

1 JUDGE SIPPEL: Yes, I'll sustain  
2 that, too.

3 BY MS. LANCASTER:

4 Q Why isn't he testifying on your  
5 behalf?

6 MR. LYON: Objection.

7 JUDGE SIPPEL: Sustained.

8 BY MS. LANCASTER:

9 Q What's your relationship with your  
10 brother, Steven?

11 A My relationship with him is fine.  
12 I haven't seen him for a while.

13 Q Why not?

14 A I believe he's in jail right now.  
15 He has some problems.

16 Q Well, what's he in jail for?

17 MR. LYON: Objection, irrelevant.

18 JUDGE SIPPEL: Sustained.

19 BY MS. LANCASTER:

20 Q Did Steven get any grief when you  
21 raped his eight-year-old friend?

22 A You would have to ask Steven. I'm

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1           sorry, I can't answer that.

2           Q       You have no idea how he reacted to  
3           that?

4           A       No, I do not.   Sorry, ma'am.

5           Q       Okay.   When did you first start  
6           exploring radio, your first contact with  
7           radio?

8                    JUDGE SIPPEL:   Are you talking  
9           about the ham radio?

10                   BY MS. LANCASTER:

11           Q       I'm talking about any radio: CB  
12           radio, ham radio.   You said, I believe -- I  
13           beg your pardon?

14           A       Like I stated a little earlier, my  
15           first exposure to radio was when I was a small  
16           child.   It could have been as early as five or  
17           six years old, maybe even earlier than that.

18           Q       And when did you first get  
19           involved with CB radio?

20           A       I will say that I first became  
21           active and had my own CB radio when I was  
22           probably 13, 14, 12.   I think 13, right around

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1 in there, is when I first got my first radio  
2 and was most active.

3 MS. LANCASTER: One second, your  
4 Honor.

5 BY MS. LANCASTER:

6 Q I believe on your statement, on  
7 page two of your statement, you talk about  
8 when you were 11 was when you first heard a  
9 ham radio transmission; is that correct? I'm  
10 summarizing, and you can correct me if I'm  
11 wrong.

12 A Let me go back and re-read that,  
13 please.

14 Q You talk about that at line 18.

15 JUDGE SIPPEL: Is this his  
16 testimony?

17 MS. LANCASTER: Yes, sir.

18 JUDGE SIPPEL: And the page is?

19 MS. LANCASTER: It's page two.

20 JUDGE SIPPEL: Page two, line 18?

21 MS. LANCASTER: It starts at line  
22 18. I'm just asking him the age, and he

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1 indicates 11. I just want to confirm that.

2 MR. LYON: I'm sorry. It doesn't  
3 say anything about ham there. It talks about  
4 --

5 MS. LANCASTER: I don't remember  
6 hearing anything on the ham, but the word  
7 stuck in my mind, so maybe it was before 11.  
8 I was 11 when he heard a ham transmission.  
9 This is when he called back and they played it  
10 back on the radio, I think.

11 MR. LYON: No, he says that's a  
12 voice pager frequency.

13 BY MS. LANCASTER:

14 Q Okay. That's not a ham radio  
15 reference?

16 A Ham radio and pagers are  
17 different, separate frequencies --

18 Q Okay. When did you first become  
19 interested in ham radio?

20 A Like I said a little while ago,  
21 when I first got my CB I started meeting other  
22 CB'ers that were hams. I would say right

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1 around 12, 13, 14 years old, probably 13 or  
2 14.

3 Q That would be the same time, I  
4 think you just said that you first got your  
5 CB. Now, and so as soon as you got the CB  
6 that also made you be interested in ham radio?

7 A Very shortly after, yes.

8 Q Shortly. Okay. On that same  
9 page, page two of your statement, at line 29,  
10 you refer to a nine-year-old neighborhood  
11 friend. The evidence is and I believe the  
12 testimony was yesterday that that child was  
13 eight years old.

14 A I don't dispute that. That's an  
15 estimation. I thought it was nine, based on  
16 my brother's age.

17 Q Okay. And also on the next line,  
18 the documentation regarding your convictions  
19 is that you received a 65-week sentence, not  
20 a 52 to 65. Do you dispute that?

21 MR. LYON: I object to the  
22 characterization of the record. As I recall

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1 it, it was 52 to 65.

