. Thank you, Bill.

You can judge for yourselves, but the video appears that he walks up and he stops at the tree, not at the children. [43-119] The backpack was already down by the time of the 2:48 p.m. photo that the government has shown us several times. There was movement by people going and coming. It does not make it better, but let's not make his intent any worse than it was.

The government told you in opening statement that Jahar was—when he got a safe distance away, he detonated the bomb. We heard no evidence of how the second bomb was detonated and by whom. The evidence does not show that he was a safe distance away. You've watched it again a couple of times in the prosecution's argument. What the evidence does show is that he was dangerously close when the bomb exploded.

I'm going to stop in just a couple of minutes. And the prosecutor has an opportunity to get back up here and to hammer home their story again. We spent our time in this phase of the case trying to correct misimpressions and trying to complete the picture as best we could, given the issues that you have to decide in this phase.

You now have to answer a whole lot of questions. There are 30 complicated charges. The judge spent over an hour instructing you about them. The indictment is long. The instructions are long. The verdict form is 30 pages—31 pages long with a lot of questions for you to answer, for you to discuss, for you to hear from each other about, for you to express your opinions about. And we know that you will do that thoughtfully and truthfully because it's your job and it's your [43-120] responsibility to do it.

You've heard just a very little bit about who Jahar was before April the 15th, 2013. You've heard a very little bit of evidence in this phase of the case about that. He was 19. You've seen that while he bought into the plan and bought into the beliefs and passion that drove the plan and has now changed many, many lives forever, including his own, he was an adolescent and also doing adolescent things. He was searching Facebook. He was tweeting his friends. He was texting his friends. The prosecution says this was a double life. He was an adolescent drawn into a passion and belief of his older brother and still living a teenage life. He was flunking out of school, and he was making up lame excuses about why he was failing.

You also know from the one person who testified in this phase, Stephen Silva, the one person who knew Jahar before April 15, 2013, testified and told you that he never met Tamerlan, but he was controlling and strict, and Jahar never would introduce him to Tamerlan.

In the next phase of this case, you'll learn a lot more. We ask you to hold your minds open. We asked you that in the beginning of this case, to hold your minds

open to what more there is to hear, to what more there is to learn, and to what more there is to understand.

We know that in the face of the heartbreak you've [43-121] watched and listened to and felt, and the horrific crimes that you've been exposed to over the last month, that that is not an easy task, but we ask you to do it.

And now when you go back to the jury room, we are not asking you to go easy on Jahar. We are not asking you to not hold him accountable and responsible for what he did. The horrific acts that we've heard about, the death, destruction and devastation that we've heard about deserve to be condemned, and the time is now. I know, and we know, that by your verdict, you will do what is right and what is just, and your verdict will speak the truth.

Thank you very much.

THE COURT: The government has the opportunity for a brief rebuttal.

MR. WEINREB: So now you've heard the defense all spelled out for you. The defendant may be guilty, but his brother is even more guilty. The thing is, that's not a defense. That's just the defendant's effort to dodge full responsibility for what he did.

Ms. Clarke told you in her opening statement that the defendant wasn't going to try to sidestep responsibility for what he did in this case, but that is exactly what he is trying to do. His defense is that his brother was the real criminal and he was just going along to get along; that his brother did mostly everything, he was just present.



[43-122]

Now, there's nothing wrong with him making that argument. He's entitled to try to pin the blame on somebody else if that's what he wants to do. But you should see that for what it is. It's an attempt to sidestep responsibility; not to take responsibility.

It's up to you to hold the defendant fully responsible. You should find him guilty because he is guilty. His own actions make him guilty. And the things that his brother did on his behalf also make him guilty. Don't be distracted by arguments about what the defendant did versus what his brother did. It makes no difference. They were partners in crime. These crimes were a two-man job. Each one of them had a role to play, and each one of them played a critical role in each of the crimes. They were co-conspirators. They were partners. And that makes them equally guilty of what they did.

Let's take the death of Officer Collier. Ms. Clarke said that Tamerlan Tsarnaev is the one who shot him. But there's no evidence of that in this case. That is a perfect example of an effort to sidestep responsibility; not to take responsibility.

The video doesn't show who fired the fatal shots, but it does show that the defendant and his brother walked right up to that car. They approached it from behind, they walked right up to the door, and they yanked it open. They knew exactly [43-123] what they were going to do. They must have planned it ahead of time. It was a cold-blooded execution. And they couldn't have done it without the defendant's Ruger.

The defendant leaned his whole body into the car, and that's what Nate Harman saw less than ten seconds later when he rode by on his bicycle. He said he saw the defendant leaning all the way inside, as if he were trying to get something. The defendant had either shot Officer Collier or was trying to get his gun or both.

Officer Collier's blood was on the defendant's key-chain, the one he was using to drive the car that night, and the gloves with Officer Collier's blood on them were at his feet, the feet of the driver's side where he had been driving the car.

There should be no doubt in your mind that the defendant and his brother are equally guilty of shooting Officer Collier, no matter who pulled the trigger.

Ms. Clarke says that Tamerlan Tsarnaev confessed to the killing when he said to Dun Meng, "You heard about the—you know about the murder at MIT? I did that." Well, what else was he going to say? He was the only one talking to Dun Meng. Dun Meng didn't even know there was another person in the picture.

She points out that Tamerlan Tsarnaev's prints were on the cartridge in the gun, as if that proved that he's the one [43-124] who shot Officer Collier. But Dun Meng told you that when Tamerlan pointed the gun at him, he pulled the cartridge out of the gun to show it to him, to show him that the gun was loaded, and that happened after the murder of Officer Collier, that's when his fingers were on that cartridge, that you know about.

She also pointed out that he searched the word "Ruger" on the Internet, but he didn't search that until March of 2013, and the defendant had already gotten the gun in January or February.

My point here isn't to try to prove to you that Jahar Tsarnaev pulled the trigger, because as we told you candidly from the beginning, we don't know who pulled the trigger. My point is simply to point out that this is all an effort to dodge responsibility; not to take responsibility. It's an effort to keep trying to point the finger at somebody else, even if there's no evidence of it, because the truth is the defendant isn't here—isn't trying to accept responsibility for what he did; he's trying to avoid full responsibility for what he did.

Let's take Watertown as an example. According to Ms. Clarke, the evidence shows that Tamerlan Tsarnaev fired every bullet out of that Ruger at the police in Watertown. But is that really what the evidence shows? It seems unlikely. After all, the Ruger belonged to the defendant. He, just a month or two earlier, had paid \$150 up at the Manchester firing [43-125] range with his brother to practice firing a 9-millimeter pistol. And when he did that, he listed himself as an intermediate-level shooter. He helped kill Officer Collier in order to get a second weapon. It's obvious that both of them intended to be firing guns that night. That was the whole point of killing Officer Collier. That's the whole point of training to use the Ruger.

Sergeant MacLellan, and James Floyd, the civilian you heard from, both testified they were 100 percent sure that both the defendant and his brother were throwing bombs, and it makes sense that when one of them was throwing bombs, the other one was providing cover with the Ruger.

But does it really matter? Does it really matter whether both of them were shooting the gun? Even if Tamerlan Tsarnaev was holding the Ruger the entire

time, the defendant was clearly doing his part. He was lighting bombs and throwing them in an effort to kill the police officers, or at least to keep them at bay. He threw the pressure cooker bomb. Have no doubt about that. He was getting ammunition out of the bag to reload the Ruger, and you know that because his fingerprints were found on the ammunition box. In Watertown, just like at the marathon, just like during the kidnapping of Dun Meng, the defendant and his brother were full partners. They are equally guilty.

And think about—more about Watertown, something [43-126] that Ms. Clarke didn't even mention to you. The three-point turn the defendant made after his brother had already been tackled and was on the ground. He tried to kill three police officers by running over them. The Mercedes was pointed in the other direction, away from the officers. He could have just driven that way and escaped. But instead, he made a U-turn, and he floored it, driving directly at those officers.

And why did he do it? He did it in the hopes of killing three more police officers and almost doubling their body count. Once again, the defense doesn't want you to believe that. They don't want you to focus on that because it doesn't fit in with their portrait of the defendant as just a passive follower. But when the defendant attempted those murders, Tamerlan was out of the picture. The defendant was acting entirely on his own. It shows you how independent he was. It shows you how personally committed he was, so committed that he was willing to run over his own brother in order to kill a few more police officers before it was all over.

Let's talk about the carjacking and the robbery. It's true, according to Dun Meng, Tamerlan Tsarnaev

did most of the talking in the car, but the defendant, as always, played a crucial role. When the time came, he's the one who demanded Dun Meng's ATM card and robbed him of \$800. That money was still in his wallet the next day. And it wasn't until the [43-127] defendant left the car that Dun Meng was able to escape. Like all the other things the brothers did that night, this was a two-man job. They needed both of them to pull it off, and the moment the defendant was out of the picture, the plot fell apart. Tamerlan wasn't able to do it on his own. He needed his brother's help. And the defendant, he needed Tamerlan's help. That's what it means to be partners.

Who built the pressure cooker bombs and the pipe bombs? The defense says it was entirely Tamerlan, but the evidence suggests otherwise. Both brothers had the instructions for building the bombs on their computers. You heard that a lot of explosive powder was needed to build those bombs, and you know that a bunch of emptied-out fireworks were found in the defendant's backpack that his friends removed from his dorm room and threw out that night.

There certainly is evidence that the bombs may have been built, at least in part, at 410 Norfolk Street, and it's true that Tamerlan lived there full-time in 2013, but the defendant stayed there on holidays and during the summer. He didn't have to spend a lot of time there to help build those bombs.

It's also true that Tamerlan's fingerprints were found on things all over his own apartment, but that's what you would expect from somebody who lived in an apartment full-time. And you wouldn't expect to see

the same thing from somebody who was [43-128] just there on holidays and on weekends.

Also, as you heard from the fingerprint expert, the presence of somebody's fingerprint on something means that they touched it, but the absence of somebody's fingerprint on something doesn't mean that they didn't touch it. It may just mean that they didn't have sweaty fingers when they touched it.

Or, more likely in this case, it could simply mean that the defendant was wearing gloves when he touched these things. *Inspire* magazine specifically advises that you wear gloves when you are building bombs. And you wear gloves for a couple of reasons. One is not to leave fingerprints. One is because of all the messy powder that comes out of the fireworks before you put them in the bomb.

And you heard that surgical gloves with powder on them were found on the passenger side of Tamerlan Tsarnaev's CR-V, his car, the place where the defendant would have sat if they were using that car to help build the bombs.

But more important, really, is how they used the bombs. They decided to explode the bombs on Boylston Street. The defendant had been there the year before. He knew how crowded it would be. He decided where to plant his own bomb. He chose the place where it would do the most damage. Ms. Clarke has suggested to you that when he walked up there, he planted it there because there was a tree. But as you could see from the video, he passed numerous trees on his way to that [43-129] spot. It wasn't just that there

was a tree. He was looking for the most crowded spot he could find, one where he would do the most damage.

And even if he didn't plant it there because there was a line of kids along the railing, you know for an absolute certainty that he was well aware that those children were there. He's staring straight at them in the picture you saw, and he looks at them many, many times in the video you saw. He could, at any time, have picked up that knapsack and moved it somewhere else, but he didn't, because that wouldn't have fit in with the plan. The plan was to make this bombing as memorable as it could possibly be, and he succeeded.

He's the one who called Tamerlan Tsarnaev to give him the go-ahead. The defense struggled mightily in cross-examination of the witnesses to try to suggest to you that the 19-second phone call that's from the defendant to Tamerlan Tsarnaev isn't the call that took place right before the bombings, but you didn't hear Ms. Clarke talk about it in her closing argument because it's obvious that that's the call that took place right before the bombings.

You didn't hear about it because, again, it doesn't fit in with the narrative of the defendant just being the passive, go-along-to-get-along guy.

What you heard during the trial was a perfect example of trying to sidestep full responsibility for what the [43-130] defendant did, but this one failed so clearly that it wasn't worth mentioning in closing argument, from their point of view. It's an inconvenient fact for them. It's something they don't want you to believe. And you should view all their other claims about the defendant's

lack of involvement with the bombs with the same skepticism that you bring to that claim and some of these other claims.

The defense argues that Tamerlan is the one who chose the marathon as the site for the bombing. Where is the evidence of that? There's no evidence of that. The fact that he searched for it a few days ahead of time on the Internet doesn't tell you anything. He may have typed in the search on his computer, but you have no idea whose idea it was in the first place. There's no need to research the marathon if you've been there before, and Stephen Silva testified that his own twin brother and the defendant were at the marathon the year before. And you have no reason to doubt that he's telling you the truth. And he told you part of the reason he knew that was that the defendant told him he had been at the marathon.

Now, the defense has tried, again mightily, to convince you that he couldn't have been there because he tweeted several times during that day, and he didn't tweet that he was going to the marathon. If you were going down to the Boston Marathon to case it out for a possible bombing, would you tweet that? Of course not.

[43-131]

Once again, there's no evidence that Tamerlan Tsarnaev picked the marathon as the site of the bombing. But it's important for them that you think that because they don't want you to hold the defendant accountable for everything that he actually did in this case.

Ms. Clark argued that the defendant wasn't actually radicalized. So how deep did his jihadi beliefs go?



What's the actual evidence in the case about that? Well, he had terrorist writings and songs and lectures not just on his computer but on every electronic device he owned: his iPods, his thumb drives, the CD that he drove all the way back to Watertown to get before their trip to New York. He had been reading and listening to them for well over a year.

And you know that he had absorbed their teachings. He had absorbed them well enough to tweet them to others. He had absorbed them well enough to summarize them on the inside wall of that boat. When he wrote that message in the boat, he didn't have any books to crib from. He didn't have anyone whispering in his ear what to say. He wrote about them like somebody who had read and listened to and studied the material over and over and over again until he really had fully absorbed its lessons and was convinced of it. And you know that he had absorbed his lessons and was convinced of it because he believed in it enough to murder people. He believed in it enough to execute a police officer in cold blood. His actions [43-132] speak louder than words.

Same thing about the defendant's tweets and his searches. What do they show you? They show you the defendant had two sides. Yes, he was a young man with a young man's interests and beliefs and habits. That's the side that he revealed to his friends. But he was also a true believer in violent extremism. That's the side that he kept mostly hidden. The fact that he borrows quotes from songs that he's heard to express his beliefs doesn't mean he doesn't have those beliefs; just the opposite. He's just finding a creative way to express them.

And of course we didn't show you every single file on his computer. We didn't show you the thousands and thousands of files that—operating system files or some random thing he might have downloaded from the Internet. We showed you the ones that are relevant to the charges in this case. The jihadi materials on his computer weren't any less convincing to him because they were outnumbered by other files on his computer, and you know that because he actually carried out the bombings that are recommended in those writings.

Ms. Clarke suggested to you that you shouldn't pay much attention to what the defendant wrote in the boat because of his state of mind. So what do you think was his state of mind when he wrote that message to the world? Well, think about it. Two days earlier, three days earlier, he had pulled [43-133] off an extremely successful terrorist attack, an attack that received worldwide attention. After the attack, he had escaped. He had then been able to hide in plain sight until the time was right to attack again.

But by the time he snuck into that boat, things were different. He had been shot, and he was bleeding. He knew the police were looking for him. He knew it was just a matter of time before they caught him, if he didn't die first. So he knew this could be his last chance to voice his true beliefs. He revealed his true self when there was no longer any reason to keep it a secret.

The whole point of committing a terrorist attack is to send a message, and the defendant wanted to send a message to America that Americans are destined to lose the fight against violent extremism. And he wanted to send a message to his fellow jihadis. He wanted to inspire them with his words and with his actions. You

know that these words, the ones he wrote that night as he lay there in that boat, are his deepest and truest beliefs. He thought they were his final words. They are how he wanted to be remembered. They are the words that he thought would give meaning both to his life and to his death.

You know he was clear-headed and strong when he got into that boat. He was clear-headed enough to smash his cell phones first and to hide them. He was clear-headed enough to pick the boat as a hideout. He was strong enough to climb into [43-134] it without a ladder, despite how high it was off the ground. He was strong enough to carve words into the planks of the boat that you saw.

The message he wrote on the wall of that boat is perfectly clear. It's grammatical. It doesn't wander. It makes sense. He probably wrote it as soon as he got in there. You can be confident that those words are his truest beliefs because when he wrote them, he had no reason to tell anything other than the truth. But now that he's survived and he's on trial for his life, he has every reason to back away from the truth.

And you'll note in that message, he didn't write "we." He didn't say, "This is why we did this," or "This is why we did that." He said "I." It was a note about him, about who he was and what he had intended to accomplish and the message he wanted to send to the world and to be remembered by.

Ms. Clarke said that all the jihadi materials on the defendant's computer came from Tamerlan in January 2012 right before Tamerlan then left to take a six-month trip to Russia. Even if that's true, which I'll get back

to, what does it show? It shows that the conspiracy dates back all the way to January 2012. It shows that when Tamerlan decided to go to Russia for six months, the plot didn't go with him. It stayed home with the defendant.

As Dr. Levitt told you, many, many, many people read [43-135] jihadi materials. They are easy to find. They're all over the Internet. Many are probably exposed to them by family members, by brothers, by sisters, by friends. Most people read the materials and reject them. Only a tiny, tiny number read them and become true believers, and only a tiny fraction of those true believers actually decide to kill people.

Tamerlan Tsarnaev didn't turn the defendant into a murderer by giving him a bunch of magazines and then disappearing for six months. To shred the bodies of young women and children with a homemade bomb, you've got to be different from other people. And if you are the type of person who can adopt a philosophy of hate and commit multiple murders based on reading magazines and listening to lectures, does it really matter if you got them from your brother or from some other terrorist or from the Internet?

If you are capable of such hate, such callousness that you could murder and maim nearly 20 people and then drive to Whole Foods and buy milk, can you really blame it on your brother for giving you some propaganda to believe?

In any event, there's no actual evidence of where those materials came from originally. The defense's computer expert acknowledged that. All you know is that some of them were on many devices, including all of

the defendant's electronic devices. Their origin remains obscure, but he read them and he believed them and he was one of those tiny few who [43-136] decided to act on them.

When two people commit a crime together, it's always possible for one to point the finger at the other. Don't get distracted by that. The defendant and his brother were partners. Each acted on his own behalf and on the other's behalf. They are equally guilty, and that's why we ask you to return the only fair and just verdict in this case, which is a guilty verdict on all 30 counts in the indictment.

Thank you.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Jury Assembly Room  
One Courthouse Way  
Boston, Massachusetts 02210  
Mon., Jan. 5, 2015  
9:15 a.m.

---

**JURY TRIAL—DAY ONE—A.M. SESSION**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, WILLIAM W. FICK and TIMOTHY  
G. WATKINS, Federal Public Defenders  
51 Sleeper Street

Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

[1A-3]

\* \* \* \* \*

THE COURT: My name is Judge O'Toole. I'm going to be presiding over this matter. I want to welcome you to this proceeding of the United States District Court for the District of Massachusetts, and especially to thank you for coming here today. You are here because you have been summoned to be available for service as trial jurors in this court.

The resolution of legal controversies, both civil and criminal, by trial of the matter before a jury of citizens drawn from the community is one of the most fundamental principles of our entire system of justice. You may recall from your study of American history that among the grievances against King George set forth in the Declaration of Independence were that he had "obstructed

the administration of justice” and “has made judges dependent on his will alone.”

Because of their experience in this respect, the founders were determined that the Constitution of the new nation would guarantee the right to trial by jury, and they wrote that guarantee into the Sixth and Seventh amendments of the Constitution, part of the Bill of Rights. In doing so, [1A-4] they assured that the outcome of legal cases would ultimately be entrusted not to officers of the government alone, but rather, to the public: ordinary citizens convened and acting as trial jurors.

We are about to begin the process of selecting a jury for a trial in a criminal case. The name of the case is *United States v. Dzhokhar Tsarnaev*. Mr. Tsarnaev is charged in connection with events that occurred near the finish line of the Boston Marathon on April 15, 2013, and that resulted in the deaths of three people. Mr. Tsarnaev is also charged with the death of an MIT police officer and other crimes that occurred on April 18 and 19, 2013.

In a criminal prosecution, the burden is always on the government to prove by factual evidence that the defendant is guilty of any crime he is accused of. And accordingly, every defendant is presumed to be not guilty until the government has proved otherwise at trial. The government bears the burden of proving a defendant’s guilt beyond a reasonable doubt.

The jury that we are about to start selecting today and in the next several days will have the task of considering the evidence produced during the trial, and decid-



ing on the basis of that evidence whether the government has proven the defendant's guilt of the charges against him beyond a reasonable doubt or not.

This case differs from many other criminal cases, [1A-5] however, in a significant way. Usually after a jury has convicted a defendant of a crime, the presiding judge decides what the punishment should be. In this case, however, Mr. Tsarnaev is accused of crimes that are potentially punishable by a sentence of death. If, after trial, he is convicted of any of these crimes, under the law it is the responsibility of the jury rather than the judge to decide whether Mr. Tsarnaev should be sentenced to death, or instead, to life imprisonment without possibility of release, the only other possible sentence for such a crime.

In essence, in our democracy we have committed these solemn and important decisions not to judges answerable to the sovereign alone, not to the press, not to the public opinion, and certainly not to the mob. We have committed this important duty to ourselves collectively as the people, the people who establish the constitutional order in the first place. And we the people, therefore, ask some of our fellow citizens to assume the high duty of convening as a trial jury and to resolve the issues presented with a firm disposition and commitment to do justice fairly and impartially.