2 MS. LANCASTER: Well, we can go  
3 back and look at it. Bill can find it and  
4 tell us where it is.

5 BY MS. LANCASTER:

6 Q You state on page three of your  
7 statement at line, well, the sentence starts  
8 on line two but goes to line four, "I recall  
9 being happy that I was closer to my mom once  
10 again, only an hour's drive away. Twin Peaks  
11 Youth Ranch was a group home specializing in  
12 the treatment of young sex offenders and run  
13 by therapists Greg --" I don't know how to  
14 pronounce that. Is it Knebecker?

15 A Knebecker.

16 Q " -- who I am still in contact  
17 with today." What type of contact today do  
18 you have with Mr. Knebecker?

19 A Mr. Knebecker and I have  
20 occasional contact when either he's on the  
21 Seattle side of the mountains or I'm over to  
22 visit my parents on the other side of the

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1 mountains. Our last, we sat down and had a  
2 meeting downtown in his vehicle. We talked  
3 for about two hours. It was in the last six  
4 or seven months, I believe. And occasionally  
5 we have a phone conversation.

6 Q And what do you talk about?

7 A What's going on in life. What's  
8 going on with me, what's going on with him.

9 Q He's a -- I'm sorry. I didn't  
10 mean to cut you off. He's a sex therapist; is  
11 that correct? Sex offender therapist?

12 A He previously was, yes, that's  
13 correct.

14 Q He's no longer a sex offender  
15 therapist?

16 A That's my understanding.

17 Q What's he do now?

18 A Now it's working with just sex  
19 offenders. He runs a homeless shelter where  
20 he helps try to place families and he helps,  
21 he does something with little kids, as well,  
22 I think probably elementary school-aged kids.

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1 He runs some kind of retreat for them. I'm  
2 not exactly sure what all he does. He's  
3 always got his hands in a lot of little  
4 things, you know, helping people. As far as  
5 I'm aware, he's not actively involved in -- he  
6 no longer has the group home, and he is no  
7 longer doing sex offender-specific counseling.

8 Q Did you talk about any sexual  
9 relationships with him when you last met with  
10 him for two hours?

11 A I don't recall specifically. It  
12 wouldn't surprise me if we had.

13 Q On line 15 of your statement on  
14 page three, you refer to, "I got along best  
15 with adults, mostly from the small gay  
16 community and the soon-to-be radio scene."  
17 What do you mean by soon-to-be radio scene?

18 A I meant that, I guess I meant that  
19 . . . to answer that question, you have to go  
20 back to the paragraph before that, so let me  
21 read that a second to clarify that for you.  
22 Okay, I'm ready to answer your question.

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1 Q Okay.

2 A I had just come back to the Tri  
3 Cities from living one year in the group home,  
4 sex offender treatment, and when I went back  
5 to the Tri Cities I started meeting people on  
6 the gay scene. And shortly after, I got  
7 interested in the radios and got a CB and a  
8 ham radio. So that's what I meant.

9 Q Okay. On line 17, you talk about  
10 getting into CBs, I see this now, while you  
11 were in the seventh or eighth grade. That's  
12 consistent with our 13 or 14-year-old age  
13 testimony that you gave a minute ago. What  
14 are the similarities between CB, radio, and  
15 ham radio? I mean, what did you get out of it  
16 that's similar?

17 A They both have antennas, they both  
18 have radios, they both have microphones, and  
19 they both have speakers.

20 Q Is that what you liked about them  
21 both?

22 A I think I liked the magical-ness

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1 of being able to push a microphone and talk to  
2 somebody else with no wires over the radio  
3 waves. And when I started learning more about  
4 what ham radio was and how much further into  
5 radio and communications and just the whole  
6 concept, it became appealing to me.

7 Q Does it have anything to do with  
8 the fact that you can reach a wider audience  
9 on a ham radio than you can on a CB radio?

10 A Are you asking if I thought that?

11 Q Yes, is that one of the things  
12 that appealed to you about ham radio?

13 A That I could -- no, I never, I  
14 don't recall ever specifically thinking that.  
15 I doubt I would have thought that.

16 Q Well, a CB radio has a limited  
17 range, doesn't it, of how far you can transmit  
18 and receive?

19 A Yes, it can. Yes, that's true.

20 Q And doesn't a ham radio often, not  
21 always but often, you can transmit and receive  
22 and talk to people who are much farther away?

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1           A       Yes, I believe that that was of  
2 interest to me, yes.

3           Q       Okay. And that was one of the  
4 things that appealed to you about ham radio?

5           A       I don't recall specifically  
6 thinking that. That was a long time ago, so  
7 I can't answer specifically. Sorry.

8           Q       On 130 on that page, you talk  
9 about, "I thought about my sexuality, about  
10 having a girlfriend. That was 'normal.'  
11 Although many of us same sex kids messed  
12 around with each other when we were pre-  
13 adolescence, I never thought I was gay. How  
14 many of you same sex kids messed around with  
15 each other?

16           A       Well, by the time I was 11 years  
17 old and I was in my first incarceration, I  
18 made a list at that time. And that list had,  
19 I believe, I believe it was 52 sex partners,  
20 all male, except for three.

21           Q       Now, when you say mess around,  
22 what do you mean exactly?

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1           A     Sex. Sex acts of some sort: anal  
2 sex or oral sex or vaginal sex, but that was  
3 only two girls.

4           Q     And when you refer to relations on  
5 line 33, you said, "In fact, I had relations  
6 with same sex peers, and we would fight over  
7 the same girls." By relations, you mean  
8 either you had anal sex or oral sex with those  
9 people?

10          A     I believe when I was writing that  
11 I was thinking actually specifically about one  
12 friend that comes to mind that we were friends  
13 and we were also having sex with each other,  
14 but we were still chasing girls.

15          Q     Okay. But you mean, but my  
16 question was do you mean by relations anal sex  
17 or oral sex, one or the other?

18          A     Sure.

19          Q     Okay. On line eight of page four  
20 of your testimony, it said, "I struggled in  
21 school. I hated it. I was most interested in  
22 radio stuff and the gay scene, two places

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1 where I felt most welcome." Describe for me  
2 what made you feel welcome about the gay scene  
3 and what that is exactly.

4 A Well, the gay scene is I would say  
5 a group of people that have a common interest.  
6 They're gay, they hang out together, possibly  
7 party together. You know, you may have some  
8 sexual relations with people that you meet.  
9 I was comfortable with these people and they  
10 were my friends, and I didn't have really any  
11 other friends. There were either the radio  
12 friends that I had met or the gay friends. I  
13 didn't have any real friends in the school per  
14 se, and I didn't get along with other kids.

15 Q Is the main thing that you had in  
16 common when you refer to the gay scene is that  
17 you all were homosexual? You were homosexual,  
18 and so were these other people that you hung  
19 around with?

20 A That would be the key, yes.

21 Q Okay. On line 20 of page four,  
22 you talk about Ken -- pronounce his name for

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1 me?

2 A Forsberg.

3 JUDGE SIPPEL: That's his call  
4 sign?

5 THE WITNESS: Yes, he's deceased  
6 now recently, but that was his call sign, yes,  
7 sir. Yes, your Honor.

8 BY MS. LANCASTER:

9 Q I asked you about Ken Forsberg  
10 yesterday, and I copied it down from this  
11 report. But when I asked you about him, you  
12 said that he had nothing to do with Radio  
13 Depot or the radio shop that you had been  
14 discussing. Were you mistaken?

15 A No, I was not. He had nothing to  
16 do with Radio Depot.

17 Q Okay. Is there another radio shop  
18 that you were talking about?

19 A That's correct, ma'am.

20 Q What's the name of the radio shop?

21 A Well, that was a long time ago. I  
22 believe when the radio shop was first opened

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1 it was called Amateur Radio World. When Ken  
2 owned it exclusively, it was called Ken's  
3 Radio World. That had nothing to do with  
4 Radio Depot, just to be clear.

5 Q And I also asked you if Mr.  
6 Forsberg mentored you, and you told me no.  
7 But it appears to me that, from line 23, you  
8 hung around and you learned a lot from him.  
9 Did he not teach you about radio?

10 A Ma'am, I do not believe that was  
11 my testimony yesterday. I believe I did say  
12 that I did learn from him. He was one of the  
13 people.

14 Q Well, the transcript will say  
15 whether I'm correct or you're correct, but he  
16 did mentor you; is that correct?