Accordingly, it is the civic responsibility of every citizen to appear and serve as a juror when called unless seriously unable to do so. Such service is both an obligation of citizenship and an opportunity to perform a vital public and civic function. Juries are composed of citizens from all walks [1A-6] of life, each of whom brings his or her own personal perspective and life experience

to the task. You do not need to have any special education or experience to be a juror; what you do need is a commitment to justice.

Acknowledging the importance of jury service is not to ignore the obvious point, that your appearance here is, at the very least, inconvenient. We ask jurors to set aside their usual routines for a time to perform an important and necessary public service. Certainly serving on a jury, if you are chosen to serve, will require you to make some adjustments in your daily lives. You should not, however, think of your jury service, if you're chosen to sit on this jury, as an annoying burden.

Jurors regularly report to my colleagues and to me that they have found their service to be one of the most interesting and memorable experiences of their lives. After most trials, I meet briefly with jurors to thank them for their service. Uniformly, in the course of those discussions, jurors tell me that their experience was worthwhile, interesting and fundamentally important to them.

Jurors who seem to me to be nervous and unsure at the beginning of the case after a verdict have a calm and solemn sense of a duty responsibly performed. If you are chosen to serve in this case, I fully expect you will find the experience to do the same.

[1A-7]

Let me explain how we will proceed with the selection process. When I finish these preliminary remarks, a questionnaire will be distributed to you. You'll fill out the questionnaire before leaving today. As you fill it out, please do not discuss the questions or your answers with anyone else in the room, including the court staff

who have been instructed not to help you with your questionnaires. The information on the questionnaire must come from you and you alone.

Also, please understand there are no right or wrong answers to the questions on the form. All we ask is that you answer each question truthfully and completely to the best of your ability. The questionnaires are not intended to pry into personal matters unnecessarily, but there are some personal things we must know in order to assure to both sides in this case that the trial will be considered before a jury that is, in truth, fair and impartial. In addition, as a practical matter, using the questionnaire process makes the process less time-consuming and inconvenient for all, including you.

When you have filled out your questionnaire, you will give it to a member of the court staff, and you will then be free to leave. During the coming week, the questionnaires will be copied and then reviewed by the attorneys working on the case and by me.

The completed questionnaire will initially be reviewed only by the participants in this case and the Court. The [1A-8] filled out questionnaires will not become part of the public record unless and until I determine whether they include any sensitive information that should be kept confidential permanently. And if they do, I intend to keep that information and any possible further questioning about it from being available to the public.

When you leave, the court staff will give you a telephone number to call next week so that you may listen to a prerecorded message that will tell you about your possible future service in this case. Some jurors will be

told that they have been excused permanently, some jurors will be told to come to court again on a particular day to participate further in the jury selection process, and some jurors will be told to call in again at a later date for further information.

If you are selected to serve, the trial proper is expected to start on or about January 26th, and it is expected to last about three to four months. The trial will generally be conducted Monday through Thursday each week from about 9 a.m. to about 4 p.m., with time for breaks and lunch. The jury will not ordinarily sit on Fridays except in a week where there is a legal holiday that falls on Monday. The trial will continue through any school vacation week.

If you are concerned that service as a juror in this case would be an unusually difficult hardship for you, you will have a chance to describe that hardship in the questionnaire. [1A-9] If you're not excused based on what you have written, which may happen, I will discuss the hardship request in person with you when you come back to court. Any request to be excused will be seriously considered; however, I cannot guarantee that you will necessarily be excused if you think jury service in this case would be a hardship for you because finding a jury that represents a fair cross-section of the community will always pose some degree of hardship for those citizens who are chosen to serve.

It is important that the men and women who are selected as jurors in this case be able to listen to the evidence presented in court and to decide the issues in the case fairly and impartially. I'll be using the terms "fairly" and "impartially" again at times during the selection process. Let me explain briefly to you what I

mean. To serve fairly and impartially means to base a decision on the evidence presented in court during the trial, applying the law as I will describe it to you, and not based on any possible bias or prejudice or anything that you have seen, heard, read or experienced outside the courtroom including anything you may think you have previously learned from, say, reports in the media.

There has been a great deal of publicity about this case and there will continue to be. The mere fact that prior to this you may have read or heard something about the case does not automatically mean that you cannot be a juror, but you [1A-10] must be able to decide the issues in the case based on the information or evidence that is presented in the course of the trial, and not on information from any other sources.

The purpose of the jury selection process is to try to ensure that each person selected is an appropriate juror for this case, that the jury as a whole will fairly represent the community, and that the jury will assure that the parties get what they are entitled to: trial before a fair and impartial jury.

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Fri., Jan. 16, 2015  
9:24 a.m.

---

**JURY TRIAL—DAY FIVE**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD and WILLIAM W. FICK, Federal  
Public Defenders  
51 Sleeper Street

Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[5-38]

\* \* \* \* \*

MR. McALEAR: Juror 35.

THE CLERK: Juror No. 35, sit here, please.

THE COURT: Good morning.

THE JUROR: Good morning.

THE COURT: I reminded everybody again today, but the last time when you filled out the questionnaire, I asked people to avoid discussion of the case or to avoid as well as you could any exposure to media stories and things like that. Have you been able to abide by that?

THE JUROR: Yes, I have.

THE COURT: You did fill out the questionnaire before. It's in front of you if you have need to refer to it, and I'm going to be asking you some questions about particular answers on the questionnaire.

THE JUROR: Okay.

THE COURT: Could you tell us a little bit about the nature of your work employment?

[5-39]

THE JUROR: Sure. I work for the Massachusetts Department of Energy Resources. In that regard, my role is looking at wholesale and retail electricity prices, wholesale markets, wholesale operations, factors that may impact gas and electricity prices, power plant operations, and the reliability of electric grid.

THE COURT: How long have you been in the field?

THE JUROR: Since 1987.

THE COURT: Okay. In the questionnaire, we asked a number of questions that could be generally characterized as international affairs, attitudes towards Islam or Muslims, attitudes toward the War on Terror and so on and so forth. Since the filling out of the questionnaire, there have been some incidents in Europe involving terrorist activity. Would any of those—have you paid attention to any of those?

THE JUROR: Just on, you know, high level, what was reported, high level.

THE COURT: You mean, by high level, you mean at sort of a general level?

THE JUROR: Yeah, just there was a situation in Paris.



THE COURT: Have you read a lot about it, a little about it?

THE JUROR: No, I haven't read any.

THE COURT: My question was going to be: Does it change any answers you gave in the questionnaire about those [5-40] matters, or does it bring up any other concern you would have that could be pertinent to this case?

THE JUROR: No. As you instructed us, to look at all the evidence that's presented in front of you, so that's what my task would be in this regard.

THE COURT: You did say in the questionnaire that you thought that the—this was Question 62, if you wanted to look at it. It's on Page 17. —that you thought the war—we asked whether you believe the War on Terror was overblown or exaggerated, and you said yes. Could you amplify on that?

THE JUROR: Sure. My thought process in answering that question was in regard to the media coverage of all the events globally and domestically.

THE COURT: What specifically were you thinking about that?

THE JUROR: Just the situation over in—where you hear about, you know, our—in Afghanistan and Iraq and all over the world, those particular areas that they're covering throughout the world, the media, so—

THE COURT: I've forgotten the word you used exactly. You think the media coverage has been overdone or something like that?

THE JUROR: Yes.

THE COURT: In what sense? Too much coverage or—

THE JUROR: Yeah. It's continuous coverage, if you [5-41] flick a channel on at some time, that it's there. So—

THE COURT: I guess, when you say "too much," it's kind of a value judgment. You think it's more coverage than the events call for? Is that a proper interpretation of what you're saying?

THE JUROR: I guess the duration of the—the duration of the coverage.

THE COURT: In proportion to the importance of it or—I'm trying to get what you think is overdone.

THE JUROR: Here's a story, cover it, and then there seems to be, in my opinion, a lot of—they get into so much.

We talked to this person, talked to that expert or this expert.

Just really dive in deep, deep, deep.

THE COURT: Are you thinking—sounds like you may be thinking of TV shows. Is that—are you talking about news reports or things like where there's panel discussions?

THE JUROR: Yeah.

THE COURT: I don't know if you watch, on Sunday, Meet the Press and things like that.

THE JUROR: No.

THE COURT: Are those the kinds of things you're talking about?

THE JUROR: I don't watch Meet the Press. Just in some—they have this panel, this expert, this expert on federal government, former CIA, whatever.

[5-42]

THE COURT: Just to come back to the general question about the war on terror being overblown, your thoughts about that are concerning media coverage of it rather than the activity of the government? Or do you think the government's actions, so-called war on terror, are exaggerated or overblown?

THE JUROR: I can only go by what's presented in the media. So if the media is covering that, that's what I would be watching. So I don't know what is the criteria, that I'm just watching TV, the media coverage, so—

THE COURT: Do you have any strong feelings, one way or the other, about how the government is handling those matters?

THE JUROR: I have a feeling that the government needs to obviously protect the citizenship of the United States and its citizens.

THE COURT: Okay. Well, okay.

In Question 74, we asked you how you felt when you received your summons for this case. You said you would be honored to be eligible to serve. Is this a case that, because of its subject matter particularly, intrigues you or—

THE JUROR: No.

THE COURT: Would that be an answer you would give for any case?

THE JUROR: It would be for any case.

THE COURT: If you'd look at Page 20, Question 77, we [5-43] asked some questions about whether you had any opinion based on what you'd read about this case, whether you had formed any opinions from any source, including the media. I just want to go back to Question 73 for a minute, the previous page. You noted that you had read a lot or watched TV a lot about the case.

THE JUROR: Yes.

THE COURT: So, now, going back to 77, we asked, Do you have an opinion about whether the defendant is guilty or not guilty, whether he should get the death penalty or not and so and on forth. You said "unsure" for each of those. Can you amplify on that?

THE JUROR: I was really taking—my interpretation was taking your words and saying, Should I be drawing a conclusion without all the evidence presented? That's what my thought process was to answer to that question. I don't know if I took it out of context or not.

THE COURT: No. I think you may have been right. I guess what you're saying is you were preparing your mind for the condition it should be in if you were a juror in the case?

THE JUROR: Right. That's—

THE COURT: You understand that a defendant has the benefit of a presumption of innocence and the government has to overcome that by proof, and you would be able to follow those principles—

[5-44]

THE JUROR: Right.

THE COURT: —if you were a juror in the case?

THE JUROR: Correct, yeah. That's the way I was reading it.

THE COURT: Okay. We're going to get to the questions of potential penalty in a minute. But you noted on Question 82, on 21, that you had attended a OneFund event.

THE JUROR: Yeah.

THE COURT: What was the event? What was your participation in it and so on?

THE JUROR: It was just—it was a fund-raiser held at the state room in Boston. I don't know the exact date.

THE COURT: Was it soon after the events or a couple months later or when was it?

THE JUROR: Yeah. I think it was—I don't know the exact date. It could have been maybe three to six months perhaps afterwards. I don't know the exact date.

THE COURT: How did you come to go to that, do you remember?

THE JUROR: It was just through Boston.com or something came up. Somebody mentioned it or some—so I thought it would be a worth wild—

THE COURT: This was an event that the interested public could attend?

THE JUROR: Yeah, yeah, absolutely.

[5-45]

THE COURT: You saw that and you—

THE JUROR: Yup.

THE COURT: Did it include a contribution?

THE JUROR: Yes, yes, it did.

THE COURT: A donation?

THE JUROR: Yes, yup.

THE COURT: Do you remember how much you donated?

THE JUROR: I think it was 75 or 50, 50 or 75, somewhere around there.

THE COURT: Have you had—since that event, had you had—participated in any other fund-raising or expressions of support—

THE JUROR: No.

THE COURT: —or sympathy or anything like that?

THE JUROR: No. I only—I have contributed to a specific fund called the Rett—International Rett Syndrome Fund, which my daughter has Rett Syndrome.

THE COURT: Completely unrelated?

THE JUROR: Yeah, no.

THE COURT: Now, we also asked a number of questions about your views about the possibility of a sentence of death versus the possibility of a sentence of life imprisonment. So we start at Page 23, Paragraph 88—Question 88. We ask, if you had any general views, what are you they, and you said no. Can you—

[5-46]

THE JUROR: Well, again, I was—when you said to take—literally, I took your words to say don't make any decisions until all the evidence is presented, so that's—my thought process was going through that.

THE COURT: So that's about this case.

THE JUROR: Right.

THE COURT: Apart from this case, do you have any general views about the death penalty, its appropriateness or not?

THE JUROR: Well, I would say that if it's considered cruel or unusual punishment, but I don't know what the criteria—I don't know enough about what the criteria is that—I don't know if that answers your question.

THE COURT: Okay. Do you mean that in some cases you think that might be true, or do you think that—

THE JUROR: I guess—

THE COURT: —it will always be true? I'm not sure I'm following.

THE JUROR: I don't know what is considered, like, cruel and unusual punishment. I'd have to learn more about what is the criteria for that.

THE COURT: Are you using that phrase in a way that you think you understand it as a legal proposition as opposed to a factual proposition? In other words, do you think, in fact, the death penalty is cruel or, in fact, it is unusual [5-47] kind of thing, or you know that phrase because it's in the Eighth Amendment and you think you

want to understand the legal concept? I guess I'm trying to understand whether you're talking about it as a legal concept or as a human understanding of events.

THE JUROR: Yes, yes, human.

THE COURT: Okay.

The next couple of questions, we tried to gauge what you thought about the death penalty on 89. Go back to the previous page.

THE JUROR: Yup.

THE COURT: We asked you to circle on a scale of 1 to 10, 1 being strongly opposed, 10 being strongly in favor. You selected No. 5, which kind of puts you right in the middle. Then in the next question we tried to scale it again in a different way, this time by words rather than numbers. You said, "I am not for or against the death penalty. I could vote to impose it or I could vote for a sentence of life imprisonment, whichever I thought was called for by the facts and the law in the case." Do those answers fairly represent your views about the death penalty?

THE JUROR: Yes.

THE COURT: And in this case, would you be open to the possibility of, on the one hand, the death penalty if you thought the facts called for it and, on the other hand, open to [5-48] life imprisonment—

THE JUROR: Yes.

THE COURT: —if you thought the facts called for that?

THE JUROR: Yes.



THE COURT: So you're not committed—I'm hearing you—you're not committed either way until you've heard all the evidence?

THE JUROR: Yes, correct.

THE COURT: In Question 95, we asked if you could conscientiously vote for the death penalty if you thought that was the right punishment, and you said you weren't sure. The next question, you said that, if you thought life imprisonment was the right one, could you conscientiously vote for that, you said yes. There's a slight difference between "I'm not sure" and "yes." Could you tell us why you answered those questions the way you did?

THE JUROR: Again, I was taking what you had instructed us, to look at all the evidence, so how could I make any decision on that particular sentence area until I knew more about what is the criteria for that?

THE COURT: Do you intend by that answer to indicate in any way that you would not be prepared to vote for the penalty of death in any circumstance? Or do you intend to convey that you will consider the circumstances before making [5-49] up your mind about that?

THE JUROR: I have committed myself to make a decision based on what you had said was all the evidence in the case. So I—

THE COURT: And just to be sure, if that evidence persuaded you that a sentence of death was an appropriate punishment, would you be able to vote for that?

THE JUROR: Yes.

THE COURT: And the same is true for life imprisonment without release?

THE JUROR: Yes.

THE COURT: Any brief follow-up?

MR. BRUCK: Could we confer just a moment?

(Discussion held off the record.)

MR. BRUCK: No, sir.

\* \* \* \* \*

[5-79]

\* \* \* \* \*

THE CLERK: Juror No. 41.

MR. McALEAR: Juror 41.

THE COURT: Good afternoon.

THE JUROR: Good afternoon.

THE COURT: We have put the questionnaire you filled out previously in front of you, and we may be referring to it from time to time.

When you were here to fill out the questionnaire, I instructed jurors to avoid talking about the case in substance with anybody or—and tried to avoid any media or other information, sources about the case. Have you been able to do that?

THE JUROR: Yes.

THE COURT: Let me start with you telling us a little bit about your employment. What do you do, and how long have you done it?

THE JUROR: I work for EMC Corporation. I'm a senior executive assistant.

THE COURT: That's—what is that? Assistant to a [5-80] senior executive or a senior assistant?

THE JUROR: No. That's my title. Senior executive assistant.

THE COURT: I'm just getting to the "senior" applies to you and not to somebody else.

THE JUROR: Well, they're both seniors, too. I support a senior vice president and a chief risk officer. She's one and the same. And I also support a senior vice president. He's chief officer of public affairs and government policies.

THE COURT: Okay. And you've done that for a while?

THE JUROR: I've been there since 2005.

THE COURT: You tell us in the form that you have a couple of friends who are—one is in, I guess, the correctional—a correction officer of some kind, and the other is a sheriff. Can you tell us a little bit about those people?

THE JUROR: I have one girlfriend who did work for the corrections department for many years, and she has recently just gone to work for the Worcester sheriff's office. And then my husband—

THE COURT: What does she do?

THE JUROR: She's in HR. She does something with human resources.

THE COURT: Okay. All right.

[5-81]

THE JUROR: My husband and I, who is also her husband, are friends with him, and he works for the Norfolk prison. And he's not really a correction officer. I think he is. I don't know. But he mainly drives the inmates, like, to their doctors' appointments or the hospital or stuff like that. That's what he does.

And then I have another girlfriend who works at the Framingham women's prison. She does, like, computer stuff. I think she's like their IT person.

THE COURT: You had the honor of serving on two juries before?

THE JUROR: Yes.

THE COURT: When were they, just approximately?

THE JUROR: The last one I did was just April 1st of 2014.

THE COURT: Really?

THE JUROR: I got picked as the alternate, so—

THE COURT: Oh. When was the other one?

THE JUROR: Years ago.

THE COURT: The other one was a civil—first was a civil case and then a criminal case? You want to refresh that? I'm looking at Page 15.

THE JUROR: The first one, I don't know what you call it, criminal or civil. The first one I remember, it was someone who walked across the street, and she got hit outside [5-82] of a crosswalk or something. The one that I just did in April was drunk driving.

THE COURT: We asked a series of questions in the questionnaire about things that could generally be put under the umbrella of international events or issues such as matters relating to Islam or Muslims, the war on terror and things like that. You answered them in the questionnaire. Since you filled out the questionnaire, there have been events in Europe that are getting some reporting here about terrorism acts in Paris and so on and so forth. Have you followed any of those reports?

THE JUROR: I don't watch the news really a lot. If I hear it a lot, I usually hear it at work around the water bubbler.

THE COURT: Have you heard about the events in Paris? Do you know what I'm talking about?

THE JUROR: Kind of. I know that—was it Kerry was going over there to do some talking or peace talks or—that's probably about all I know.

THE COURT: Okay. What I was leading up to was whether any—what you've heard about any of that would affect any of the answers that you previously gave. Doesn't sound like it would. There doesn't seem like there's much there.

THE JUROR: Probably not because I don't really know about it.

[5-83]

THE COURT: Now, I'd like you to look at Page 20, Question 77. In that question we asked a multipart question about whether you had—based on the media or anything else, you'd formed an opinion about whether

the defendant was guilty or not guilty or should be sentenced to death or not, and you answered to each of those questions that you had not formed an opinion. Am I reading that right?

THE JUROR: Uh-huh.

THE COURT: Can you amplify on that? Is that the case? You don't have an opinion one way or the other?

THE JUROR: I don't really have an opinion. Obviously, I know what happened on that day. I have seen some of it in the media, but I don't really follow it. Sometimes I try not to listen to the news because it's too depressing.

THE COURT: When it comes to trial, as you've heard, there will be two phases. The first phase will be to determine whether the defendant is guilty of the crimes he's charged with or not. At that stage of the case, at the beginning—before the presentation of any evidence and throughout the case, until the jury gives us its answer, the defendant is presumed to be innocent of the charges and is guilty only when the jury says so because they've been convinced by the evidence at trial that the government has persuaded them that he is guilty of the offenses beyond a reasonable doubt. Do you think you would have any difficulty in accepting and applying the principles of [5-84] presumption of innocence and proof beyond a reasonable doubt by the government?

THE JUROR: No, not at all.

THE COURT: Then if the defendant is guilty—found guilty by the jury at that point of a capital crime, one for which the death penalty is possible, the jury

would then have to consider whether that sentence should be imposed or a different sentence, life without release. And this answer says you have no opinion about that as well. Is that a fair understanding of your condition at this stage? That's where your—

THE JUROR: Uh-huh.

THE COURT: You have to use a word.

THE JUROR: Yes.

THE COURT: Nodding doesn't help.

Then it might help you to follow this, too, Page 23, Question 88. We asked, in summary, for your general views on the death penalty, if you had some. And you said you didn't have any general views, and it would depend on the evidence and the crime. Is that an accurate summary of your general view?

THE JUROR: Yes.

THE COURT: Next question, we asked you to scale—put it on the scale what you thought about the death penalty, whether you were strongly opposed to it or strongly in favor of it, and you selected something right in the middle.

[5-85]

THE JUROR: Yes, I did.

THE COURT: Similarly, on the next page, we asked for that sort of—sort of that same kind of assessment of where you are on the scale of things but in words this time. And you selected "D." Would you just read that for a minute and tell me whether that represents your view?

THE JUROR: Uh-huh, yes.

THE COURT: Assuming that the defendant is convicted of a capital crime—so take that as a premise of the question, he is convicted—and you proceed to a penalty phase, would you be prepared by mental attitude and your general disposition to the manner to vote for penalty of death if you thought that was warranted under the circumstances; and on the other hand, would you similarly be prepared to vote for a penalty of life imprisonment without parole instead of the death penalty if you thought that was warranted?

THE JUROR: Yes, I would.

THE COURT: Either way, you would be prepared.

THE JUROR: Either/or.

THE COURT: Depending on the circumstances that you heard them in the course of the trial?

THE JUROR: Yes.

THE COURT: So you heard me talk about certain things the government must prove in the penalty phase. They must prove there was a certain level of criminal intention involved [5-86] in the commission of the acts and that there were circumstances that were aggravating that might call for a higher penalty than the average intentional murder and there would be evidence about mitigating factors that might say that's not the right penalty, that there should be life imprisonment. You hear all that, and you're open to going either way, depending on how you assess all that evidence? Is that a fair summary of what—

THE JUROR: Yes, it is.



THE COURT: Have I got anything wrong?

THE JUROR: No.

THE COURT: If you look at Question 95, we ask whether, if he was guilty and you decided that it was appropriate, could you conscientiously vote for the death penalty, and you expressed some uncertainty there. You said you were unsure.

THE JUROR: Yes, I did.

THE COURT: Is that—today you've kind of been a little firmer about it. I'm just wondering which is really—

THE JUROR: Because, when I'm answering that question, I don't know any—I don't know anything about the case. I don't know any evidence. And where I'm not one way for death penalty or one way not for death penalty, to me, I would have to hear—I would have to hear the circumstances and the evidence and—

THE COURT: Any follow-up?

[5-87]

MR. WEINREB: No.

MR. BRUCK: No, sir.

THE COURT: All right. Thank you. Step out. Leave the questionnaire right there.

(The juror is excused.)

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Wed., Jan. 21, 2015  
9:22 a.m.

---

**JURY TRIAL—DAY SEVEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD and WILLIAM W. FICK, Federal  
Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[7-24]

\* \* \* \* \*

THE CLERK: Juror 83.

MR. McALEAR: Juror 83.

THE CLERK: Sir, over here, please. Have a seat, if you would.

THE COURT: Hello. Since you filled out the questionnaire and we're here, have you been able to abide by my instruction to avoid any discussion of the case?

THE JUROR: Yes, sir.

THE COURT: And any unnecessary avoidable exposure to the media reports?

THE JUROR: Yes.

THE COURT: So that's the questionnaire, and we may ask you to look at a couple of things as we follow up on some of the questions you gave.

THE JUROR: Sure.

THE COURT: It appears from your questionnaire that you are a student interrupted. Is that—

THE JUROR: Yeah. I was going to end up taking a break this semester anyways because my financial aid fell through, so . . .

THE COURT: So what are you doing?

[7-25]

THE JUROR: Well, I'm not employed right now because I lost my job. I was working seasonally at Best Buy. So right now I'm just at home.

THE COURT: Okay. What course were you pursuing at school?

THE JUROR: Psychology and a minor in neuroscience.

THE COURT: Neuroscience?

THE JUROR: Yes, sir.

THE COURT: Tell us about your social media use.

THE JUROR: Well, I mean, Facebook. I use Facebook, but I don't really put anything personal on there, and I definitely try to avoid political things for the most part. Usually I just—you know, I used to be a personal trainer, so I put like training things or health-related fitness things and, you know, some funny memes every now and then.

I mean, I saw the movie "American Sniper" over the weekend and I did post something like that, but I didn't really get into the politics or anything.

THE COURT: So anything beyond Facebook? Twitter or Instagram or anything like that?

THE JUROR: No, I'm not a Twitter person. I have Instagram, but I don't use it.

THE COURT: Let me ask you to look at page 15, I guess, Question No. 50.

THE JUROR: Yes?

[7-26]

THE COURT: That asks what court cases you may have followed with interest and what interested you about them.

THE JUROR: Sure.

THE COURT: And you talk about the Michael Brown case.

THE JUROR: Yes.

THE COURT: That's the Ferguson, Missouri, incident?

THE JUROR: Yes.

THE COURT: What was it about that that interested you?

THE JUROR: It was more just the people's reaction to the case, the outcome of the grand jury choosing not to indict the officer who was charged with the shooting. I mean, there were mixed emotions. Some people said that was the right decision, and some people said that they were somewhat disappointed with how the case was handled.

Personally, I didn't—it didn't really affect me too much because I don't like to dabble in those things, but, you know, there's just such a volume of people that, you know, post things on Facebook, it's kind of hard to avoid that at times. And I just thought there was a lot of charged emotion that kind of factored into people's view on the case, and that takes away from the legitimacy of, like, their views, actually, like, because they're speaking emotionally as opposed to logically.

So I thought due process was followed in that case and I thought the grand jury made the right decision.

[7-27]

THE COURT: Did you post anything about your own opinions about it?

THE JUROR: No.

THE COURT: On Facebook or anything?

THE JUROR: No.

THE COURT: Any other cases that—I think that may be the one you particularly mentioned. Were there others—

THE JUROR: Yeah, that's really the only one that I remember. There was the Casey Anthony case a few years back as well, but, like, to be honest, all of the details have escaped my mind.

THE COURT: We asked a series of questions about attitudes to various potential issues including attitudes towards Islam and Muslims and the war on terror and so on.

THE JUROR: Yes.

THE COURT: And you tell us that your mother is a native of Iran. Is that right?

THE JUROR: Yes. Yes, she is.

THE COURT: And she is a—just casually, I guess, a former Muslim who has changed to a different faith?

THE JUROR: Yes, that's correct.

THE COURT: How long has she lived in the U.S.?

THE JUROR: She came in '78, I believe, just before the Iranian Revolution.

THE COURT: Do you have family there now?

[7-28]

THE JUROR: Not anybody that I know.

THE COURT: In the region at all?

THE JUROR: No.

THE COURT: You answered these questions when you filled out the questionnaire, obviously. Since then there have been some attacks in Paris and events in Europe. Do you follow those, the news about those?

THE JUROR: Just vaguely. The first day it kind of happened, just to see what was happening, but after that—

THE COURT: No?

THE JUROR: —I didn't really follow through.

THE COURT: Would—did you have any reaction to those events that would have led you to change any of the answers you've put down in these matters?

THE JUROR: Not really. It obviously was not a good thing that happened at the time, but my views, from what I remember that I filled out, since then have not changed.

THE COURT: Okay. Looking at Question—oh, Question 67. You know a little bit of Arabic?

THE JUROR: A little bit of Farsi.

THE COURT: Farsi?

THE JUROR: Yes.

THE COURT: Okay. Is that close to Arabic? I don't know the answer to that.

THE JUROR: The writing is somewhat similar. A lot of [7-29] the—there are some Arabic roots. There are some French roots as well. I mean, Iranians are Caucasian in origin, so they're not Aramaic or Arabic, from my understanding.

THE COURT: Have you studied your heritage?

THE JUROR: A little bit. When I was a kid I took some, you know, like Farsi language classes, but it escapes me for the most part. Now I just know a few phrases and some very basic conversational things or,



you know, words and phrases, like if I speak with relatives.

In terms of my culture or the culture that, you know, my mom is from and I share half my heritage with, there are some things that interest me, but it's more like—like there's this thing called the Pahlevan, which is a house of strength in Iran, and they do like the Indian club swinging. Again, going back to the fitness, that's kind of what I was more interested in more than anything else.

THE COURT: Looking at Question 71, you seem to have sort of an international taste in news.

THE JUROR: Yes.

THE COURT: You pay attention to BBC America, Al Jazeera America?

THE JUROR: Every now and then. And, I mean, I probably watch like a little—you know, the 30-minute news broadcast maybe once every other week or so.

THE COURT: Do that on the Internet?

[7-30]

THE JUROR: No, usually on the TV. If it just happens to be on. If it's not on, I don't really go out of my way.

THE COURT: Let me ask you to look at page 20, Question 77.

THE JUROR: Yes.

THE COURT: In that question we asked whether, based on things you'd seen or read, learned from any source, whether you had an opinion about whether this

defendant is guilty or not and whether—how he should be punished, if he is. And to each of the four parts of that question you answered that you were unsure.

THE JUROR: Yes.

THE COURT: Can you tell us about that answer.

THE JUROR: Sure. If I just may reread the—

THE COURT: Yeah. Go ahead. Take your time.

THE JUROR: Okay.

(There is a pause.)

THE JUROR: Okay. So I believe at the time my logic in saying “unsure”—I’ll start at the bottom. In regards to should he receive the death penalty or not receive the death penalty, I’m not sure because I don’t really know much about the case outside of what I saw a couple of years ago and what we read in the brief, so I just felt that—I didn’t feel at the time that that was conclusive enough to be able to say whether I should—whether I believe he should get that or not [7-31] get that, that penalty.

In regards to him being guilty or not guilty, obviously he was involved in something, but as it is my understanding that you’re not guilty until proven—you’re innocent until proven guilty, I just thought it would be best to say “unsure.”

THE COURT: Understanding you probably have things from the media and so on, recollections, you’ve referred to the presumption of innocence and proof beyond a reasonable doubt—

THE JUROR: Yes.

THE COURT: —of guilt.

Do you have any concern or reservations about your own ability to apply that—those principles?

THE JUROR: No, I don't.

THE COURT: Specifically to require the government to convince you beyond a reasonable doubt by its evidence at trial?

THE JUROR: Right. Wait. Could you repeat that one more time?

THE COURT: Well, as I think you've recognized, the government—when someone is accused of a crime, the person doesn't have any obligation to prove he's not guilty of the crime; the government has to prove he is.

THE JUROR: Yes.

THE COURT: And that's done by evidence at trial to a [7-32] jury.

THE JUROR: Right.

THE COURT: And it's the obligation of the government to produce evidence that convinces the jury beyond a reasonable doubt; otherwise, the jury is required by law to find the person not guilty.

THE JUROR: Correct.

THE COURT: Is that something you'd be able to do?

THE JUROR: Yes, I would be able to do it.

THE COURT: I guess specifically what I want to know is how would you handle whatever ideas you've had from before the trial?

THE JUROR: Sure. Well, based on the evidence presented and—you know, I do have a knack to listening to people and what they say. You know, you guys have to do a fair job in presenting the facts the best you can. Based on that, that's probably when I would—that's definitely when I would make my decision because I think it would be wrong to do—or to have any preconceived notion as to what he deserves or doesn't deserve otherwise until that happens.

THE COURT: You and your family, as far as you know, were not personally involved or affected by the events?

THE JUROR: No, nobody that I know in my immediate family was involved or affected.

THE COURT: Let me ask you to turn to page 23. [7-33] Beginning with Question 88, we ask people about some ideas they may have about the death penalty. And in 88 we asked in general terms what—if you have any views about the death penalty, what they are. I have to confess I had a little trouble reading your writing. Maybe you can tell us what you wrote there.

THE JUROR: Yes. So I said that in certain cases, if the evidence and reason's fair and the punishment deemed as the death penalty, then I hope that it's given in the hope that it serves the purpose of justice as—I guess as outlined by what your objective or idea of justice in terms of what he deserves as—so, yeah, the standard—whatever standard—

THE COURT: I'm trying to read the last phrase. "In fairness and equity of all involved"?

THE JUROR: Yes. To say that people weren't affected, obviously somebody or—or something has to be

held accountable in some regard for what happened during that time that he was accused of carrying out the things that you had mentioned. So, you know, it didn't just happen on its own.

THE COURT: Well, okay. So the question was asking about—your general views about the death penalty. And now that you've read the answer—but I mean apart from the answer, can you tell me in general terms what your view is?

THE JUROR: I think the death penalty is valid in terms of being a good punishment, but, again, it all depends on [7-34] the severity of what he did and how people around him—or that were affected by his decisions were affected. So, you know, I think it would be merciful at times if you believe in an afterlife for the justice system to give someone the death penalty. Maybe it takes away some of the burden of the person's soul. But then again, I think that in certain cases, say, life in prison can also be an opening—or eye-opening experience for a person as well. Maybe they'll change before the time that they naturally die.

And I also think that the death penalty is fair, you know? There has to be an appropriate punishment for certain crimes out there, and to not have that as an option on the table would be wrong. Not that I think it should always be pushed on people, but I think it is a valid punishment.

THE COURT: So you—we asked you in Question 89—if you want to go back to that page.

THE JUROR: Sure.

THE COURT: —if you could sort of give us where on a scale of 1 to 10—where you thought you were with respect to the death penalty, and you picked 6.

THE JUROR: Yes.

THE COURT: Which is sort of in the middle.

THE JUROR: Yeah. And I still feel that way. I mean, if you guys had, you know, like a 6-1/2 or a 7, I probably would have done a half of some sort.

[7-35]

THE COURT: On the next page, Question 90, we ask you to tell us not by a numerical scale but in words which statement came closest to your view, and you circled letter D.

THE JUROR: Yes.

THE COURT: That says you're not for or against the death penalty; you could vote to impose it or to impose a sentence of life imprisonment, whichever you thought you believe was called for by the facts and the law in the case.

THE JUROR: Yes.

THE COURT: Is that a fair summary of your view?

THE JUROR: Yes, I think that was the most accurate statement that reflected my views and does reflect my views currently.

THE COURT: So in this case after hearing the evidence would you be able to conscientiously consider a penalty of death?

THE JUROR: I believe I could.

THE COURT: And similarly, would you be able to conscientiously consider a life imprisonment?

THE JUROR: Yes.

THE COURT: Are you open to either depending on the evidence?

THE JUROR: I definitely am open to either.

THE COURT: So you wouldn't automatically vote for one or the other regardless of the facts in the case. Is that what [7-36] you're saying?

THE JUROR: Yeah, I couldn't do that. It would go against my principle, to be honest.

THE COURT: Mr. Weinreb?

MR. WEINREB: No questions, your Honor.

MR. BRUCK: Good morning. I've been calling you Mr. 83, of course trying to protect everyone's privacy by not using their name. I don't mean to be rude. My name is David Bruck, and I'm one of the attorneys for Jahar Tsarnaev, and I do have a couple of questions I would like to ask you, if I could.

THE JUROR: Sure.

MR. BRUCK: You mentioned that—I think the words you used were “obviously he was involved in something.”

THE JUROR: Yes.

MR. BRUCK: Tell us about that.

THE JUROR: I mean, just from media reports, I do remember his name being mentioned as well as—I believe his brother's name being mentioned as well. So I mean, I don't know if this is a case of mistaken—I don't

know—I don't think this would be a case of mistaken identity, so obviously he was involved in something. Just exactly what and how, I don't know.

MR. BRUCK: Well, do you know—I mean, why he's the one charged rather than anyone else?

[7-37]

THE JUROR: No.

MR. BRUCK: Well, just based on what you've heard.

THE JUROR: Sure, based on what I've heard.

MR. BRUCK: Sure.

MR. WEINREB: Objection, your Honor.

THE COURT: Yeah, I think sustained. I think this goes beyond what we've outlined, so . . .

MR. BRUCK: All right.

You mentioned your mom changed her religious faith to Bahá'í.

THE JUROR: Yes.

MR. BRUCK: And I'm—are you aware of the treatment of Bahá'ís in Iran?

THE JUROR: Yes. Yes, I am.

MR. BRUCK: It's extremely cruel.

THE JUROR: It is.

MR. BRUCK: And, of course, Iran is a—styles itself as an Islamic Republic.

THE JUROR: Yes.



MR. BRUCK: If there was a great deal of information, of evidence about Islam and the defendant's Islamic faith and beliefs—you see where the question is—

THE JUROR: Yes, I could see where that's leading.

MR. BRUCK: Can you answer it?

THE JUROR: Yes, I can. To be honest, I personally [7-38] have nothing against Islam, as well as I know that many Bahá'ís do not. You know, we are taught to respect all religions. And, you know, what the Iranian government decides to do against Bahá'ís in terms of human rights violations or the like, you know, that's a shame that they do that. But the governing body of the Bahá'í faith also say that Bahá'ís are supposed to follow the laws of the country and to respect the government and the rights and to help people regardless of whether they're Islamic or Bahá'í or Christian or whatever else. So I have nothing against Islam or the people of Islam.

MR. BRUCK: Okay. Well, thank you.

You said in response to the judge's question about the punishment that—in this case you—that what you know is not conclusive enough to base an opinion. I just wonder—I guess I want to probe a little bit about that.

THE JUROR: Okay.

MR. BRUCK: As you sit here today, knowing that this case is the Boston Marathon bombing and its aftermath, and assuming now just for my question that he has been convicted—let's picture that.

THE JUROR: Okay.

MR. BRUCK: —proof beyond a reasonable doubt, the whole jury has agreed, so we're now in the sentencing phase. Do you lean one way or another regarding death penalty or life imprisonment?

[7-39]

MR. WEINREB: I object.

THE COURT: No, you can answer that.

THE JUROR: Do I lean one way or the other?

MR. BRUCK: Yes.

THE JUROR: If he's proven guilty, you said, correct?

MR. BRUCK: That's the assumption, right. Because you wouldn't have a decision to make until he was first proven guilty.

THE JUROR: I still—I don't know. There's just—I don't know enough. I mean, I would say definitely life in prison at this point, I mean, if I had to make a decision based on what you said, but in terms of the death penalty, I couldn't—I couldn't say that right now.

MR. BRUCK: I see.

So I take it that there could be circumstances under which life imprisonment could be a sufficient punishment for this type of crime in your mind?

THE JUROR: I could see that as being an appropriate punishment, yes.

MR. BRUCK: Okay. And do you appreciate in the end it's up to the jury, not up to the law and up to the Court?

THE JUROR: I do.

MR. WEINREB: Objection, your Honor.

THE COURT: Well, the answer's given, so . . .

THE JUROR: I apologize.

[7-40]

THE COURT: No, that's fine.

MR. BRUCK: Do you remember—you may have answered this already. Did you have any—did you do any Facebook postings about this case?

THE JUROR: No.

MR. BRUCK: Or any friends' postings come up on your Facebook page?

THE JUROR: No.

MR. BRUCK: Would you like to be on the jury?

MR. WEINREB: Objection.

THE COURT: Sustained.

MR. BRUCK: Bear with me just a moment.

(Pause.)

MR. BRUCK: Thank you so much. That's all I have.

MR. WEINREB: Your Honor, I have one question, if I may, please.

Good morning.

THE JUROR: Good morning.

MR. WEINREB: My name is Bill Weinreb. I'm one of the prosecutors in the case. I just have one question which is you've talked about that you're open

to the possibility that the death penalty would be an appropriate penalty and also open to the possibility that life imprisonment would be appropriate.

THE JUROR: Yes.

MR. WEINREB: My question is: If you determined after [7-41] hearing all the evidence—

THE JUROR: Yes.

MR. WEINREB: —if the defendant were found guilty and you had heard evidence in the penalty phase and you had actually come to the belief that a death sentence was the appropriate sentence, would you be able to actually impose it, vote that somebody be put to death for a crime?

THE JUROR: Yes.

MR. WEINREB: Thank you.

THE COURT: Okay. Thank you, sir.

THE JUROR: All right.

(The juror is excused.)

MR. BRUCK: Before the next juror comes out, please, just for the point of view of the record, of course the government objected to a couple of the questions on our list. The Court sustained some. When the Court sustains an objection, do—is the record complete or in—or will it be necessary for me to—or for the questioner, when the juror has been excused, to note our objection or—

THE COURT: I think asking the question makes your point.

MR. BRUCK: Very well.

THE COURT: I don't think it's necessary to take an exception—

MR. BRUCK: Well—

[7-42]

THE COURT: —as we used to do.

MR. BRUCK: Right. You see that our issue—

THE COURT: I think your record is fine.

MR. BRUCK: Fine. Thank you. That's all we need.

\* \* \* \* \*

[7-91]

THE CLERK: Juror No. 102.

JURY CLERK: Juror No. 102.

THE CLERK: Ma'am, have a seat right over here, if you would, please.

THE COURT: Good afternoon.

THE JUROR: Hi.

THE CLERK: Make sure you speak into the mic so everyone can hear you, okay?

THE JUROR: Okay.

THE CLERK: Thanks.

THE COURT: That's the questionnaire you filled out when you were here last. We may refer to it as we follow up on some of the questions you gave.

THE JUROR: Okay.

THE COURT: Since that time have you been able to follow my instruction to avoid any discussion of the process, the case?

THE JUROR: Yeah.

THE COURT: And tried to limit your exposure to any news accounts about things?

THE JUROR: Yeah.

THE COURT: So looking at your questionnaire, you were [7-92] until recently employed as an R.N. at the Good Samaritan Medical Center?

THE JUROR: Yes.

THE COURT: Where is that?

THE JUROR: In Brockton.

THE COURT: And it says that you left late December and are currently unemployed?

THE JUROR: Yes.

THE COURT: That's when you filled this out. Is that still the case?

THE JUROR: Yes.

THE COURT: Are you planning to reemploy or are you taking some time off or—

THE JUROR: I'm actually taking time off. I was—well, we're planning on going cross-country. We were going to start in April when our lease was up, and just travel.

THE COURT: When you say "we"—

THE JUROR: My boyfriend and I.

THE COURT: You had that idea. Had you made specific plans for a particular time for your trip?

THE JUROR: Well, our lease is up. We have an RV. We were planning on going cross-country in the RV. And if I was called, we were just going to stay in the RV around here.

THE COURT: That was my question, if you were called and if the case continued beyond April, what would the impact [7-93] be on you. And you're saying you could adjust?

THE JUROR: Yes, definitely. We had already planned on making adjustments if I was chosen to sit, so . . .

THE COURT: Okay. Tell me just a little bit about your training and work as a nurse. Do you have any specialty?

THE JUROR: Yes; for the last ten years I've been in the emergency room.

THE COURT: Emergency room?