17 A Yes, he was one of the people, the  
18 ham radio people.

19 Q Was he gay?

20 A No, he was not.

21 Q And I believe that in line 29 and  
22 30 of your, it's a sentence on 29 and 30 of

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1 page four, you said you wanted to be a police  
2 officer or a doctor, "Besides radio, I wanted  
3 to become a police officer or a doctor."  
4 That's been, you've consistently said that  
5 those were you two main goals; is that  
6 correct?

7 A When I was young, yes, that was  
8 correct.

9 Q On page five, line three of your  
10 testimony, you state that when you were 15 you  
11 got re-arrested for molesting a juvenile who  
12 was almost 13. Isn't almost 13 the same as  
13 12?

14 A Yes.

15 Q Don't you have a habit of  
16 minimizing your wrongdoing?

17 MR. LYON: Objection,  
18 argumentative.

19 JUDGE SIPPEL: Sustained.

20 BY MS. LANCASTER:

21 Q And on line four of that page,  
22 again, it says 52 to 65 weeks. Do you recall

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1 our conversation yesterday that it was 65  
2 weeks, based on the evidence in the record?

3 MR. LYON: Objection. The record  
4 will speak for itself.

5 JUDGE SIPPEL: Sustained.

6 BY MS. LANCASTER:

7 Q On line seven, it starts on line  
8 six and line seven on that page, you talk  
9 about that you were in sex offender treatment  
10 when you were at NYC. That's Naselle, right?

11 A Right.

12 Q Isn't it true that you've  
13 consistently got very poor progress reports  
14 regarding your sex offender treatment?

15 MR. LYON: Objection, asked and  
16 answered ad infinitum yesterday.

17 JUDGE SIPPEL: Sustained.

18 BY MS. LANCASTER:

19 Q Now, on line nine of that page,  
20 you talk about you went to live with an older  
21 friend. This was with, my understanding, the  
22 permission of your parents; is that correct?

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1 A That's correct.

2 Q And I believe you testified  
3 yesterday that you had had sex with Mr.  
4 Cresswell prior to going to live with him; is  
5 that correct?

6 A That is correct.

7 Q And that he was an older  
8 gentleman; is that correct?

9 A Yes, that's what I said.

10 Q In the 40s or 50s? Is that true?

11 A I believe that's correct.

12 Q Didn't he have adult children at  
13 the time you went to live with him?

14 MR. LYON: Objection, irrelevant.

15 JUDGE SIPPEL: Wait a minute.  
16 What are you trying to prove by this?

17 MS. LANCASTER: Well, that he was,  
18 he's saying his parents let him go live with  
19 a pedophile, your Honor. This is a man that's  
20 old enough to be his father. His parents give  
21 him permission to go live with this guy. He  
22 had already had sex with him before he ever

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1 went to live with him, and his parents  
2 approved it. They thought it was in his best  
3 interests, according to him. I want to make  
4 sure that's noted.

5 MR. LYON: That all might be  
6 interesting, your Honor, but I don't see how  
7 it's relevant.

8 JUDGE SIPPEL: No, I mean,  
9 whatever is stated in here isn't going to  
10 change.

11 MS. LANCASTER: But I think I'm  
12 entitled to pursue it. It's relevant.

13 JUDGE SIPPEL: It's his testimony,  
14 but you're not doing anything with it except  
15 asking him to paraphrase it or restate it. He  
16 certainly is going to put something in here  
17 and say that's a lie, unless you've got other  
18 evidence. I'm going to sustain the objection.

19 MS. LANCASTER: Okay.

20 BY MS. LANCASTER:

21 Q Well, let me ask you this: was Mr.  
22 Cresswell ever charged with having sex with a

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1 minor?

2 MR. LYON: Objection, irrelevant.

3 JUDGE SIPPEL: Sustained.

4 BY MS. LANCASTER:

5 Q On line 14, well, it really kind  
6 of starts at line 13 when you're talking about  
7 you took the GED test at the community college  
8 and you didn't study but you passed with high  
9 scores. You see that right?

10 A Yes, ma'am.

11 Q You've basically been evaluated  
12 and told that you're highly intelligent; is  
13 that true?

14 A I believe that's true that that  
15 has happened in the past.

16 Q And you think you're highly  
17 intelligent, don't you?

18 A Not highly.

19 Q Average? Above average? How do  
20 you rate your intelligence?

21 MR. LYON: Irrelevant.

22 MS. LANCASTER: It is relevant,

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1 your Honor.