THE JUROR: Yup. Before that I was an LPN and worked for an agency, so I basically staffed nursing homes, rehabs, transitional care units, things like that.

THE COURT: Okay. But throughout your time at Good Samaritan, you've been in the ER?

THE JUROR: Yes.

THE COURT: Some but no extensive use of Facebook. Is that—

THE JUROR: Hardly any.

THE COURT: Okay.

THE JUROR: Basically, family, friends. I'm a cake artist, so I post cake pictures.

THE COURT: If you want to refresh your recollection, at pages 18 and 19 we ask jurors some questions about what might broadly be called international affairs issues, things about the war on terror, so-called, and perhaps attitudes about Islam and Muslims and so on and so forth. Since you filled out [7-94] the questionnaire and gave those answers, there have been some events in Europe involving some terrorist attacks. Have you followed those at all?

THE JUROR: I don't really know much about it.

THE COURT: You don't know what or where?

THE JUROR: I think France.

THE COURT: Right. Well, my question was going to be if what you knew about those things would affect any of the answers you gave here.

THE JUROR: No, I don't believe so.

THE COURT: Let me ask you to turn to page 20 and direct your attention to Question 77.

THE JUROR: Uh-huh.

THE COURT: That's a multiple-part question in which we asked whether you'd formed an opinion from things you'd seen in the media or heard otherwise about whether this defendant was guilty or not, and if so, whether he should be punished by the death penalty or not.

THE JUROR: Right.



THE COURT: And to each of those you indicated—you checked the box that said “unsure.”

THE JUROR: Right.

THE COURT: Would you explain that for us?

THE JUROR: I can't make a decision whether he's guilty or not until I hear evidence. I don't know really much [7-95] about it, so I can't tell you one way or the other if I think he's guilty now or not guilty. I don't know.

THE COURT: You probably heard some things about the case, right?

THE JUROR: Yes. I mean, I read what was—the beginning of this that told facts.

THE COURT: That's on the next page, if you want to—I think that's what you're referring to, the bottom of page 21?

THE JUROR: The facts. Yeah, so I read that.

At the time, bits of pieces of what was going on, but, still, I really could not tell you what the accounts of what happened. So I really don't know. I don't have enough information.

THE COURT: Do you remember following any of it as it unfolded at the time?

THE JUROR: I believe I was working at the time, so I really couldn't follow it step by step after the fact.

THE COURT: You're talking about the day of the marathon itself?

THE JUROR: Right.

THE COURT: Of course it continued into the end of the week, Thursday and Friday, as people were trying to—

THE JUROR: Yeah. I've worked nights for ten years, so having that shift, I really don't have much access to news. [7-96] I'm either sleeping during the day or working during the night.

THE COURT: All right. Now if you'd go to page 23, we asked a series of questions beginning with Number 88 about attitudes or beliefs, convictions about the death penalty and so on. And 88 is a general question, it says generally what your views are, and you said you didn't have any. Is that—

THE JUROR: I really don't. I—I don't know. I would have to see what the charges were. I'd have to—I'd have to weigh everything in order to have an opinion on that.

THE COURT: The next question was sort of asking you to put it on a scale where you were between strongly oppose and strongly favor, and you chose number 5.

THE JUROR: Right. I'm not either.

THE COURT: In the middle, is that it?

THE JUROR: Yeah.

THE COURT: The next question, Number 90, we ask you to select the statement that was closest to what your beliefs were about the death penalty. You selected D?

THE JUROR: Right.

THE COURT: It says you're not for it or against it and could vote to impose it or vote to impose, instead, a

life imprisonment, whichever you thought was called for by the facts and the law in the case.

THE JUROR: Right.

THE COURT: Is that an accurate summary?

[7-97]

THE JUROR: Completely.

THE COURT: Do you feel confident that—of course you don't know what the evidence is you're going to hear—

THE JUROR: Right.

THE COURT: —but can you envision evidence that would lead you to feel that the death penalty was the right decision—

THE JUROR: If there was—

THE COURT: —and vote for it?

THE JUROR: If there was evidence and if that was called for, then, yes, I guess I could.

THE COURT: And can you envision that there was evidence that you could consider that might lead you to conclude that the death penalty was inappropriate and that life imprisonment was the appropriate sentence?

THE JUROR: Definitely. I have no, like I said, views either way. I am really in the middle. I would have to hear everything and make an educated decision.

MR. WEINREB: Good morning.

THE JUROR: Hi.

MR. WEINREB: My name is Bill—good afternoon.

THE JUROR: Oh, yes.

MR. WEINREB: Just so the record is clear.

My name is Bill Weinreb. I'm one of the prosecutors in the case. I just wanted to ask you a few questions about [7-98] the death penalty.

THE JUROR: Sure.

MR. WEINREB: Have you given a lot of thought to the idea of the death penalty in general?

THE JUROR: I have. You know, it's part of this case, so, you know, I've thought about it. And, again, I would have to make an educated decision about that.

MR. WEINREB: Okay. So you've told us that you could consider the evidence and you could consider both possibilities, but I want to ask you a slightly different question—

THE JUROR: Okay.

MR. WEINREB: —which is, as you know, because the judge instructed you earlier, the jury—if the defendant in this case is found guilty—

THE JUROR: Uh-huh.

MR. WEINREB: —of one of the crimes that carries a potential penalty of death, then it will be up to the jury to decide whether he lives or dies.

THE JUROR: Right.

MR. WEINREB: You'll be one of those people who will have to make that decision—

THE JUROR: Right.

MR. WEINREB: —on another human being.

My question is simply: Can you imagine yourself on [7-99] the jury thinking about whether this person sitting at the table should live or die? Would you be able to—if you thought it was the appropriate punishment, would you be able to sentence him to death?

THE JUROR: If I felt it was appropriate.

MR. WEINREB: Okay. Thank you.

MR. BRUCK: Good afternoon.

THE JUROR: Hi.

MR. BRUCK: My name is David Bruck. I'm one of the attorneys for Jahar Tsarnaev, and I just have a few things I want to talk to you about.

THE JUROR: Sure.

MR. BRUCK: You live in Massachusetts now. Have you ever lived in other places?

THE JUROR: No.

MR. BRUCK: Okay. Understanding that you didn't follow all of the facts or that you weren't glued to the TV set the whole time when this was first happening, I'd like to ask you what stands out in your mind, if anything, about this case from anything you've heard, seen.

THE JUROR: The only thing that I definitely can remember from that time is probably after the fact when they showed the finish line. That's about it really.

MR. BRUCK: And did you have any feelings about what you remember of that scene?

[7-100]

THE JUROR: It was scary. There was a lot of confusion.

MR. BRUCK: Anything about the defendant?

THE JUROR: I honestly didn't even know the defendant until—I didn't know what his name was until the court summoned me here.

MR. BRUCK: Okay. Anything else that you recall about any aspect of this case at all?

THE JUROR: No. Just personally I thought, my goodness, the ERs are going to be overloaded, how are they going to deal with that. It was just a work perspective.

MR. BRUCK: You've been asked a bunch of questions just now about the death penalty, mostly by the judge. I want to ask you something about it but in a slightly different way. Massachusetts doesn't have the death penalty, as the judge told you.

THE JUROR: Right.

MR. BRUCK: Some states used to have it and recently abolished it. If you were in the legislature and the issue came up should we have it on the books in the state, would you be in favor of having it as an option or would you think it would be just as well, or better, not to have it as an option?

THE JUROR: I don't know. I would need more information. I'm glad I don't have to make those kinds of decisions. And I was surprised when told that the death [7-101] penalty was on the table because I knew that Massachusetts didn't have it. Whether or not I would vote for it, I don't know. I'd have to think about that even more.

MR. BRUCK: How do you feel about serving on this jury?

MR. WEINREB: Objection.

THE JUROR: How do I feel?

THE COURT: No, you can answer that.

THE JUROR: Well, I feel as though I, you know, bring an honest and impartial view. I really, you know, have no opinion at this point. I would definitely need more information and facts before I could make any decisions on anything. I feel I'm a fair person. So I don't know if, you know, a feeling is a correct question. I'm not sure if I have a feeling.

MR. BRUCK: Let me ask it this way: Some people may get their jury summons and know it's for this case and say, "Oh, boy, I hope I don't get picked."

THE JUROR: No, I didn't know my summons was for this case. I had no idea at all.

MR. BRUCK: Would you have had that reaction?

THE JUROR: I don't think so. It's a case like any other case.

MR. BRUCK: Bear with me just a moment.

(Pause.)

[7-102]

MR. BRUCK: Thank you so much.

THE JUROR: Thanks.

THE COURT: Is that it? All right. Thank you.

THE JUROR: All set?

(The juror is excused.)

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Fri., Jan. 23, 2015  
9:26 a.m.

---

**JURY TRIAL—DAY NINE**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section



1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, Federal Public Defender  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[9-15]

MR. McALEAR: Juror 138.

THE CLERK: Sir, over here, please. Have a seat. Make sure you speak into the mic so everyone can hear you.

THE COURT: Good morning.

THE JUROR: How are you doing?

THE COURT: Good. When you left last time you were here, I had instructed everyone to avoid any discussion of the subject matter of the case with anybody. You could talk about coming here, obviously, but—and also to avoid any exposure to media articles about the case.

Have you been able to do that?

THE JUROR: Yeah, I haven't looked at anything.

[9-16]

THE COURT: Keep your voice up so everyone can hear you.

THE JUROR: Yeah. No, I haven't talked to anybody about it.

THE COURT: Okay. Tell us what you do for employment.

THE JUROR: I work for the City of Peabody. I'm in the water department.

THE COURT: What do you do?

THE JUROR: I'm in the distribution. I work out in the street doing water breaks, services, fixing all the mains.

THE COURT: And what is the basis of your compensation? Are you salaried or hourly or—

THE JUROR: I'm hourly.

THE COURT: What would happen if you were on this case for an extended period of time? Would you be paid?

THE JUROR: Yeah, as far as I know I'm getting paid. Yes.

THE COURT: Even though you'll be here?

THE JUROR: Yes.

THE COURT: And is that—you say as far as you know. Is that because you talked with higher-ups about it?

THE JUROR: My foreman actually was picked for jury duty like a month ago, and he served on a case for a week. So he got paid for the week. If they stop that after a certain time or what, I could find out.

[9-17]

THE COURT: You haven't specifically asked anybody?

THE JUROR: No.

THE COURT: Let me ask—we asked you a little bit about social media, and you said you use Facebook?

THE JUROR: Yes.

THE COURT: I guess you post to it once or twice a week but you check it every day or something like that?

THE JUROR: Yeah. We drive around in the city truck. If I'm not driving, I'm sitting in the passenger seat just playing on my phone unless we're working. But other than that, I don't really—I'm not posting on it or talking to people on it.

THE COURT: What's the nature of your use of it? Is it essentially personal, social-type things?

THE JUROR: Yeah.

THE COURT: Do you comment on public affairs or anything like that?

THE JUROR: Yeah, I see what my friends are doing and comment on that.

THE COURT: Anybody commenting about this trial?

THE JUROR: No.

THE COURT: Could we cut the audio for a minute and excuse the reporters?

(Discussion at sidebar and out of the hearing of the public: )

[9-18]

[REDACTED]

[9-19]

[REDACTED]

(In open court: )

THE COURT: That is the questionnaire you filled out, so we may refer to some of the questions and it might help you to take a look at it. I'm looking at page 19, Question 74. We asked did you have a reaction when you received the summons to possibly serve on this case, and you said "interested."

Can you tell us what you were thinking when you wrote that; what you might have meant by that?

THE JUROR: I wasn't sure what to really expect at all. I didn't expect it to be like anything I'd ever done, so I was curious, basically.

[9-20]

THE COURT: Did you have a reaction one way or the other in terms of it would be interesting to serve or just interested to find out and then get excused or what was your—

THE JUROR: More like to see what it was all about, I guess. I mean, like interested in what would be going on, not like looking to get out of work for a month or nothing like that.

THE COURT: Okay. On the next page, Question 77, we asked people if they had from any source, media or otherwise, formed an impression about whether the defendant was guilty or not or whether he should be punished in a certain way or not, and you answered “no” to all of those questions.

THE JUROR: Yeah. I wasn’t going to make any decisions until I’d seen everything that was presented, basically, in front of me.

THE COURT: In other words, if you were a juror, you would wait to hear what the evidence was before making up your mind. Is that what you’re saying?

THE JUROR: Yes. Yes.

THE COURT: In any criminal case—you may know, but I’ll lay it out, the basics anyway—in any criminal case a person accused of a crime under our system is presumed to be innocent, or not guilty—

THE JUROR: Yes.

THE COURT: —unless and until the government proves [9-21] otherwise by evidence at trial, and convinces the jury that the person is guilty by proof that leaves them with no reasonable doubt.

THE JUROR: Uh-huh.

THE COURT: Do you have any concern or hesitation about your ability to—if you were a juror to ensure that the government proved any crime beyond a reasonable doubt?

THE JUROR: Yeah, if the evidence was there, yes, I'd be able to make the right decision.

THE COURT: But if it wasn't there, is really I guess what I'm asking, would you then accept that the government had failed and that the verdict should be not guilty in that circumstance?

THE JUROR: Yes, I would be able to go both ways, whether it's right or wrong.

THE COURT: We asked a series of questions about attitudes or beliefs concerning the death penalty. That's on page 23. It's kind of—a general question in 88 asks if you have any views in general, what are they, and you said “none.” Is that—

THE JUROR: Yeah. I mean, I've never really—I don't know. Other than seeing anything on, like, movies or TV shows, I've never really known much else about the death penalty. And—I don't know. I mean, it never really interested me too much but . . .

[9-22]

THE COURT: Okay. The next question we asked a slightly different question which was on a scale of 1 to 10 from strongly opposed to strongly favor—do you—and you selected 8 indicating—so you're sort of on the favor side of the weighing there of the death penalty but not quite at the highest level.

THE JUROR: Yeah, I'd say I'd be more going on the circumstances of the event or—what happened for, like, each individual, like, that would be that—the death penalty would be addressing.

THE COURT: You heard me explain this morning the penalty phase where there would be consideration of things—

THE JUROR: Yes.

THE COURT: —that might aggravate the seriousness of the offense and things that might mitigate the punishment that should be imposed?

THE JUROR: Yes.

THE COURT: You've heard about that?

On the next page we asked in Question 90 for you to indicate which of a number of possible statements was closest to your view. You circled E which says, "I'm in favor of the death penalty but I could vote for a sentence of life imprisonment without the possibility of release if I believed that sentence was called for by the facts and the law in the case."

[9-23]

Does that represent your view?

THE JUROR: Yeah. Yes.

THE COURT: So you would be able to, after hearing all the evidence, consider carefully the alternatives that were available and decide based on your evaluation of the evidence?

THE JUROR: Yes.

THE COURT: Is that what you're saying?

THE JUROR: Yes.

THE COURT: You would be open to either? You're not predisposed—or precommitted, I guess—

THE JUROR: Yeah, I'd be open to either. Earlier you mentioned something if he is to—or we do decide to say he's guilty, you said that we would be presented with more evidence.

THE COURT: Yes.

THE JUROR: Why would we be given more evidence after we make our decision depending on—

THE COURT: Because the first decision is actually whether he committed the crime, he's proved guilty of the crime, okay? That's the first stage. It doesn't consider what penalty might be imposed; it just asks whether you are persuaded by the government's evidence that he has—he is guilty of a charged crime.

THE JUROR: Uh-huh.

THE COURT: The second phase is then to consider what the penalty should be for that crime having found him guilty of [9-24] a capital offense. It would typically



be—or for—not typically, but an example of a capital offense of which he would be convicted would include an intentional murder, okay?

Once the jury had concluded that the government had proved that, the jury would then decide what penalty should be imposed between two alternatives: the penalty of death or the penalty of life without possibility of release, okay? And in that phase the government would present factors—evidence about what we call “aggravating factors” that make the crime more serious than other crimes of intentional murder and argue that—the government would argue that would mean the death penalty is appropriate.

The defense would present evidence about the events or about the defendant himself or other things that might mitigate the punishment and lead the jury to think that the death penalty was not appropriate for him but life imprisonment was better as a penalty for him, okay?

Are you following that?

THE JUROR: Yeah, yeah, it’s that—

THE COURT: So that’s why we ask what your disposition is. Are you open to the consideration of either alternative depending on your evaluation of the evidence? That’s really the question.

THE JUROR: Yeah, yeah, yeah. Yes, I am. I’m not more in favor of one way or the other; it would all depend on [9-25] the outcome of everything presented.

THE COURT: Not to belabor this too much, but let me ask you to look at page 25 at the bottom. Question

95 we ask if you found the defendant guilty and you decided the death penalty was an appropriate punishment, could you conscientiously vote for the death penalty, and you said, "I'm not sure." And if you go to the next question, sort of the other alternative is asked: If you found him guilty and you decided life imprisonment without possibility of release was the appropriate punishment, could you conscientiously vote for life imprisonment, and you voted that "I'm not sure." So you gave "I'm not sure" to both. I just want to—

THE JUROR: I think you kind of answered my question. We were just talking about it would all factor on how everything is presented to me how I would make my decision with that.

THE COURT: So earlier, I think with respect to the question—we were looking at Number 77, we asked whether you had an opinion about whether he was guilty and what the penalty should be, you said you were reserving until you heard—

THE JUROR: Yeah, I don't really have an opinion as of now.

THE COURT: Is that the same thing you were saying here?

THE JUROR: Yes, basically. I would have to wait.

[9-26]

THE COURT: Okay. Follow-up?

MR. WEINREB: Just a bit. Good morning.

THE JUROR: How are you?

MR. WEINREB: My name's Bill Weinreb. I'm one of the prosecutors in the case. I just wanted to follow up with you very briefly on the questions the judge asked about the death penalty.

So as the judge just explained to you, if the jury were to find the defendant guilty of a crime that is potentially punishable by death, then—in a capital case, then it's up to the jurors to decide what the penalty should be.

THE JUROR: Yeah.

MR. WEINREB: The law doesn't require one penalty or the other; each juror has to make a decision.

THE JUROR: Uh-huh.

MR. WEINREB: Have you thought about, at all, what it would be like to sit on a jury in a capital case and decide whether someone lives or dies?

THE JUROR: Yeah, it's a pretty serious situation.

MR. WEINREB: And although you've never been in that situation, having to make that decision, do you believe that you could sentence someone to death if you thought that that was the appropriate sentence given the circumstances of the case and the characteristics of the defendant?

[9-27]

THE JUROR: Yeah, I guess I could—I can't really say for sure until I would know all the facts in front of me, but if I had to—if that was the right decision to be made, then I would make the right decision, yes. If that was what I had to do, that's what I would do.

MR. WEINREB: Okay. And just so I'm clear and I understand you, you're using "if I have to." You understand that you would never have to, it would be up to you. You'd make the decision one way or another.

THE JUROR: Yeah, I'd be able to make the decision. Yes.

MR. WEINREB: All right. Thank you.

THE JUROR: Yup.

MS. CLARKE: Good morning. It's over here now. My name is Judy Clarke. I'm one of the lawyers for Mr. Tsarnaev.

THE JUROR: Uh-huh.

MS. CLARKE: And I had just a few follow-up questions.

The judge asked you about your answer to Question 74, if you want to take a look. It's at page 19.

THE COURT: 19, yeah.

MS. CLARKE: And you talked to him about that. I wondered if you would take a look at 75. You indicated that a few people were jealous. Can you explain that to us a little bit more, talk to us a little bit more about that?

THE JUROR: I think it was right around Thanksgiving I [9-28] had mentioned it right when I got the whole packet about having to come here, and a few people just mentioned that I was lucky, in their words, and they wished that they got the chance to be here. That was basically it. And I just told—I was saying that I wasn't really sure how I felt about it yet, it all just came on so quick, so . . .

MS. CLARKE: Feeling lucky because why?

MR. WEINREB: Objection. I don't know why it's relevant what other people felt.

THE COURT: Well, did other people explain to you why they thought you were lucky?

THE JUROR: No, it didn't really go much further than that. I really wasn't too interested in talking about it. It was like a family dinner, so we were, like, eating.

THE COURT: So these were family members who were saying it?

THE JUROR: Yes.

THE COURT: Okay.

MS. CLARKE: What did you take that to mean?

MR. WEINREB: Objection. Same objection.

MS. CLARKE: I'm just trying to get to the—

THE COURT: No, you could answer that, what you thought—

THE JUROR: I mean as—

MS. CLARKE: Lucky because?

[9-29]

THE JUROR: I'm not sure. I mean, these weren't like close family members; these are like distant cousins and stuff. It wasn't people I see and interact with frequently. But I'm not—it's maybe something that they were more interested in than I was or—

MS. CLARKE: So you took no meaning from them saying “Hey, you’re lucky you get to go. I wish I could go”?

THE JUROR: My uncle is—the only thing I could see him saying—

MR. WEINREB: Your Honor, objection. This is asking him to speculate about what other people felt. He’s already said that he—

THE COURT: No, go ahead. Go ahead. Tell us what—

THE JUROR: I think he’s more interested in, I don’t know, I’d say like—I don’t know how to put it. I’d say more interested in, like, more action-type things and like excitement, and he’d be more, like, locked in and like more interested in everything that would be going on. Like he would take a lot of interest in this type of stuff, I think.

MS. CLARKE: One more question about that: Was it clear to you that the conversation was about this case coming up?

THE JUROR: Yes.

MS. CLARKE: For this case?

THE JUROR: I just assumed it was because a few days [9-30] before I had noticed on the news that this case was—the jury selection for this case was supposed to start January 5th along with Hernandez’s case. And so that was just what—I was going under the assumption that it was for this case.