2 JUDGE SIPPEL: Tell me. Explain  
3 the relevance --

4 MS. LANCASTER: Well, I might have  
5 to give my legal fees to opposing counsel for  
6 asking the question.

7 MR. LYON: I'm not asking the  
8 question. I'm not sitting next to him. I'm  
9 not coaching him.

10 MS. LANCASTER: I'd like to know  
11 how he rates his own intelligence.

12 MR. LYON: I will object to the  
13 relevance.

14 JUDGE SIPPEL: It has no  
15 relevance.

16 MS. LANCASTER: Okay.

17 JUDGE SIPPEL: He said he thinks  
18 he's -- well, he said what he said. Do you  
19 have some collateral evidence to show  
20 otherwise?

21 MS. LANCASTER: No. I think that  
22 all the reports are that he's very

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1 intelligent.

2 JUDGE SIPPEL: He's not denying  
3 that.

4 MS. LANCASTER: Well, he says he  
5 doesn't think he's highly intelligent, so I  
6 ask how do you rate yourself.

7 JUDGE SIPPEL: Good grief. Let's  
8 move on, please, please, please.

9 BY MS. LANCASTER:

10 Q On line 18 of that page, what does  
11 BLS mean?

12 A Basic life support.

13 Q Okay. Are you still certified for  
14 advanced first aid or basic life support CPR?

15 A I believe my recent certification  
16 is expired now, I believe.

17 Q Okay. On line 27 of this page,  
18 you talk about working, you started working at  
19 the gym. How long did you work there?

20 A I don't remember for certain.

21 Q Does three months sound about  
22 right?

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1           A       No, that sounds way too low or a  
2       little too low.

3           Q       I'm sorry. I didn't mean --

4           A       I can only estimate that I believe  
5       it was more than three months for sure but  
6       less than two years.

7           Q       That's a pretty big range. How  
8       long did you work there before you  
9       propositioned the 11-year-old?

10          A       I don't remember, ma'am.

11          Q       On line three of page six of your  
12       testimony, you state that you believe the most  
13       important skill that you've learned is you  
14       started to take responsibility for your own  
15       behavior? Is that true?

16          A       Do you got a question?

17          Q       Do you believe that the most  
18       important skill that you learned in all of  
19       your sex therapy is that you now take  
20       responsibility for your own behavior?

21          A       Let me read this entire thing to  
22       make sure. What I said is I believe most

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1 important is I started to take responsibility  
2 for my own behavior and I began to mature.

3 Q Okay. Do you now take  
4 responsibility for your own behavior?

5 A Yes, I do.

6 Q Okay. So when you're asked about  
7 the criminal acts that you've committed, you  
8 have been fully forthright in what occurred?

9 A Fully forthright as far as I  
10 recall. That is correct, ma'am.

11 Q Okay. So unless your memory is  
12 faulty, you've been telling the truth; is that  
13 basically what you're saying?

14 A I don't know how to say it other  
15 than how I just said it. As far as I recall,  
16 everything that I have said --

17 Q Well, could you -- how well do you  
18 remember all these acts?

19 JUDGE SIPPEL: This is -- wait a  
20 minute, just a second. I don't understand.  
21 Are you trying to get him to change his  
22 testimony or --

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1 MS. LANCASTER: No, your Honor. I  
2 want to know how well he remembers them. If  
3 what he's testified -- the way his testimony  
4 conflicts with other fact documents at times  
5 in the record, and I want to know could he be  
6 mistaken. So I want to know how well he  
7 remembers what happened.

8 MR. LYON: Your Honor, this was a  
9 subject of exhausted testimony yesterday. I  
10 don't know what counsel can hope to accomplish  
11 today that she didn't do yesterday.

12 MS. LANCASTER: I didn't ask this  
13 question yesterday.

14 MR. LYON: You asked every other -  
15 - I'm sorry --

16 JUDGE SIPPEL: Well, do you want  
17 to take this line-by-line and ask him if he  
18 can do better? I mean, this is getting  
19 nowhere. It's absolutely getting nowhere.

20 MS. LANCASTER: I want to know if  
21 he thinks he can be mistaken in his testimony  
22 yesterday. Does he stand by his testimony

**NEAL R. GROSS**

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