MS. CLARKE: If I could take you to Question 19 on page 8. Are you with me?

THE JUROR: Yes.

MS. CLARKE: And apparently your sister has a role in your life, right?

THE JUROR: Yes.

MS. CLARKE: And have you talked to her about the jury summons?

THE JUROR: Not that I recall. I mentioned it to her, that was about it. I don't recall anything other than her just knowing that I'm here and stuff.

MS. CLARKE: Have you talked to her about the Boston Marathon bombing?

THE JUROR: Yeah, that was more closer to the event and the time. Nothing recent or since that other than being picked for this.

MS. CLARKE: And did you express any opinion to her about it?

THE JUROR: No.

MS. CLARKE: Then or now?

THE JUROR: I'd say then I was more interested in what [9-31] was really going on and curious to see how everything was going to turn out.

MS. CLARKE: What do you mean?

THE JUROR: The whole, like, few days—everything was going on at the time of the event, like. That was about it.

MS. CLARKE: Where were you on that marathon Monday?

THE JUROR: I was at work. I was right at the end of my day. We leave work at three, so we're usually back a little before—like 2:40 or so—watching TV.

MS. CLARKE: And did you watch the events unfold on TV?

THE JUROR: Yeah. Yes.

MS. CLARKE: And the 19th of April, the last day of the week when Mr. Tsarnaev was arrested, where were you then?

THE JUROR: We were still working. I think I was—I think I worked every day that week. I'm trying to remember.

MS. CLARKE: Let me ask this: Did you follow the events on TV or radio?

THE JUROR: Not really a lot. I mean, here and there I would catch bits and pieces of it, but it was mostly watching for the weather-wise.

MS. CLARKE: Okay. I'd like to ask a couple of follow-up questions about Question 21, your Honor.

THE COURT: Fine. We'll cut the audio, please.

[9-32]

(Discussion at sidebar and out of the hearing of the public: )

[REDACTED]

[9-33]

[REDACTED]

[9-34]

[REDACTED]



[9-35]

[REDACTED]

MS. CLARKE: I had some public follow-up.

THE COURT: I'm sorry. We'll go back on the audio.

(In open court: )

THE COURT: We're back on? Okay. Go ahead.

MS. CLARKE: If I could take you back to page 25, Question 93, you answered that life in prison without the possibility of release is less severe than the death penalty, and your explanation was that someone being allowed to live their life after taking someone else's life is not always fair. Can you elaborate on that a little bit?

THE JUROR: I guess it would be more—I guess it would be more of how the person took the life, it wouldn't be as fair—if somebody's suffering—if somebody is killed and they're suffering the whole time, I'd feel that—I'm not really sure. The death penalty seems like sometimes it could be an easy way out, how it would—it could go both ways, I guess, but I'm really not sure.

MS. CLARKE: Well, I guess one of the questions is— [9-36] and only you know—

THE JUROR: Yeah.

MS. CLARKE: —is are you looking solely to the crime itself or something else?

MR. WEINREB: Objection. I don't understand the question.

THE COURT: Yeah, I think it's too vague a question.

MS. CLARKE: The judge has explained that there are two phases to a capital case, the first phase where the jury makes a determination of whether or not the person is guilty beyond a reasonable doubt of the capital crimes.

THE JUROR: Uh-huh.

MS. CLARKE: And that means, and I think the judge has explained, that you would never get to the penalty phase unless the person were found guilty of the crime, an intentional murder.

THE JUROR: Yes.

MS. CLARKE: Not a self-defense, not a duress, no excuse.

THE JUROR: Uh-huh.

MS. CLARKE: Intentionally kill, okay?

THE JUROR: Yes.

MS. CLARKE: So I'm wondering if that's where you stop in making your determination of whether somebody should get the death penalty or not or whether you want to know more.

[9-37]

THE JUROR: Yeah. I mean, I can't really say I have a certain line of where I'm going to make my decision or not. It would more depend on the outcome of how everything was presented to me and what—how everything, like, really played out.

MS. CLARKE: Let me ask it this way: If you made a decision that the person was guilty of an intentional murder, no excuses, in the penalty phase would

you be giving consideration, meaningful consideration, to the fact that someone may have had a bad childhood?

THE JUROR: Yes.

MR. WEINREB: Objection.

MS. CLARKE: Would that make a difference?

MR. WEINREB: I don't think it's appropriate to ask particular mitigating factors.

THE COURT: I think we've ruled that out before. I mean, I think we can keep coming at this. I think the witness has expressed his disposition—the witness, the juror. I keep calling him “the witness.”

MS. CLARKE: Mr. 138. Thank you.

THE COURT: Anything else? You're done?

Anything else?

MR. WEINREB: No.

THE COURT: Okay. Thank you, sir.

THE CLERK: Right this way, sir.

[9-38]

THE JUROR: Thank you.

(The juror is excused.)

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Fri., Jan. 29, 2015  
11:10 a.m.

---

**JURY TRIAL—DAY ELEVEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, Federal Public Defender  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[11-81]

\* \* \* \* \*

THE CLERK: Juror No. 229.

MR. McALEAR: Juror No. 229.

(Juror No. 229 enters the courtroom.)

THE CLERK: Ma'am, over here, if you would, please. Have a seat.

Speak into the mic so everybody around here can hear [11-82] you, okay?

THE JUROR: Okay.

THE CLERK: Okay. Thanks.

THE COURT: Good afternoon.

THE JUROR: Good afternoon.

THE COURT: Have you been able, since the last time you were here, to abide by my instructions to avoid any discussion of the substance of the case with anybody or the process or anything like that?

THE JUROR: Uh-huh.

THE COURT: And have you also, to the extent you've been able, avoid media reports about the case or the process?

THE JUROR: Yes.

THE COURT: So that's the questionnaire you filled out, and we're going to follow up on some of the questions.

THE JUROR: Can I open it?

THE COURT: You can. I'm going to start on page 6. And the question is a quick one. It gives a little information about your husband and his work. You say he's a financial advisor?

THE JUROR: Yes.

THE COURT: Can you tell—put that in a little more context, what it is he does?

THE JUROR: Sure. He works in a family business for RBC. It's called the McCarthy Group. And he's a financial [11-83] advisor, just as far as long-term planning.

THE COURT: I see.

THE JUROR: Investments.

THE COURT: Personal wealth, is that what you're talking about?

THE JUROR: Yeah, exactly.

THE COURT: How long has he done that?

THE JUROR: Oh, let's see. I'm going to go with—God, I think going on 21 years.

THE COURT: Okay. And your own work?

THE JUROR: Well, I don't know what I want to be when I grow up, but I do do a little bit of everything. I run events right now, I was a social worker, and I do volunteer for HAWC. I think that's on here.

THE COURT: Yeah, I was going to ask you what that acronym means.

THE JUROR: So it was a haven for domestic violence. And basically what we do is—

THE COURT: What do the letters mean?

THE JUROR: Well, they just changed it. Now I'm nervous. What is it? It's Haven for Wellness and Change [*sic*], so . . . And it's out of Salem.

THE COURT: Okay.

THE JUROR: And basically what we do, I'm on call for people who suffer from domestic violence.

[11-84]

THE COURT: Do you counsel or—

THE JUROR: It's just a hotline. So basically what I do is I make a plan with them to be referred to—you know, make sure they're in a safe situation, and I refer them to the best situation.

THE COURT: Okay. I'm looking at Question 26 on page 10 where you talk about your event planning and so on.

THE JUROR: Okay.

THE COURT: Did I say page 26?

THE JUROR: You did.

THE COURT: Page 10, Question 26. Sorry.

THE JUROR: Okay.

THE COURT: Just from the dates, homemaking prior to the event planning, but there's an overlap there. So is it you were doing both at the same time?

THE JUROR: I was.

THE COURT: Is the event planning a full time, part time?

THE JUROR: No, I do contract work for them. So they call me when they want me to work, and I can say yes or no.

THE COURT: When they get a particular event?

THE JUROR: Yes. Right. Exactly. I mean, they would like me to work a lot more, but because I have the children I just kind of get to pick and choose.

THE COURT: I see.



[11-85]

Next page, page 11, Question 33, you have a friend who is a Homeland Security lawyer?

THE JUROR: Yes.

THE COURT: Tell us about that. Do you know what this person does?

THE JUROR: Right now she works in immigration. She just moved up here. Her parents were sick. So she was down in Miami, and now she works out of Hartford. So she does a lot of the Homeland Security with people who are in immigration, are illegal status.

THE COURT: And is this somebody you're close to or is this just somebody who's an acquaintance? Can you give us—

THE JUROR: Sure. She was my roommate in college, and we've been friends ever since, so over 20 years.

THE COURT: But you're not neighbors—

THE JUROR: No.

THE COURT: —because she's long distance.

THE JUROR: No, no. She lived in Miami, but she had to move back because, unfortunately, both her parents are ill, so she takes care of them.

THE COURT: So how do you stay in touch?

THE JUROR: By phone. She's actually back in Miami selling her house.

THE COURT: Also on page 11 at the top we asked about social media.

[11-86]

THE JUROR: Uh-huh.

THE COURT: You said Facebook infrequently?

THE JUROR: Yeah, just to kind of spy on my kids.

THE COURT: Page 14, Question 42, you've been a witness, I guess, probably when you were a social worker?

THE JUROR: Yeah, a long time ago. Yup.

THE COURT: And then also personal family matter, I guess?

THE JUROR: Oh, yeah. I took care of my uncle who passed away last year, and his ex-girlfriend's daughter was suing him for rent even though they lived together. I just felt like I had to stand up for him.

THE COURT: So that was fairly recent?

THE JUROR: Within the last two years.

THE COURT: How about the other one?

THE JUROR: Oh, God. That was a long time ago. That was probably—had to be in the '90s.

THE COURT: All right. So now turn to page 20, if you would, please.

THE JUROR: Sure.

THE COURT: Question 77.

THE JUROR: Okay.

THE COURT: In that question we ask a multiple-choice sort of question with available boxes for you to check about whether you'd formed an opinion about

whether the defendant was [11-87] guilty or not or if he should receive the death penalty or not based on things you'd seen in the news or learned about otherwise. And you—for the available choices, yes, no or unsure, for each of those you checked “unsure.”

THE JUROR: Uh-huh.

THE COURT: Would you just tell us about that, why you chose that box?

THE JUROR: I would have to say because of a lot of—when it happened—was through the media that I heard about it. And, you know, I just think I'm a little bit jaded with the media, and I just thought with our legal system I should keep an open mind. You know, through my education and, you know, I just know what the media tells us, there's always more. So I felt like, you know, you're innocent before proven guilty, that I should have that open mind. So I had to answer that fairly.

THE COURT: And would you be able to, if you were a juror in the case, follow that principle, that a person accused of a crime is innocent until proven guilty by the evidence at trial?

THE JUROR: Yes.

THE COURT: In your capacity as a social worker or in your volunteer capacity, have you had any connection with or association with criminal prosecutions?

THE JUROR: Well, what I do right now as far as with [11-88] HAWC is we have to stay very non-judgmental. And the advice that we give people has to be one of just support and empowerment and not what—you know, we can't persuade them either way.

And when I was a social worker, what I did mainly was crisis work. And, again, that was where I would go in and make a plan for the person's safety but I couldn't tell them what to do and I couldn't judge the situation or what was going on.

THE COURT: So would you be able, in this case, although it has some notoriety, to listen to the evidence, hold the government to its burden of proof, which is to prove the defendant guilty of any of the crimes that he's charged with beyond a reasonable doubt by the evidence at trial, and if you thought the government had not sustained its burden on any of the counts, would you be able to find the defendant not guilty as to that count?

THE JUROR: Yes, I think so.

THE COURT: Any hesitation?

THE JUROR: Well, I mean, it's a weighty question, but I want to believe that, yes, I would, because I feel like, you know, as we learned today with the videos and everything I've been thinking about is that, you know, if it was myself or someone I knew who was in this situation, that I would want that fair trial.

THE COURT: Okay. Beginning on page 23 we asked a [11-89] series of questions about jurors' thoughts or attitudes about the death penalty, and that begins with Question 88 on 23.

THE JUROR: Sure.

THE COURT: 88 is a general question: Do you have any views about the death penalty in general? and you said none. Is that accurate?

THE JUROR: Yeah, I think that—well, maybe as far as like—what do you mean “in general”?

THE COURT: I guess as a policy matter should there be a death penalty or not or are there occasions when it is appropriate and occasions when it's not? I mean, people could have various thoughts about it, that's all. We're really trying to get you to tell us whatever occurred to you in response to that, so . . .

THE JUROR: Right. So I think on 91 I explained that I feel that it is case to case in my mind. So I don't know if "none" is an appropriate answer to that one. So, I mean, I feel it's case by case.

THE COURT: Okay. We'll get there. We'll work through them.

THE JUROR: Sorry.

THE COURT: In 89 we asked you to see if you could position yourself on a scale of 1 to 10 in terms of being strongly opposed or strongly in favor, and you chose—I guess you chose 6 first and then changed it to 5.

[11-90]

THE JUROR: I feel like it should be the middle because, again, I feel it's case by case.

THE COURT: Okay. And then the next page, Question 90, we set forth a series of statements that people could possibly agree with or disagree with, and asked you to select one that you thought best described your feelings about the death penalty for someone who has been proven guilty of murder, and you selected D saying you're not for or against the death penalty. "I could vote to impose it or I could vote to impose a life

imprisonment without the possibility of release, whichever I believe was called for by the facts and the law in the case.”

Does that fairly represent your view?

THE JUROR: Yes.

THE COURT: And when you were referring to 91, you’re kind of saying the same thing?

THE JUROR: Right. Right.

THE COURT: Is this something that—it’s understandable if jurors, when they came in in early January, hadn’t thought a lot about the death penalty at that point and when we asked you to fill out these questionnaires. Have you thought about it more since then at all?

THE JUROR: Oh, absolutely. Since I left, you know, having to answer that question, of course. But has it changed? No. I mean—

[11-91]

THE COURT: That was going to be my next question. Have you changed your view in any way?

THE JUROR: No.

THE COURT: The bottom of 25, Question 95, we asked, “If you found this defendant guilty and you decided the death penalty was appropriate, could you conscientiously vote to impose the death penalty?” and you said “yes.”

THE JUROR: Uh-huh.

THE COURT: The next question is the reciprocal of that. “If you found the defendant guilty and you decided that life imprisonment without the possibility of

release was the appropriate punishment, could you conscientiously vote for that penalty?" and you said "yes."

THE JUROR: Do you feel like that's a contradiction?

THE COURT: No, I don't necessarily. Do you?

THE JUROR: No, I don't. I think it's depending on what the facts are.

THE COURT: Okay. Follow-up?

MR. MELLIN: Your Honor, may I ask a few questions?

THE COURT: Okay.

MR. MELLIN: Good afternoon. I'm Steve Mellin. I'm one of the prosecutors on the case. I'd like to jump back to where Judge O'Toole started, which was a little bit of discussion kind of about your master's of social work.

Your undergraduate degree, it looks like, was in [11-92] psychology. Is that right?

THE JUROR: Yes.

MR. MELLIN: What types of courses did you take for that? I didn't mean that to be a trick question.

THE JUROR: I know. It was just a thousand years ago. So behavioral psych. I did concentrate more in adolescent at the time, so adolescent psych, family and children.

MR. MELLIN: And "adolescent" to you means what? What age are you talking about?

THE JUROR: Well, adolescent—well, some theories it could be 13 to 26.

MR. MELLIN: Okay.

THE JUROR: You know, depending on, you know, what school of thought you came from, so . . .

But when I did work with children, for adolescents it was considered 13 to probably 18.

MR. MELLIN: And what type of work did you do with the children?

THE JUROR: Well, I've had many jobs in social work, so I'm trying to think. To start off with, I did work at a group home, Harbor Schools, and I was the lead social worker there. So they were residents that were placed there. And so I did a lot of case work, a lot of individual, and then a lot of groups. And then overseeing the staff.

MR. MELLIN: How did the children end up at the home?

[11-93]

THE JUROR: Some of—I would say most of them were probably placed by the state at the time. They—you know, if they weren't able to be integrated into the community at their homes, or if their homes weren't a place where they were being able to kind of abide by laws and different things like that, this was a place where they could be under supervision and get an education as well.

MR. MELLIN: Okay. You mentioned earlier that you did some work in kind of a crisis setting. Is this the crisis setting or is that something else?

THE JUROR: No, no, I worked for Greater Lynn—not Greater Lynn. I'm sorry. I worked in Lynn at



a crisis center, so it was on-call. And I also worked in the crisis agency. So if, say—a lot through Lynn Union Hospital, if they had people who came in who were, perhaps, suicidal and different things like that, I was the initial person who did the evaluation before the psychiatrist came onsite.

So I did the evaluation to see if the person should go to the next step or if they could go home or if they could go into outpatient therapy or if they needed to be in inpatient.

MR. MELLIN: Any interactions with law enforcement in any of that where—if the crisis was some type of domestic abuse or anything like that where you would call the police?

THE JUROR: They would call me. So I was—like the police usually were the ones who brought them to the hospital. [11-94] Not all the time. I'm sorry. But that's how that happened.

Would I have to call the police? At my office sometimes, you know, if somebody was—you know, had a psychotic break or something like that, or was getting violent, then we did have to call for police assistance.

MR. MELLIN: And in the time you were working in social work, did you do any psychological testing on any of the people you were dealing with, anything like that?

THE JUROR: No, that wasn't my job. That was done—they were referred to me after that.

MR. MELLIN: Have you ever done any?

THE JUROR: Probably as, like—you know, in graduate school as part of a practicum, but it wasn't what I studied or specialized in.

MR. MELLIN: Okay. So in this case if you were to hear from psychologists, would you be able to decide the weight to give that testimony based on hearing the testimony here in court as opposed to maybe what you learned back a few years ago?

THE JUROR: Honestly, you know, I don't know. I mean, it was so long ago, it kind of seems like a lifetime ago. It might trigger some things that I had in my education, but I don't think I would consider myself like a professional in that.

MR. MELLIN: Fair enough. Okay.

[11-95]

And then turning to the death penalty questions, you kind of put yourself in the middle of the road on this. You said that you have thought about it a little bit since we handed you this little text to fill out.

What have you thought about the death penalty since you filled out this questionnaire?

THE JUROR: Probably how my position has changed on it, you know, as far as, like, you see me as a social worker, I probably started out young probably being more liberal, and then probably becoming—as I became older and worked more a little bit more open to, you know, that it's not very black and white; that there's different things that come into play for me as far as that decision.

MR. MELLIN: Okay. And you mentioned that you believe that it's a case-by-case analysis, right?

THE JUROR: Uh-huh.

MR. MELLIN: If you did believe this was a case where you thought the death penalty was appropriate, would you be able to vote to impose the death penalty?

THE JUROR: Yes.

MR. MELLIN: Thank you.

MS. CONRAD: Good afternoon. My name is Miriam Conrad. I'm one of Mr. Tsarnaev's lawyers.

Can you tell me a little bit more about some of the things in your life experiences that caused you to change your [11-96] view about the death penalty?

THE JUROR: Probably having children myself and seeing things—you know, and as far as just things that—cases maybe I've come across or things I've seen in the news as far as things happening.

MS. CONRAD: Can you be more specific? Any particular cases that come to mind?

THE JUROR: No. I think just probably, you know, if you had asked me this question 20 years ago, I would have said absolutely not, and now I just think—I'm just not as naïve and I just have to, you know, look at things from both sides.

MS. CONRAD: When was it exactly that you did do social work? You said the '90s?

THE JUROR: Yes. And I still always—like I said, I always try to keep myself involved in some way, you know, as far as like volunteering or something like that.

MS. CONRAD: So was it a conscious decision to leave that field or was it more just change in circumstances?

THE JUROR: I'd say change in circumstances because I made no money and my husband did, and so I didn't want to pay someone to raise my kids.

MS. CONRAD: I understand. You said, I think in answer to Mr. Mellin's question, about, you know, if the circumstances called for it. Can you tell us a little bit more about what kind of circumstances would be relevant to that in [11-97] your mind?

THE JUROR: Well, I just think—like an example just that would come to me—I don't know. If the evidence just was, like, just completely that this was just a malicious act and this is the intention, then I guess that—you know, if there was no way around it, you know, but I think—just the facts would have to be there that I would really have to, you know, think about it. I couldn't just say no right away; I couldn't just say yes right away.

MS. CONRAD: I'm sorry. You could or could not say yes right away?

THE JUROR: I think that I would have to have more information either way. I don't think it's a decision—like I'm not somebody who's just going to say right at a cocktail party that, yes, somebody should be put to death or, no, they shouldn't. I need more information. I'm not going to just jump to that.

MS. CONRAD: And would you be able to consider facts regarding the defendant's background as well as facts regarding the crime in making that determination?

THE JUROR: Yeah, absolutely. I think that's probably where my thought process would be.

MS. CONRAD: Now, you said something about having children changing your view. Can you talk a little bit more about that?

[11-98]

THE JUROR: Well, I just think that as far as probably not being as naive and just thinking that—you know, that sometimes bad things happen out there and there needs to be more consequence, whereas when I was younger and it was just myself, I probably didn't have that point of view.

MS. CONRAD: Would a case that involved the death of a child make it more difficult for you—

MR. MELLIN: Objection.

THE COURT: Sustained.

MS. CONRAD: You told us that—well, you said on your form that you were unsure whether you'd formed—the way the question is framed is a little bit difficult. If you'd look at page 20, Question 77. So it's a little confusing, but the way the question is actually written is it asks whether you'd formed an opinion about whether Mr. Tsarnaev is guilty, and your answer to that is “un-sure.”

THE JUROR: Uh-huh.

MS. CONRAD: So are you saying there that you're unsure whether he's guilty or you're unsure whether you formed an opinion?

THE JUROR: Well, I think they're one and the same because I don't have that information, you know,

as far as if I just watched the television that day, then, you know, that wouldn't be—I don't know. That's just not where I would come from, you know? I just don't feel like—I am unsure as [11-99] far as, like, what you're asking. Like I'm not someone who's going to say "guilty" or not "guilty."

MS. CONRAD: Sure. And I appreciate that and I really appreciate—first of all, I want you to understand that we're really trying to find out how you feel. There are no right or wrong answers here, which is really the most important thing, is that you tell us as honestly as you can. And sometimes it's hard to know yourself how you feel about something.

And of course, we appreciate that you understand the legal concepts, but before you ever got your jury summons, did you have an opinion about whether Mr. Tsarnaev was guilty?

THE JUROR: From what I saw on TV?

MS. CONRAD: Yes.

THE JUROR: I guess, yes, I suppose that we knew that he was involved.

MS. CONRAD: And what was that based on?

THE JUROR: From the media. And like I started off, it's just—you know, I don't always believe everything that I, you know, hear or see from the media, but it was from what the media coverage was telling us.

MS. CONRAD: And is there anything about that media coverage that stands out in your mind?

MR. WEINREB: Objection.

THE COURT: Yeah, I think so.

MS. CONRAD: Again, focusing on your state of mind, if [11-100] you will, before you got your jury summons did you have an opinion about whether or not Mr. Tsarnaev should receive the death penalty?

MR. WEINREB: That was just asked and answered.

MS. CONRAD: No, I asked about guilt; now I'm asking about the penalty.

THE COURT: This is about the death penalty.

MR. WEINREB: I withdraw that.

THE COURT: The C and D part is the question.

THE JUROR: I'm sorry. So what was your question?

MS. CONRAD: So my question is just before you got the jury summons did you have an opinion one way or the other about whether Mr. Tsarnaev should receive the death penalty?

THE JUROR: Honestly, I don't think I thought about it.

MS. CONRAD: And did you think about it after you received the summons?

THE JUROR: Yeah, I think so. I think that's because it was out there for—you know, everybody obviously knew what this trial was going to be about.

MS. CONRAD: And when you thought about it at that point, did you form an opinion or did you have an opinion? And I'm not, again, asking whether you could put that opinion aside; I'm just asking whether you had an opinion.

THE JUROR: An opinion of?

[11-101]

MS. CONRAD: Whether he should receive the death penalty.

THE JUROR: No, I did not.

MS. CONRAD: You said in answer to Question 76, which is also on page 20, that you read news articles regarding the venue appeal?

THE JUROR: Uh-huh.

MS. CONRAD: And can you tell us a little bit about what you read?

MR. MELLIN: Objection.

THE COURT: No, go ahead. You can answer that.

THE JUROR: So I'm sorry. I don't have my glasses. So the question is?

MS. CONRAD: Do you want to borrow mine?

THE JUROR: They made me leave me stuff outside.

So you want to know what I read specifically?

MS. CONRAD: Yes.

THE JUROR: Just that his lawyers were trying to change the venue because, obviously, you know, you were concerned about people on the North Shore and, you know, just us being probably more prejudice to the situation.

MS. CONRAD: Why do you mention the North Shore in particular?



THE JUROR: That's where I live. It wasn't in the article.

[11-102]

MS. CONRAD: And you read this after you got the summons?

THE JUROR: Oh, gee. I don't—after I got the summons? Honestly, I probably wasn't conscious of the fact that that was even about this. I think as of January 5th I didn't even put two and two together, so I think I did. I think when I would just open, you know, my computer, it was there.

MS. CONRAD: Sure.

THE JUROR: To be honest, did I read the whole article? No.

MS. CONRAD: So you didn't realize—am I understanding you correctly that you didn't realize that your jury summons was for this case until you came in on January 5th?

THE JUROR: Absolutely. Right.

MS. CONRAD: And so how did you feel about that?

MR. MELLIN: Objection.

THE COURT: Sustained. We asked it in the questionnaire.

MS. CONRAD: Yes. But your—let me go back, then, your Honor.

So your answer to Question 74 was not your reaction to being a juror in this case but just getting a jury summons in general.

[11-103]

THE JUROR: 74? “What did you think of . . . “  
Yeah. That’s . . .

MS. CONRAD: So my question is: When you realized it was for this case, how did you feel?

THE JUROR: On January 5th?

MS. CONRAD: Yes.

THE JUROR: Probably a little stupid that I didn’t realize it was that case because I think everybody else did.

MS. CONRAD: Not necessarily.

THE JUROR: Okay.

MS. CONRAD: But how did you feel about the possibility of being a juror in this case? I guess is what I’m asking.

THE JUROR: It probably gave me pause. I mean, I don’t know if it—you know, what the emotions that I had. I was just like, wow.

MS. CONRAD: And since then have you given that more thought?

THE JUROR: Honestly? Yeah. I’m supposed to go to Aruba in a couple of months. I was thinking, wow, you know, this is going to be a long—the judge said that you could be here for a long time, so I thought, wow, it’s a big commitment.

MS. CONRAD: Do you already have tickets for that?

THE JUROR: I do.

MS. CONRAD: You do?

[11-104]

THE JUROR: Yeah.

MS. CONRAD: And they're already paid for?

THE JUROR: No, it's a company—for my husband, so . . .

But that's probably the most thought I gave it.

MS. CONRAD: Your answer to Question 74, "Grateful to have a legal system in place"?

THE JUROR: Yes.

MS. CONRAD: Can you tell me a little bit more about?

MR. MELLIN: Your Honor, objection. We've already gone over this.

THE COURT: Yes, I think that's plain enough, actually.

MS. CONRAD: May I just have a moment, your Honor?

(Pause.)

MS. CONRAD: On Question 89—and I'm sorry if you already answered this, I had a little trouble hearing—but it looks like you crossed out 6 and changed it to 5?

THE JUROR: Okay. I'm sorry.

MS. CONRAD: It's on page 23. I'm sorry.

THE JUROR: Page 23? Page 23?

MS. CONRAD: Yes.

THE JUROR: Okay.

MR. WEINREB: Your Honor, if that's a question, I object. That was asked and answered at length.

[11-105]

MS. CONRAD: I'm sorry. I just didn't hear the answer if it was.

MR. WEINREB: Well, it will be in the transcript.

THE COURT: I think it shows that there was a—the juror originally put 6 and changed it to 5. I'm not sure how much of a gradient change that is. They're both right in the middle.

MS. CONRAD: Well, one's—they're two different answers.

THE COURT: Anyway, I think we can leave it as-is at this particular point.

MS. CONRAD: When you read about the venue, did you have any opinion about it?

MR. MELLIN: Objection.

THE COURT: Sustained.

MS. CONRAD: In working with law enforcement and your experience with law enforcement, would anything about that experience affect how you would view testimony by a law enforcement officer?

THE JUROR: No.

MS. CONRAD: Would you tend to give more—more readily believe a law enforcement witness than a non-law enforcement witness?

MR. MELLIN: Objection. Asked and answered.

THE COURT: Yeah. You know, I don't think we have to [11-106] follow up on questions that were unambiguously answered in the questionnaire.

MS. CONRAD: Well, your Honor, respectfully, Mr. Mellin asked a number questions about work with law enforcement. I'm following up on those.

THE COURT: Well, that was about experience. But the question about crediting or discrediting law enforcement testimony because of its source was plainly in the questionnaire. We have an answer to that.

MS. CONRAD: Thank you very much.

THE JUROR: Okay.

THE COURT: Okay. Thank you.

THE JUROR: Thank you.

(The juror is excused.)

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Wed., Feb. 4, 2015  
10:11 a.m.

---

**JURY TRIAL—DAY THIRTEEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD and WILLIAM W. FICK, Federal  
Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[13-112]

\* \* \* \* \*

THE CLERK: Juror No. 286. Ma'am, over here,  
please, if you would. Have a seat.

THE COURT: Good afternoon.

THE JUROR: Good afternoon.

THE COURT: Since you were here to fill out the questionnaire, have you been able to follow my instructions to avoid discussing the substance of the case?

THE JUROR: I have.

[13-113]

THE COURT: And as much as possible, to avoid any media accounts?

THE JUROR: Yes.

THE COURT: Thank you. Tell us about your work.

THE JUROR: I'm a general manager of a restaurant.

THE COURT: And you've been doing that for a couple of years?

THE JUROR: No. I've been doing it for about a year and a half. I've been with the same restaurant for about 24 years.

THE COURT: So you were recently promoted to general manager?

THE JUROR: Correct.

THE COURT: How big—how many staff people do you supervise?

THE JUROR: About 50.

THE COURT: We asked a little bit about social media you use. You use what? Facebook?

THE JUROR: Facebook, Twitter, Instagram.

THE COURT: Mostly for family or social?



THE JUROR: Yeah, just social. Facebook, I keep up with friends and relatives. Twitter, I watch TV and kind of tweet while I'm watching TV with other people that are watching the same programs that I'm watching.

THE COURT: Does that include news programs?

[13-114]

THE JUROR: No.

THE COURT: You have prior jury experience in the Suffolk Superior Court?

THE JUROR: I do.

THE COURT: That was a civil commitment? Was that what it was? What was it?

THE JUROR: It was a—

THE COURT: A patient?

THE JUROR: Right. He was kind of—I guess they had stated that he wasn't going to be allowed back out into the public, and he was kind of appealing, I guess, that decision.

THE COURT: When was that?

THE JUROR: Probably about four years ago.

THE COURT: What was the decision?

THE JUROR: He was sent back to Bridgewater State Hospital.

THE COURT: So if you'd turn to Page 20, I want to direct your attention to Question 77. In that question we asked whether, based on what you'd seen or read in the media or heard from any other source, had you formed an opinion the defendant was guilty or not guilty

or should receive the death penalty or should not receive the death penalty. To each of those you answered, no, you hadn't formed an opinion.

THE JUROR: Correct.

THE COURT: Is that accurate?

[13-115]

THE JUROR: Yes.

THE COURT: You probably have seen things about the case?

THE JUROR: Absolutely.

THE COURT: But that hasn't led you to form any—

THE JUROR: I'll tell you, I watch the news. I've seen reports of the—everything on the news. When I read those questions, I was kind of—you know, you're putting it on me, and I don't feel I knew enough of the facts to base a decision. I assume while I'm watching the news that I'm—the police or whatever have done—they got who they were looking for. I kind of left it at that. When it was being pinpointed at me, I wasn't comfortable with the information I knew to make an accurate decision.

THE COURT: You know that in a criminal prosecution anybody who is accused of a crime is presumed to be innocent, not guilty, unless the government proves otherwise, proves the person guilty by evidence at the trial.

THE JUROR: I understand.

THE COURT: The evidence has to be convincing to the degree of—the jurors would be convinced of his guilt beyond a reasonable doubt. Corollary of that is, if the jurors are not so convinced, it's their obligation to find the government has failed its burden of proof and to find the defendant not guilty.

[13-116]

THE JUROR: Correct.

THE COURT: Would you be able to faithfully apply those principles if you were a juror in this case?

THE JUROR: I would.

THE COURT: With respect to guilt or innocence?

THE JUROR: Absolutely.

THE COURT: You say you went to the Boston Strong concert at the Garden and bought a T-shirt there?

THE JUROR: Yeah. Actually, I was—I realized afterwards that I bought the T-shirt actually for the concert. I thought, when I was filling out the questionnaire, that I had bought it at the concert. But I bought it to attend the concert.

THE COURT: Do you still use it?

THE JUROR: No. I'm not really a T-shirt—I'll tell you the last time I remember wearing it was at Disney World a year and a half ago only because so many people commented on it when we were there, but I'm not really a T-shirt, jeans-type person.

THE COURT: We asked a series of questions about attitudes towards the death penalty in general

and perhaps more particularly. If you'd turn to Page 23, with Question 88, we started by asking you if you had any views about the death penalty in general, what are they, and you said you don't really have any.

[13-117]

THE JUROR: I don't.

THE COURT: Is it something you've thought about over the years or not thought about it over the years?

THE JUROR: I never really thought it. It doesn't really apply to me or my life. That maybe sounds selfish, but I just—if it doesn't apply to me, I don't really give it much thought.

THE COURT: Okay. In the next question, we asked you to indicate where you thought you might fall on a numerical scale from 1 to 10, from strongly opposed to strongly favor. You're sort of in the middle.

THE JUROR: I'm in the middle, yeah.

THE COURT: And then Question 90 on the next page, there's a series of propositions that go from opposition—strong opposition to strongly in favor. And we asked you to pick the statement that might best capture your own point of view on this. And you've selected (d), which is, "I'm not for or against the death penalty. I could vote to impose it, or I could vote to impose a sentence of life imprisonment, whichever I believed was called for by the facts and the law in the case." That's what you selected then. Does that—today, that does seem to still be the way you would be on the scale of things?

THE JUROR: Yes.

THE COURT: You heard me this morning talk about how [13-118] there would be a penalty phase and there would be presentations probably about aggravating factors and mitigating factors. Would you be able to listen to all that evidence and in the end decide which, assuming—of course, you don't get to the penalty phase until you found the defendant guilty of intentional murder. That's the premise. Would you be able in the penalty phase then to consider all the aggravating, mitigating circumstances, anything else that seemed important to you and be able to choose in either direction depending on how you weighed the evidence?

THE JUROR: I could.

THE COURT: The bottom of 25, Question 95, and then 96 on the top of the next page, we asked first—now, these are not about general views about the death penalty but kind of bring you to this case. If you found this defendant guilty and you decided that the death penalty was an appropriate punishment, could you conscientiously vote for the death penalty?

THE JUROR: Yes.

THE COURT: You said "yes."

THE JUROR: Uh-huh.

THE COURT: The other side of that is the next question. If you found him guilty and decided on the other hand that life imprisonment without possibility of release was the appropriate punishment, could you conscientiously vote to [13-119] impose that—

THE JUROR: Yes.

THE COURT: —punishment?

Okay. Anything? Mr. Mellin.

MR. MELLIN: Good afternoon, ma'am. I'm Steve Mellin. I'm one of the prosecutors on the case. I want to go right where Judge O'Toole was asking questions about the death penalty. If we can just kind of see if we can dig down a little bit on that. You say you were kind of not for it, not against it. But where—when you think about it, I mean, what impressions do you have of the death penalty?

THE JUROR: I don't really have any. I mean, I could—it doesn't bother me. I don't feel like—I guess I don't feel like I'm the one that's sentencing somebody to death or prison for the rest of their life. It's their own actions that are determining that factor. If I'm following the law or whatever—it's kind of the same thing with my job. I fire people, and they're, like, How can you do that to somebody? I'm, like, I didn't do that. They did that. They consciously made the effort to not come to work or to steal or be late or whatever. I feel the same way with being a juror, being told to follow the law and what I've heard, and I'll decide that by what I've heard in the courtroom.

MR. MELLIN: You've heard a little bit about how this process works. But if the jury does find the defendant guilty [13-120] of one of these capital offenses, the jury would go on to decide whether it will be life imprisonment or death penalty; do you understand that?

THE JUROR: I do.

MR. MELLIN: So it really is going to be up to the jurors to make the call between does the evidence support the death penalty or does it support life imprisonment. And it's going to be a call that you will have to

make. And if you believe that the aggravating factors sufficiently outweigh the mitigating factors to justify a sentence of death, would you actually be able to vote to sentence someone to death?

THE JUROR: I could.

MR. MELLIN: Thank you.

THE JUROR: You're welcome.

MS. CLARKE: Hi. My name is Judy Clarke. I'm one of Mr. Tsarnaev's lawyers.

THE JUROR: Good afternoon.

MS. CLARKE: You're a supervisor?

THE JUROR: I'm a general manager, supervisor.

MS. CLARKE: A big supervisor—

THE JUROR: Yes.

MS. CLARKE: —of a good number of people, it sounded like. A jury, everybody is sort of equal. Have you thought about how that might work for you?

THE JUROR: No. I mean, I kind of almost prefer it. [13-121] I don't like being the center of attention. I kind of actually like being—it would be more comfortable for me actually.

MS. CLARKE: Can you help us understand that a little bit more? More comfortable—

THE JUROR: I took the position. It was offered to me. I actually said no six times to my boss. I didn't want the position. I didn't want the responsibility. I was kind of guilted, I guess, into it, but they didn't have anybody else that they felt comfortable doing it. I've had a problem with that decision since the day that I've

taken the job. I've played the lottery more in the last year and a half then—hoping for that retirement. It's not a comfortable position for me. It's—so being level with everybody and equal with everybody is a lot more comfortable for me personally.

MS. CLARKE: Not having anybody to boss around?

THE JUROR: Right, or being responsible for somebody.

MS. CLARKE: Well, it's huge responsibility being on a jury deciding whether somebody is going to live or die based on their actions or not. How do you think you would cope with that responsibility?

MR. WEINREB: Objection.

THE COURT: No. I think you can answer that. Go ahead if you're able to.

THE JUROR: Yeah. I don't feel like I would have an issue with it. I've done—it hasn't been a death penalty [13-122] case before, but I've been on a case before and I've had no problem.

MS. CLARKE: With your prior jury service? You said that was a positive experience, I think.

THE JUROR: Yeah. Actually, it's, like, when you were giving our instructions on day one, you have this sense of pride coming out of there, whatever, that you've done something very important. Somebody like myself, I haven't really gone to college. I was a waitress for years. I feel the same way when I come out of the voting booth every time I vote. It's something very important that I've done. It's probably one of the most important things that I will do in my life.



MS. CLARKE: Okay. At the restaurant, did your employees or coworkers, colleagues, talk about the Boston Marathon bombing when it happened?

THE JUROR: No. I work 20 miles out of the city. We were actually really busy. I was a waitress at the time. I was kind of like joking with my boss I wanted to go home. Boston was—I live in Boston, and Boston was on lockdown. I'm, like, I have to go home. We're on lockdown. We were really busy. All the restaurants around rely on people coming from public transportation. It was shut down. We were already there and open. It's a breakfast restaurant so all—we open at 7 a.m. We were all there at 6:00 in the morning. Yeah, we were busy. We were working.

[13-123]

MS. CLARKE: But you knew about it?

THE JUROR: Yeah, yeah.

MS. CLARKE: Over the course of time, have people there talked with you about it?

THE JUROR: No, not really.

MS. CLARKE: All right.

THE JUROR: No.

MS. CLARKE: Family or friends talk with you about the Marathon bombing?

THE JUROR: No.

MS. CLARKE: Or any of the events of that week?

THE JUROR: No. I remember talking to my kids about it explaining situations with them. There was something else going on at UMass Boston when the

bombing was all going on. I was a lot more concerned about what was going on there. I guess it ended up being like a—I can't think of the word but an explosion of an AC unit or something.

MS. CLARKE: Oh.

THE JUROR: I have a brother that works over there, so I was more concerned about what was going on over there than what was actually going on in Downtown Boston.

MS. CLARKE: All right. You've just not had any conversations really about this case? I mean, before the judge instructed you.

THE JUROR: Before, yeah. I mean, maybe in general or [13-124] something but not really. It didn't really—I don't attend the Marathon. I don't go into Downtown Boston. I didn't know anybody that was affected from it. Maybe just in general. You know, I mean, just in general. Hey, did you hear what happened at the Marathon?, something like that.

MS. CLARKE: I think you said in the questionnaire that you'd read a moderate amount of the press coverage. That's Question 73 if you wanted to take a look. Can you tell us what stands out in your mind that you read about it?

MR. WEINREB: Your Honor, I object.

THE COURT: Yeah. I think so.

MR. WEINREB: We've already plowed this ground.

THE COURT: She's already indicated what her attention was to it. I think that's enough.

MS. CLARKE: You mentioned you went to Disney World, I guess the Florida—

THE JUROR: Right.

MS. CLARKE: —version of it. And people commented on your Boston Strong shirt. What were those conversations like?

MR. WEINREB: Objection.

THE COURT: You can summarize what people may have said.

THE JUROR: It was more or less, like, Oh, cool. Cool shirt. They would point or whatever. It was—my boyfriend [13-125] and I attended the concert together. It only stood out in my mind because I had worn it that day, and then the very next day, he wore his. I said, Oh, you just got jealous about all the attention I got yesterday from my shirt. But there were people, like, Cool shirt, high five. They'd walk by and be like, Hey.

MS. CLARKE: He did get the appropriate attention, I take it?

THE JUROR: He did.

MS. CLARKE: And was one up on you, I take it?

THE JUROR: Right.

MS. CLARKE: Let me go back to your job very quickly. You're a general manager. If you're in trial here for three or four months, do you get paid okay?

THE JUROR: You know, it's not something I discussed with my boss. She's not on-site. I'm the only one on-site. She knows about my service here. I just

kind of, I guess, taken it into my own that we're here Monday through Thursday. I could really work Friday, Saturday, Sunday. And we're not here on holidays. Most of my job is, when everybody else isn't at work, that's when I work. I work weekends. I work holidays so—and they'll have to cover, you know, or not cover, whatever.

MS. CLARKE: So you're not evaluating this as a hardship for you if you were to actually serve?

[13-126]

THE JUROR: No. I could probably squeeze in most of my hours with the schedule of the court.

MS. CLARKE: All right. Just one second, Judge. Thank you very much.

THE JUROR: You're welcome.

THE COURT: That's it. Thank you. Just leave that there.

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Fri., Feb. 6, 2015  
10:19 a.m.

---

**JURY TRIAL—DAY FIFTEEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, WILLIAM W. FICK and TIMOTHY  
G. WATKINS, Federal Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[15-67]

CLERK MAYNARD: Juror 349.

THE CLERK: Ma'am, over here, please, if you would. Have a seat right here. Thanks. Speak into the mic so everybody around here can hear you.

THE JUROR: Okay. Can I get my glasses? I didn't realize I had to read.

THE COURT: Of course.

THE JUROR: Sorry.

THE COURT: Good morning.

THE JUROR: Good morning.

THE COURT: Since you were here to fill out the questionnaire, have you been able to follow the instructions to avoid discussing the case with anyone?

THE JUROR: Yeah.

THE COURT: And as much as possible to avoid any media?

THE JUROR: That's a little harder.

THE COURT: But when you've seen it, you've been able to put it aside?

THE JUROR: Yeah.

THE COURT: So we put the questionnaire there because we're going to follow up on some of the answers you've given us.

THE JUROR: Okay.

[15-68]

THE COURT: Feel free to take the clip off.

Tell us what you do.

THE JUROR: Product development for women's clothing.

THE COURT: What does product development involve?

THE JUROR: Design of the garments, coloring the garments, putting it in to work with the factories, approving samples, fitting samples.

THE COURT: Something you've been doing for a while?

THE JUROR: Yes.

THE COURT: I take it in your current position you've been there only since mid December?

THE JUROR: Yeah, it's a new company, start-up company, so I've just started.

THE COURT: I think you were, if I looked—later on you were wondering how the new job might—people at the new job might react—

THE JUROR: Right.

THE COURT: —if you were called. And this is on Page 19, Question 74 if you want to look at. And you said they were okay.

THE JUROR: Yeah. I got the—I think I might have gotten the notification before I had started the job, so I didn't know, you know. And since it's a start-up, it's a start-up company as well, I was a little bit nervous. But they are very—you know, whatever happens, happens. They're okay [15-69] with it.

THE COURT: It's not going to be a financial hardship to you.

THE JUROR: No, they'll pay me. I might have anxiety in terms of my job, but, you know what I mean, because it's new, but, yes, they're fine with it.



THE COURT: Okay. With respect to social media, do you use it both personally and in connection with the job?

THE JUROR: I don't use social media for work. I use it personally.

THE COURT: Family and friends kind of thing?

THE JUROR: Yup. Yup.

THE COURT: So nothing in the fashion design area, you don't use it for that?

THE JUROR: No. I mean, I research, you know, like what other companies are offering, things like that, online.

Do you mean that?

THE COURT: You mean by going to their websites.

THE JUROR: Yeah, I go to people's websites.

THE COURT: I'm more interested in things you might be posting.

THE JUROR: Oh. No. No.

THE COURT: So let me ask you to go to Page 20 and Question 77 near the top of the page, a multipart question. We asked whether based on things you had seen or read in the media [15-70] or otherwise, had you formed an opinion about various matters, and you indicated yes, you had formed an opinion that the defendant was guilty. And as to the other matters, you checked you were unsure.

THE JUROR: Uh-huh.

THE COURT: Then below that we asked, if you answered yes to any of the questions, as you did, would you able or unable to set aside your opinion and base your decision about guilt in this case solely on the evidence that will be presented to you in court, and you selected the box that said you would be able. Can you tell us about that?

THE JUROR: Yeah, I think when I first checked the guilty, you know, if I felt that he was guilty box, I realized after, I don't know what all the charges are, so I can't know that he's guilty, because I don't know what the charges are or what the evidence is and all of that. But I think that there's involvement. There was so much media coverage, even just the shootout in Watertown. I watched it on TV. And so I feel like there's involvement there, like I think it's—anybody would think that.

THE COURT: Yeah, it's understandable that, given the coverage, that people have—

THE JUROR: Right.

THE COURT: —formed impressions and perhaps even conclusions. The question of course is in the formal process [15-71] of a criminal trial, we ask jurors to put their minds in a condition that they will focus on the evidence produced in the trial and make their decisions that they have to make based on that evidence and not on things they know independently or from—

THE JUROR: Right.

THE COURT: —some other source. And the question is would you be able to faithfully do that.

THE JUROR: Yes, I would.

Can I ask you a question about the media thing? Is the live feed that's going on now, the media's in the other room?

THE COURT: Yes. There's actually two members of the media here. And if we do a private, I told you you could have a private answer, they'll leave the room too.

THE JUROR: So for the trial, is that the same situation?

THE COURT: No.

THE JUROR: Would media be allowed?

THE COURT: Yes. The media and the public will be in the courtroom during that. Okay?

THE JUROR: Uh-huh.

THE COURT: We've asked people about how they might have been affected by events or how they may have reacted to them. In Question 82 we asked about whether you supported [15-72] various activities after the event.

THE JUROR: Right.

THE COURT: You said you bought a T shirt from Life is Good.

THE JUROR: Uh-huh.

THE COURT: Is that the same or different from Boston Strong?

THE JUROR: Life is Good is a clothing T shirt company.

THE COURT: Right.

THE JUROR: They made a T shirt. I think it says “All You Need is Love” on the back, maybe. It just said Boston on the front, not Boston Strong. Then I think some of the proceeds went to the One Fund.

THE COURT: Okay. Do you still have the shirt?

THE JUROR: Yeah.

THE COURT: Do you wear it?

THE JUROR: Not really. I wore it to the marathon last year.

THE COURT: Uh-huh.

THE JUROR: But not really.

THE COURT: You were there as a spectator last year?

THE JUROR: Last year, I was.

THE COURT: That is 2014.

THE JUROR: Yeah, the most recent. I was not there [15-73] the year—

THE COURT: Have you gone, typically or commonly?

THE JUROR: No. I went because a friend was running.

THE COURT: In 2014?

THE JUROR: Yeah. I was not there the prior years.

THE COURT: Beginning on Page 23 at Question 88, we asked a series of questions about your attitudes towards the death penalty.

THE JUROR: Uh-huh.

THE COURT: 88 was if you had general views, what are they.

THE JUROR: Uh-huh.

THE COURT: And you said you weren't sure, as I interpret it, you weren't sure of the law concerning the death penalty and would have to know that before you could—

THE JUROR: Right.

THE COURT: —decide what your view was.

Is the subject something you've thought about, the appropriateness of the death penalty in general as a policy matter? Is that something you've thought about?

THE JUROR: I'm not opposed to the death penalty in general. I'm not—I feel like I'm not for or against it. I would have to hear the evidence.

THE COURT: In Question 89, we asked for you to put yourself on a numerical scale from strongly opposed to strongly [15-74] in favor and you put yourself sort of in the middle.

THE JUROR: Yeah.

THE COURT: Then in the next page, Question 90, instead of numbers we asked you to look at statements.

THE JUROR: Right.

THE COURT: And see if there was one that represented your feelings about the death penalty in the case of someone proven guilty of murder.

THE JUROR: Uh-huh.

THE COURT: You selected D, which is I'm not for or against the death penalty, I could vote to impose it or I could vote to impose a sentence of life imprisonment without the possibility of release, whichever I believe was called for by the facts and the law in the case.

THE JUROR: Right.

THE COURT: Is that a fair representation—

THE JUROR: Yeah, I think that's fair.

THE COURT: —of your attitude?

THE JUROR: Uh-huh.

THE COURT: You have to say yes or no.

THE JUROR: Oh. Yes.

THE COURT: The reporter is taking down the—

THE JUROR: Head nod, yes.

THE COURT: But that fairly states your—

THE JUROR: Yeah, yeah, uh-huh.

[15-75]

THE COURT: If you go to Page 25, the bottom, Question 95. Now, particular to this case, if you found this defendant guilty and you decided the death penalty was the appropriate punishment for him, could you conscientiously vote for the death penalty, and you said yes.

THE JUROR: That's true, yes.

THE COURT: Then on the next, top of the next page we asked the other side of that question. If you found this defendant guilty and you decided life imprisonment without the possibility of release was the appropriate punishment for him, could you conscientiously

vote for life imprisonment without the possibility of release, and again you checked yes.

THE JUROR: Yes.

THE COURT: So it's yes to both of those questions.

THE JUROR: Uh-huh. Yes.

THE COURT: You're catching on.

MR. CHAKRAVARTY: Just very briefly. Good afternoon, just barely. My name is Alope Chakravarty. I'm one of the prosecutors. You had expressed a concern or the question about the media arrangement.

THE JUROR: Right.

MR. CHAKRAVARTY: Is there some special concern you have?

THE JUROR: I think there's a lot, there were questions and there's a lot of conversation, and if you were a [15-76] potential juror, you'd need to be avoiding the media, and it's so front and center, it's difficult. And, you know, just even driving in the car, the news comes on, and, you know, I've heard, you know, you try to switch it, but you hear things. So I just wondered, and I just would wonder that the jurors would remain anonymous, you know, if you were put on the jury, that it would stay anonymous and that it wouldn't be, you know, in the media who you were.

THE COURT: Yes. You will remain unidentified except by number until the case is over. You will probably be identified after the case is over.

THE JUROR: Okay. That was my question, I guess.

MR. CHAKRAVARTY: Your attendance at the marathon this past year, is that going to affect your ability to be fair and impartial in this case?

THE JUROR: No, no.

MR. CHAKRAVARTY: I just wanted to touch on the last series of questions that the judge had posed to you about the death penalty.

THE JUROR: Uh-huh.

MR. CHAKRAVARTY: If, after you've, you and the rest of the jury have decided guilty and you listen to all of the evidence in the penalty phase, both the aggravating and mitigating and you personally have come to the decision that the death penalty is appropriate, what gives you the confidence [15-77] that you can say, "Yes, here's my vote, I vote to put this person to death"?

THE JUROR: Well, I think by all the evidence and by the instruction from the judge, whatever the law is, I would go with that. And, you know, I think I'm a pretty fair and equitable person, intelligent, and I would think it through.

MR. CHAKRAVARTY: That's all I have.

MR. BRUCK: Good afternoon.

THE JUROR: Hi.

MR. BRUCK: My name is David Bruck and I'm one of Jahar Tsarnaev's lawyers, and I have a few more questions. The good news is I think I'm the last person who will ask you any.

THE JUROR: Okay.



MR. BRUCK: The judge has told you that when the trial is over, the juror's names, you have to assume, would become public.

THE JUROR: Uh-huh.

MR. BRUCK: Let me back up a little. He asked you about being able to consider the evidence in court, and if the government proved their case, only consider the evidence that was presented in the court to find the defendant guilty.

THE JUROR: Uh-huh.

MR. BRUCK: I'm going to ask it the other way. If you're on the jury, knowing everything or having seen everything you've seen and heard everything you've heard and [15-78] formed the opinion that you formed, and you're in the jury box and the government puts on their evidence but it leaves a reasonable doubt in your mind, probably guilty, maybe, but not beyond a reasonable doubt. And this sound like an easy question, but it's intended to be a hard question.

THE JUROR: Okay.

MR. BRUCK: Could you find this defendant not guilty and let him go home?

THE JUROR: I would listen to all the evidence, and what the law is. So if that was the case, yeah.

MR. BRUCK: Based on what the judge told you, that the burden of proof is on the government, it's never on the defendant.

THE JUROR: Uh-huh.

MR. BRUCK: But that's sometimes easier said than done.

THE JUROR: Right.

MR. BRUCK: Based on everything you know, do you think in the back of your mind you'd be expecting the defendant to prove he was innocent?

THE JUROR: So your question is would the defendant be expected to prove his innocence versus—

MR. BRUCK: To you.

THE JUROR: To me?

MR. BRUCK: Would you need, in this case, given [15-79] everything you've heard and the opinion you formed—the judge has told you what the rules are, but the point of this part of the trial is to find out what's inside you. And the law doesn't ask people to do things that are superhuman or more than a person can do.

THE JUROR: Right.

MR. BRUCK: So that's what I'm getting at. Do you think that what you have heard and the opinions you've formed might cause you to feel that the defendant would have to prove that he didn't do it in order for you to—

MR. CHAKRAVARTY: Objection, your Honor.

MR. BRUCK: —find him not guilty?

THE COURT: Go ahead and answer it, if you're able to.

THE JUROR: I guess I'm kind of not clear on the question.

THE COURT: Maybe you don't understand it.

MR. BRUCK: I can try to make it a little simpler.

THE COURT: Make it a little shorter will help.

MR. BRUCK: Shorter would be good. Sorry. It's my fault, the way I asked the question.

I guess what it comes down to is knowing what you know and having formed the opinion that you formed, do you think you might need the defendant to bear a burden of proof and show that he was innocent before you could actually render a verdict of not guilty in the case?

[15-80]

THE JUROR: I think I would take whatever opinion I have and prior, and if I was on it and set it aside and listen to the evidence, and listen to the trial. And I don't think whatever feeling I could have now would be that—would affect it.

MR. BRUCK: Okay. And knowing that the jurors wouldn't be anonymous forever, what would you feel like if the jury, all 12 members of the jury did find the defendant not guilty and you went back to your life out in the community?

MR. CHAKRAVARTY: Objection, your Honor.

MR. BRUCK: Could you do that?

THE COURT: Well, let me ask the question a slightly different way. When people learn that you have been on the case, if you and the other jurors had acquitted the defendant of some or all of the charges, would you be concerned about criticism from people about your decision?

THE JUROR: I hadn't thought about it that way.

THE COURT: And the second half of the question, really, is if you were worried about that, how, if at all, would that affect your service as a juror?

THE JUROR: Right, right. I think I would be okay with it, with whatever the decision that we made, if I was on the jury, I would stand by it and—I guess I just kind of worry during the trial, you know, I don't know if we're, if you were on it, you were going back and forth from home and being, [15-81] you know, I don't know, media following you—

THE COURT: No.

THE JUROR: —or something. That's why I asked the question. I think once it was over, I would, if I was on it, I hope I would just go back to my life.

THE COURT: Okay.

MR. BRUCK: You put in your questionnaire, if you turn to Page 20 and look at 76, Question 76.

THE JUROR: Okay.

MR. BRUCK: Can you tell me what, if anything, you remember about the New York Times article that you checked out describing the start of the trial.

THE JUROR: There was some information about the—I don't mean to point, but I don't know your name.

MS. CLARKE: Me? I'll remain anonymous.

THE JUROR: Okay.

MS. CLARKE: Judy Clarke.

THE JUROR: Yeah. There was some information about her and some prior trials.

MR. BRUCK: Do you remember, can you tell us what that information was?

THE JUROR: I think it was the Unabomber trial, maybe.

MR. BRUCK: Anything else that you can recall, if you think hard about it?

THE JUROR: Unh-unh, not really.

[15-82]

MR. BRUCK: And what was the connection—you said it was about Ms. Clarke and about the Unabomber. Do you remember what it said?

THE JUROR: I think she was a defense lawyer for the Unabomber.

MR. BRUCK: A defense lawyer for the Unabomber.

THE JUROR: Yes.

MR. BRUCK: I mean, what was your reaction to that?

THE JUROR: I don't think I really had one.

MS. CLARKE: It's okay.

THE JUROR: What?

MS. CLARKE: It's okay.

THE JUROR: I don't know that I had a reaction. I just noted that she had, I guess.

MR. BRUCK: You noted it.

THE JUROR: That she's been involved with some big trials, national media-type trials.

MR. BRUCK: Okay. And that article was after you came to court to fill out the questionnaire—

THE JUROR: Uh-huh.

MR. BRUCK: —that you saw that.

THE JUROR: It was not after the questionnaire, it was before.

MR. BRUCK: It was before the questionnaire.

THE JUROR: It says last week, it was before the [15-83] questionnaire. It was before I even came here.

MR. BRUCK: Okay, after receiving your summons but before that.

THE JUROR: Yeah.

MR. BRUCK: Okay. I've gotcha. Excuse me. I wanted to ask you a little bit about where you were on April 15, 2013, if you can remember.

THE JUROR: I was in New York City at Columbia Presbyterian hospital. My brother had brain surgery.

MR. BRUCK: Oh my goodness, is he okay?

THE JUROR: Yeah.

MR. BRUCK: Good.

And how did you find out about the marathon?

THE JUROR: Later when I got home to his home, where I was staying, it was on the news.

MR. BRUCK: And did you go back to Boston that week?

THE JUROR: Maybe a couple of days later.

MR. BRUCK: Okay. Where—did you know anybody—now that you’ve had more chance to think about it, anybody at all that was down there around the—

THE JUROR: (Juror shakes head.)

MR. BRUCK: Where were you on the 18th and 19th, the day of the search and the lockdown?

THE JUROR: In Watertown? I was at home.

MR. BRUCK: In Scituate.

[15-84]

THE JUROR: Yeah.

MR. BRUCK: So you didn’t shelter in place or you did?

THE JUROR: No. I had just stopped working, actually. April 15 was my last day of work at a prior job, or the first day that I wasn’t—excuse me—working. And so, yeah, I was in Scituate, I wasn’t working. I don’t remember if I went to the gym, whatever.

MR. BRUCK: Did the events of that day affect your travel or where you went or what you did?

THE JUROR: No.

MR. BRUCK: Your friend that ran the marathon in 2014, had she run the year before?

THE JUROR: How did you know it was a she?

MR. BRUCK: It was a lucky guess.

THE JUROR: She had not, no. It’s my next-door neighbor’s daughter.

MR. BRUCK: Okay. And was there any discussion with her about the—

MR. CHAKRAVARTY: Objection, your Honor.

THE COURT: Yeah. And I think in the interest of time, we should move on.

MR. BRUCK: Okay.

THE COURT: We have a long way to go today.

MR. BRUCK: Sure. I understand.

You said you were unsure about whether Mr. Tsarnaev [15-85] should receive the death penalty. Unsure can cover a lot of territory. And I guess what I'd like to know is within that unsure, do you lean one way or the other right now?

THE JUROR: I don't. I don't really know—I don't know what the law, how the law reads about the death penalty. I am not for it or against it. I would go by what the law was.

MR. BRUCK: If I told you that the law in the end leaves it up to the jury once certain basic facts are proven, guilt beyond a reasonable doubt, intended to commit the crimes that are charged in this case, that after that it's really up to the jury, that law doesn't tell you what the answer is.

THE JUROR: Okay.

MR. BRUCK: That's what the judge meant when he said the jury's never required to impose the death penalty.

THE JUROR: Okay.

MR. BRUCK: I'll ask the question again, knowing that it really would be up to you, do you lean one way or the other right now?



THE JUROR: No.

MR. BRUCK: Bear with me just a moment.

That's all I have. Thanks so much

THE COURT: All right. Thank you. Don't forget your glasses.

THE JUROR: Thank you.

(The juror was excused.)

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Wed., Feb. 11, 2015  
10:26 a.m.

---

**JURY TRIAL—DAY SIXTEEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

UNITED STATES DEPARTMENT OF JUSTICE

By: STEVEN D. MELLIN, Assistant U.S. Attorney  
Capital Case Section

1331 F Street, N.W.  
Washington, D.C. 20530  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, WILLIAM W. FICK and TIMOTHY  
G. WATKINS, Federal Public Defenders  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[16-123]

THE CLERK: Juror No. 395.

THE JURY CLERK: Juror 395.

THE CLERK: Ma'am, over here, please. Have a  
seat if you would.

THE JUROR: Thank you.

THE COURT: Good afternoon.

THE JUROR: Good afternoon.

[16-124]

THE COURT: Since you were last here, have you been able to avoid talking about the substance of the case with other people?

THE JUROR: Pretty much, yes.

THE COURT: Tell me how much “pretty much” is?

THE JUROR: I’ve been in situations but have gotten up and excused myself.

THE COURT: Good. And similarly with media reports about the case, have you been able to turn away if you’ve run across one?

THE JUROR: Yes.

THE COURT: You’re employed as a legal executive assistant for a law firm in Boston.

THE JUROR: That’s correct.

THE COURT: Looks like you’ve been doing it for quite awhile.

THE JUROR: Yes, I have.

THE COURT: So you now support actually the managing director. Is that what they call the partner in charge?

THE JUROR: Yes, yes, in the corporate division.

THE COURT: I see. Managing of the corporate?

THE JUROR: Yes.

THE COURT: Have you been supporting people in the corporate side mostly in your career, or have you gone in other—

[16-125]

THE JUROR: Prior to this, I worked for 30 years for an attorney that did, first, commercial real estate and leasing and then went into estate planning and probate. And then the last four years has been with the corporate department.

THE COURT: But not litigators?

THE JUROR: No, never a litigator.

THE COURT: We asked about social media. You say you use Facebook intermittently to very rarely.

THE JUROR: Correct.

THE COURT: Give us a little bit of an idea of that.

THE JUROR: I don't really know how to post anything. So I can read what is posted, but I've never posted anything myself.

THE COURT: Okay. Let me ask you to turn to Page 20.

THE JUROR: I don't have Page—

THE COURT: It might be out of order.

THE JUROR: Okay. Here it is.

THE COURT: It's actually—in my copy, it's between 18 and 19.

Question 77, there we asked whether, as a result of what you'd seen or read in the news media or elsewhere,

had you formed an opinion about various matters including, (a), that the defendant was guilty or (b), he was not and then about the penalty. And you indicated, yes, you had formed an opinion that he was guilty.

[16-126]

We then down below, in the second part of the question, asked, If you answered yes to any of these questions, would you be able or unable to set aside your opinion and base your decision about guilt solely on the evidence that will be presented to you in court? And you selected the box that said “able.”

THE JUROR: Yes.

THE COURT: Can you tell us about that?

THE JUROR: I believe that—I have formed an opinion up until this point based on what I did read and had seen in the media, but I realize that that’s not all the information that would be available to me. So once more—once I had more information, I believe that, you know, I could change my mind based on what I had read at the time.

THE COURT: Yeah. It’s understandable, given the amount of coverage that there has been, that people have formed impressions about things. What we ask jurors to do, if they’re serving in a case, is to focus their attention on the evidence that is actually produced in the trial and make their decision based on that body of evidence without importing into it other ideas from other sources.

THE JUROR: Correct.

THE COURT: You think you would be able to observe that discipline if you were a juror in the case?

THE JUROR: I do.

[16-127]

THE COURT: I'm sure you know that in our criminal process a person who's accused of a crime is presumed innocent unless the government proves that he's guilty by the body of evidence at the trial and proves it beyond a reasonable doubt. Do you think you would have any difficulty in faithfully applying those principles of the presumption of innocence and proof beyond a reasonable doubt?

THE JUROR: No, I don't.

THE COURT: Let me ask you to look at Question 78. You said you don't talk about this with your husband because the conversations can become too heated. Is it only he who has strong views, or do you have them, too?

THE JUROR: Actually, it's not—my husband and I wouldn't discuss this just one on one. It would be more in a social setting.

THE COURT: And other people would be there?

THE JUROR: And other people, right, and—

THE COURT: I was thinking you might have meant one on one. Then I was going to ask really whether you thought, if your husband had strong views and they were different than yours, whether that would affect your service.

THE JUROR: No, I do not.

THE COURT: Just going back to Question 77, as to the (c) and (d) parts of the question, about the death penalty, you indicated "unsure."

[16-128]

THE JUROR: Uh-huh.

THE COURT: You don't have any present opinion about that.

THE JUROR: I do not.

THE COURT: Okay. So we asked a series of questions about the death penalty to get jurors' attitudes. That begins on Page 23, at Question 88. Question 88 itself asks, If you have any views on the death penalty, in general, what are they? And you said, "I would need to hear and know all the facts before committing either for or against the death penalty. I've always thought I was against it, but when you really have to think about it, things change." Can you amplify on that a little bit?

THE JUROR: I think it's easy to have what you feel are strong opinions about something; but then once you're in a situation that it actually could be a possibility and you think about it from that perspective, it kind of opens up a whole different dialogue within yourself.

THE COURT: In the next question, we asked you to locate where you think you would be on a spectrum from 1 to 10, where 1 was someone who is strongly opposed and believed that the death penalty should never be imposed; and 10 reflected somebody who's strongly in favor and believed it should be imposed whenever a defendant is convicted of intentional murder. You chose 5, to indicate you were somewhere in the [16-129] middle of all that, is that correct?

THE JUROR: That is correct.



THE COURT: Turn the page to the next page, 90. Here we asked you to select from a series of statements which one you thought best described your feelings about the death penalty for someone convicted of murder. You selected (d). “I’m not for or against the death penalty. I could vote to impose it, or I could vote for a sentence of life imprisonment without the possibility of release, whichever I believed was called for by the facts and the law of the case.” Do you think that best sums up your state of mind?

THE JUROR: I do.

THE COURT: And then in the bottom of Page 25, at Question 95, we asked—focusing perhaps on this case a bit more particularly than those other questions did—If you found this defendant guilty and you decided that the death penalty was the appropriate punishment for him, could you conscientiously vote for the death penalty? And you said, “I’m not sure.” Go to the top of 96. There we ask a similar question. If you found the defendant guilty and you decided life imprisonment without the possibility of release was the appropriate punishment, could you conscientiously vote for that sentence? And you said “yes” to that. So there’s a little bit of a difference between your answers to the two questions.

THE JUROR: I think that—I think that, when I was [16-130] filling these questions out and thinking about it, I—in my mind I was thinking that, for me, there are different degrees of guilt. And I don’t know what—where this falls without knowing all of the information. So my thought process was just that, for me, I believe there are different degrees of guilt.

THE COURT: Well, you heard this morning that I described in brief the process after a person has been convicted of murder. And that would be the predicate. You don't get to the penalty, obviously, until the jury has already found the person guilty of intentional murder, right?

THE JUROR: Uh-huh.

THE COURT: And at that point, as I said, you'd hear aggravating factors that might make the case more serious or more blameworthy. And you might hear other mitigating factors that might explain why the death penalty was inappropriate and life imprisonment was an appropriate and sufficient sentence.

THE JUROR: Uh-huh.

THE COURT: And on the basis of all that, the jurors would be asked to decide whether they thought the death penalty should be imposed or life imprisonment without the possibility of release. So, obviously, it's difficult to predict what you would do in the future on an unknown—

THE JUROR: Right.

THE COURT: —base of information.

THE JUROR: Yes.

[16-131]

THE COURT: But can you tell us whether you think you would be prepared to listen to that evidence and be open to being persuaded in either direction?

THE JUROR: I would be, yes.

THE COURT: Okay.

MR. WEINREB: Good afternoon.

THE JUROR: Hi.

MR. WEINREB: My name is Bill Weinreb. I'm one of the prosecutors in the indictment.

THE JUROR: Hello, Mr. Weinreb.

MR. WEINREB: I just want to follow up on one thing here on that Question 95 just to make sure I understand. So Question 95 assumes that the penalty phase is over. You've heard evidence from the government suggesting that the death penalty is the appropriate sentence, and you've heard evidence from the defense suggesting that it's not the appropriate sentence. And now you've come to the decision in your mind that you believe it is the appropriate sentence. This is just the assumption.

THE JUROR: Uh-huh.

MR. WEINREB: The question is: Having come to that belief in your mind, would you actually be able to do it, to vote to send somebody to death?

THE JUROR: If I came to that decision based on the facts that were presented to me, yes.

[16-132]

MR. WEINREB: Thanks very much.

THE JUROR: Sure.

MS. CLARKE: Hi. Good afternoon. My name is Judy Clarke. I'm one of Mr. Tsarnaev's lawyers.

THE JUROR: Hi, Miss Clarke.

MS. CLARKE: I just wanted to ask you a few things if I could. You mentioned in 77, and you talked

to the Judge—and you're right. Your questionnaire goes from Page 18 to 20 and then 19. There you go.

You mentioned that the conversations become too heated. What do they get heated about?

THE JUROR: Just people—various people's opinions as to what happened, what should happen, where—you know, where things went wrong, what—you know, just basic communications over the days that followed.

MS. CLARKE: So what happened to the community and to—on Boylston and what should happen in the future?

THE JUROR: Not so much the future but just what the—the events that had just happened and how—why it happened. Everyone, you know, had an opinion as to why it happened and how it happened. And so—and if you tend not to agree with some people, they get upset.

MS. CLARKE: So you do what?

THE JUROR: I'm sorry?

MS. CLARKE: You do what? Avoid the conversation?

[16-133]

THE JUROR: Well, I think that I try to steer the conversation away from that. In a social setting, you know, let's not discuss politics or religion.

MS. CLARKE: Probably a good—

THE JUROR: That's kind of where we try to put things.

MS. CLARKE: If you're—have you served on a jury before? I can't remember.

THE JUROR: I have not.

MS. CLARKE: If you're in a—on a jury, it could get heated. The debate could get heated. How do you think you would deal with that? Just tell everybody to quiet down?

THE JUROR: Everyone is entitled to their opinion; and in a jury setting, it's much different than a social setting.

MS. CLARKE: Sure.

THE JUROR: And people have much more of the facts than they do in a social setting. So I think that the conversation would be much more knowledgeable of the people involved.

MS. CLARKE: At least a little more informed?

THE JUROR: Yes.

MS. CLARKE: Have the people who have had these heated conversations involving you, I guess—

THE JUROR: Involving this situation.

MS. CLARKE: You just happen to be there?

THE JUROR: Yes.

[16-134]

MS. CLARKE: Participating in the conversation?

THE JUROR: Well, yes, with friends.

MS. CLARKE: Have there been opinions expressed about the death penalty in this case?

MR. WEINREB: Objection.

THE COURT: Sustained.

MS. CLARKE: Have there been any opinions expressed that influence you one way or the other?

THE JUROR: No.

MS. CLARKE: It was interesting, in 88, which is Page 23, where you wrote, "I always thought I was against it," the death penalty, "but when you really have to think about it, things change." What prompted that thinking?

THE JUROR: I don't think that I was in a—that I'm in a position, without hearing all of the facts, to say that I am either for it or against it at this point. It's easy for me to say, yes, I believe that a person should have—should have the death penalty; but when you're faced with that may be a real possibility that I would have to decide, then—and you start—and I start thinking about it in those terms, then it's difficult for me to say.

MS. CLARKE: Sure. And I guess, when you filled this out, you were beginning to think about—

THE JUROR: Correct.

MS. CLARKE: —the death penalty. In this case or [16-135] just generally?

THE JUROR: I would have to say, when I filled this out, it was in this case.

MS. CLARKE: Okay. Your work at the law firm, I don't think anybody asked you. Is that a hardship for you if you were sitting for three or four months here with the rest of us?

THE JUROR: I mean, I've discussed it with my employer, and they're aware of it. I don't think—I think that, for every juror, it would be a hardship to be on a case such—such a lengthy case.

MS. CLARKE: Would you—

THE JUROR: But they have said that it would be fine.

MS. CLARKE: And you would be paid?

THE JUROR: Correct.

MS. CLARKE: So there's not a financial crunch for you?

THE JUROR: Yes.

MS. CLARKE: Okay. Could I just—one moment, your Honor?

(Discussion held off the record.)

MS. CLARKE: If I can go back to 88 and just to sort of make clear in our minds, your position before this case on the death penalty, did you have one abstractly, as a matter of policy or as a matter of law?

THE JUROR: I would say that I would probably lean [16-136] towards being against it, but I can't say that I was set in that.

MS. CLARKE: You were open to both?

THE JUROR: Correct.

MS. CLARKE: Life imprisonment or the death penalty outside of this case?

THE JUROR: Correct.

MS. CLARKE: And remain open to both inside of this case?

THE JUROR: That is correct.

MS. CLARKE: Thank you very much.

THE COURT: All right. Thanks. Just leave it there.

We'll put it back together.

THE JUROR: Thank you.

\* \* \* \* \*



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

Criminal Action No. 13-10200-GAO

UNITED STATES OF AMERICA, PLAINTIFF

*v.*

DZHOKHAR A. TSARNAEV, ALSO KNOWN AS JAHAR  
TSARNI, DEFENDANT

---

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Fri., Feb. 13, 2015  
10:54 a.m.

---

**JURY TRIAL—DAY EIGHTEEN**

---

APPEARANCES

OFFICE OF THE UNITED STATES ATTORNEY

By: WILLIAM D. WEINREB, ALOKE CHAKRAVARTY and  
NADINE PELLEGRINI, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210

- and -

FEDERAL PUBLIC DEFENDER OFFICE

By: MIRIAM CONRAD, Federal Public Defender  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210

- and -

CLARKE & RICE, APC

By: JUDY CLARKE, ESQ.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: DAVID I. BRUCK, ESQ.  
220 Sydney Lewis Hall  
Lexington, Virginia 24450  
On Behalf of the Defendant

\* \* \* \* \*

[18-24]

\* \* \* \* \*

THE CLERK: Juror No. 441.

THE JURY CLERK: Juror No. 441.

THE CLERK: Sir, over here, please, if you would.  
Have a seat.

THE COURT: Good morning.

THE JUROR: Morning.

THE COURT: Since you were last here, have you  
been able to avoid any discussion of the case?

THE JUROR: Yes.

THE COURT: And, as much as possible, any media accounts?

THE JUROR: Uh-huh.

THE COURT: Okay. So that's the form you filled out when you were here. Let me just ask you about your employment. What is it you do?

THE JUROR: I'm an auditor but I got—technically, I got fired around January 20th for productivity. So I'm currently unemployed.

THE COURT: Are you looking for work now?

[18-25]

THE JUROR: Yes. I'm in the process of trying to collect unemployment and looking.

THE COURT: So, as you know, this case may be an extended case for three or four months. Would that interfere with your ability to look for employment?

THE JUROR: No. I mean, I don't know what I'm—what I have access to, you know, to look for a job if I were to be in it, but other than that, I would be okay.

THE COURT: Okay. Well, if a job came up and—we wouldn't want you to have to turn it down.

THE JUROR: Yup. I'm not—I think I can get a decent job with a little bit of looking for it relatively—in a reasonable amount of time.

THE COURT: All right. So you don't object to being considered for the jury?

THE JUROR: No, I don't object.

THE COURT: Okay. All right. So I see you use Facebook and Instagram about daily. For just social purposes?

THE JUROR: Yeah. I don't post a lot on them. I've looked and just fishing through, you know, seeing what's going on around.

THE COURT: Are you using either in your job search?

Do you expect to use either?

THE JUROR: Since I lost my job, it's been mainly talking. I got my auditing job through Indeed. I'm going to [18-26] do that soon, but I kind of wanted to see where the unemployment route was going to go first before I try to get anything concrete. I know I can lock into a job tomorrow if I went back to CVS or anything like that. I could go work for retail. I don't particularly want to do that again.

THE COURT: So let me ask you to turn to Page 20, Question 77—

THE JUROR: Yup.

THE COURT: —near the top, we asked whether, based on things you'd seen or heard in the media or from other sources you had formed an opinion that the defendant was guilty or not guilty on that he should receive the death penalty or not. And you checked "no" to each of those boxes. Could you tell us about that?

THE JUROR: More now looking back, as a not guilty. Need to see more evidence, not that, yes, he's guilty or, no, he's not guilty.

THE COURT: Okay. So I think you answered in one of the earlier questions that you actually had service—prior jury service and it was a criminal case.

THE JUROR: Yup.

THE COURT: So you're familiar with the principles of the presumption of innocence and the government's obligation to prove crimes beyond a reasonable doubt by the evidence at trial?

[18-27]

THE JUROR: Correct.

THE COURT: If you were a juror in this case, would you be able to apply those principles faithfully to the decision that you would have to make?

THE JUROR: Yes.

THE COURT: If the government failed in respect of any of the charges to convince you beyond a reasonable doubt that the defendant was guilty, would you be able to vote not guilty?

THE JUROR: Yes. I could vote not guilty.

THE COURT: On Page 21, we asked about potential impacts on you or close—people close to you. You said there weren't any.

THE JUROR: Yeah, nothing, nothing close, no friends, relatives, really, friends of friends.

THE COURT: Beginning on Page 23, at Question 88, we asked a series of questions about the death penalty and your attitudes about it. 88 itself is a question about general views. If you have any views about the

death penalty in general, what are they? And you said you don't have any views either way.

THE JUROR: Yeah. I mean, very, very neutral on it. It can be used in certain circumstances or, you know, not used, whatever. I don't really have any concrete feeling on it.

THE COURT: In Question 89, we asked you to give us an idea of where you might place yourself on a scale from 1 to 10, [18-28] with 1 being strongly opposed, never impose the death penalty, and 10 being strongly favor, impose the death penalty whenever a defendant is convicted of an intentional murder. You put yourself at 7. Can you explain that answer?

THE JUROR: For certain circumstances I would definitely vote for a death penalty, you know, not throwing it around for any particular reason. But 7 is the—I would be willing to go ahead with it.

THE COURT: Okay. On the next page, Question 90, we asked it in a different way.

THE JUROR: 90?

THE COURT: Page 24, Question 90. If it's easier to look at it—to unclip it, why don't you take the clip off.

THE JUROR: Yeah. That would probably be easier.

THE COURT: Here we asked—instead of numbers on a scale, we asked you to read a number of different possible statements and see if there was one that represented what you think about the matter. And this is whether—what your feelings are when somebody has been convicted of murder. You selected (d). “I'm not for or against the death penalty. I could vote to impose

it, or I could vote to impose a sentence of life imprisonment without possibility of release, whichever I believe was called for by the facts and the law in the case.”

THE JUROR: Yes.

THE COURT: Is that a fair summary of your views on [18-29] the matter?

THE JUROR: Yes. That would be a fair summary.

THE COURT: So you would be prepared to make a call depending on how you assessed the evidence? You heard me talk about the penalty phase.

THE JUROR: I would have to see everything before I would lean one way or another first. Don't come to any conclusions until everything is seen.

THE COURT: Just a couple more questions. On the next page, the bottom of 25, Question 95, putting it in the context of this case, If you found this defendant guilty and you decided the death penalty was appropriate, could you conscientiously vote for the death penalty?

THE JUROR: Yes.

THE COURT: And on the top of the next page, we asked a similar question. If you found him guilty and you decided life imprisonment without the possibility of release was the appropriate punishment, could you vote conscientiously for that penalty?

THE JUROR: Yes.

THE COURT: And you said “yes.”

THE JUROR: Yup.

THE COURT: So those represent your views?

THE JUROR: Uh-huh.

THE COURT: All right.

[18-30]

MR. WEINREB: Thank you, your Honor. Good morning.

THE JUROR: Morning.

MR. WEINREB: My name is Bill Weinreb. I'm one of the prosecutors in the case. I just wanted to follow up on a few of your answers.

THE JUROR: Okay.

MR. WEINREB: I may have heard you wrong, but did you say that you hadn't given a lot of thought to the issue of death penalty in the past?

THE JUROR: Yeah. I haven't fully looked into it. It's nothing that I really have wanted to in the past or even now. I've thought about it, but I'm at that point where it doesn't really matter to me. I'm not super against it, you know, don't do it, or super, you know, let's have the death penalty. I'm kind of neutral on that.

MR. WEINREB: Have you thought since—when did you first learn that you were—that this case was the one you had been summoned for?

THE JUROR: About a day or two before. I heard a couple of things that it might be for that. I didn't think really anything about it; and then in my heart, it could be that case pretty much the night or two before.



MR. WEINREB: Since that time, have you given thought to the idea of you personally serving on a case where the death penalty is a possibility?

[18-31]

THE JUROR: I would have no issues.

MR. WEINREB: I guess the question that I really wanted to get at is if—if you were on a jury, not in this case necessarily, just in any case, any case, and the defendant were convicted, and you moved to the penalty phase and you heard evidence that convinced you that the death penalty was the appropriate sentence for a defendant, would you personally be able to sentence someone to death if you concluded that was the right sentence?

THE JUROR: Yes, absolutely.

MR. WEINREB: Thank you.

MR. BRUCK: Good morning.

THE JUROR: Good morning.

MR. BRUCK: My name is David Bruck, and I am one of Jahar Tsarnaev's lawyers. And I've just got a few more questions for you if that's okay.

THE JUROR: Go right ahead.

MR. BRUCK: UMass Lowell?

THE JUROR: UMass Lowell.

MR. BRUCK: Did you ever take a course from a professor named Horgan, John Horgan?

THE JUROR: Not ringing a bell.

MR. BRUCK: You told the judge a couple times that your views on the death penalty are that it's appropriate in certain circumstances or certain types of cases. I think those [18-32] are pretty much the words you used.

THE JUROR: Uh-huh.

MR. BRUCK: Can you give us some examples, what kinds of cases you're thinking about?

THE JUROR: If the case has proven to be motivated or something behind it or a severe evil act, something that a lot of people would consider evil, you know.

MR. BRUCK: Can you tell me more?

MR. WEINREB: Well, your Honor, I don't think he should be asked to precommit.

THE COURT: I think that's right. I think it's getting close to that.

MR. BRUCK: I'm trying to find out what the juror meant when he said certain kinds of cases.

THE JUROR: Very heinous act.

MR. WEINREB: Objection, your Honor. The question was sustained.

THE COURT: Yeah. I think we should get to a different question.

MR. BRUCK: They're not objecting to you. They're objecting to me just so we're clear.

Okay. Now that we've been talking about it, you've been talking to the judge a little bit, I guess I want to be sure about your feelings, if any, about the death penalty

in this case. You know what case you've been called for?

[18-33]

THE JUROR: Yes.

MR. BRUCK: Do you have—do you lean either way as far as whether this case is one that is appropriate for the death penalty?

THE JUROR: I'd have to see everything before I would know if it's going to lean one way or another. I'm not leaning anywhere right now, you know. I don't know if—you know, guilty, not guilty. I'm unsure until I see all the evidence.

MR. BRUCK: Okay. Where were you on April 15, 2013, on the day of the bombing?

THE JUROR: I don't know. I was seeking employment at that time. I got hired the following June after that.

MR. BRUCK: I guess what I'm really asking you: Do you remember where you were when you heard about it?

THE JUROR: Maybe at my girlfriend at the time's house.

MR. BRUCK: Do you remember people talking about it that day when the bombing first occurred?

THE JUROR: A little bit, you know, what had happened.

MR. BRUCK: How did you feel when you heard about it?

THE JUROR: You know, that act occurred, you know. That's not—you know, not good. I wasn't, you know, too into it or not. I wasn't angry or anything like that. I was just kind of disappointed.

MR. BRUCK: Sure. What about the following Friday, [18-34] the day that people sheltered in place during the manhunt. Do you remember that day?

THE JUROR: Not in depth, no, but I'd get updates, look at the TV once in a while.

MR. BRUCK: Where were you living at the time?

THE JUROR: The current house I'm in now, in Woburn, Mass. I was staying with a girlfriend in Stoneham back and forth a little bit.

MR. BRUCK: Did that—the activities of—the police activities and everything that day and the shelter-in-place order, did that affect your activities that day?

THE JUROR: No, no.

MR. BRUCK: In any way at all?

THE JUROR: No.

MR. BRUCK: That's all I have. Thank you.

THE JUROR: Thank you.

THE COURT: All right, sir. Thank you. Just leave those there. We'll pick them up.

\* \* \* \* \*