

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

UNITED STATES OF AMERICA,) Case No. 3:09-CR-00085-CRS
)
Plaintiff,)
)
VS.)
)
KAREN CUNAGIN SYPHER,)
) July 28, 2010
Defendant.) Louisville, Kentucky

VOLUME 1
TRANSCRIPT OF TESTIMONY OF RICHARD PITINO
AT JURY TRIAL
BEFORE HONORABLE CHARLES R. SIMPSON, III
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For United States: Marisa J. Ford
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[Defendant present.]

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221 U.S. Courthouse
Louisville, KY 40202
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Proceedings recorded by mechanical stenography, transcript
produced by computer.

1 (Begin testimony in open court at 1:40 p.m.)

2 (RICHARD PITINO, called by the government, sworn.)

3 DIRECT EXAMINATION

4 BY MS. FORD:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Would you please introduce yourself to the ladies and
8 gentlemen of the jury.

9 A. Rick Pitino.

10 Q. And Mr. Pitino, your last name is spelled P-I-T-I-N-O; is
11 that correct?

12 A. That is correct.

13 Q. All right. I'm having a little trouble hearing you; if you
14 could pull yourself up a little bit to the mike.

15 A. That is correct.

16 Q. That's -- very good.

17 Mr. Pitino, I want to talk a little bit first about your
18 professional background. You are currently the head basketball
19 coach for the men's basketball team at the University of
20 Louisville; is that correct?

21 A. That is correct.

22 Q. All right. And how long have you been coaching the men's
23 basketball team at the University of Louisville?

24 A. Going on ten years.

25 Q. All right. And my understanding is that you also have

1 coached in the National Basketball Association, the NBA.

2 A. I have.

3 Q. Before you came to Louisville in 2001, you coached for the
4 Boston Celtics?

5 A. That's correct.

6 Q. All right. And how long were you with the Celtics?

7 A. Three-and-a-half years.

8 Q. All right. And prior to that, you coached at the University
9 of Kentucky?

10 A. That's correct.

11 Q. All right. And how long were you at the University of
12 Kentucky?

13 A. Eight years.

14 Q. And prior to that, you coached the New York Knicks for a
15 couple of years?

16 A. That is correct.

17 Q. All right. So basically, your entire adult professional
18 life you have been a basketball coach?

19 A. I have.

20 Q. All right. And you have met with a fair amount of success
21 as a basketball coach; is that correct?

22 A. Yes, that's correct.

23 Q. All right. Particularly, I guess, we may have members of
24 the jury who are not big basketball fans. Could you describe a
25 little bit for the jury some of the success you've had as a

1 basketball coach.

2 A. Well, the greatest thing about college basketball is you all
3 start with the same dream. You all start -- whether you're
4 ranked number one or you're ranked number 300, you all have the
5 same dream; and that's to make the NCAA tournament at the end of
6 the year.

7 I was around playing the game when they only invited 24
8 teams. And now they invite -- I think it's gone up to 68 teams.
9 And that happens at the beginning of March.

10 Q. And the 68 teams that go to the NCAA tournament, that's
11 narrowed down from -- what -- 300 some colleges and
12 universities?

13 A. That is correct.

14 Q. All right. And that really is the pinnacle of college
15 basketball, isn't it?

16 A. It is. It's called March Madness. It's what we all dream
17 about and look forward to.

18 Q. Okay. And so every basketball season, every year as a
19 college basketball coach, you are geared towards the NCAA
20 tournament and hopefully making The Final Four?

21 A. Well, The Final Four is -- you hope to make The Final Four,
22 but obviously --

23 Q. I think that's what I said. You hope to make it?

24 A. Yes. It's very difficult.

25 Q. As a college basketball coach, you have taken teams to The

1 Final Four on several occasions, haven't you?

2 A. I have.

3 Q. All right. You've been to The Final Four --

4 A. Five times.

5 Q. Five times. And won a national championship.

6 A. Yes, in 1996.

7 Q. In 1996. Okay. I want to talk just very briefly and then
8 we'll kind of come back to this, you know, full circle later as
9 we go through this. But are you -- have you met the defendant
10 in this case, Karen Sypher?

11 A. I have.

12 Q. Okay. And can you tell the members of the jury
13 approximately when it was that you first met her.

14 A. I believe it was in July of 2003.

15 Q. All right. And where did you meet her?

16 A. At Porcini's restaurant.

17 Q. All right. And that's a restaurant here in Louisville?

18 A. It is.

19 Q. Okay. On Frankfort Avenue?

20 A. Yes.

21 Q. A restaurant that you go to frequently?

22 A. Yes.

23 Q. All right. And could you tell the members of the jury just
24 very briefly what happened that night, the first circumstances
25 when you first met the defendant.

1 A. Well, I was playing golf with a foursome. We just hired a
2 new assistant coach, Reggie Theus. And we were playing golf and
3 we decided the losing team buys dinner. And we were going to
4 Porcini's restaurant that night.

5 And I was talking at the end of the bar and -- I believe we
6 already finished dinner. And I was talking to some other people
7 about golf, and that's the first time I saw Ms. Sypher. She
8 came up to me and said, "Would you" -- had somebody on the phone
9 and said, "Would you say good luck to my son. It's his
10 birthday, and he loves sports and say happy birthday."

11 And I said, "Happy birthday. Study hard in school," and
12 that was it. And then she went about her business and I
13 continued talking.

14 Q. All right. And did you have any interaction with Ms. Sypher
15 before the -- before that evening ended?

16 A. Yes, I did.

17 Q. Okay. And tell the members of the jury about that.

18 A. Well, about -- the restaurant started to clear out, and I
19 was sitting at the bar talking to the owner. And apparently,
20 Ms. Sypher came back in the bar. There were very few people
21 left. And she came up to the bar and sat next to me, and I
22 believe I bought her a drink.

23 Q. All right. And what happened after that?

24 A. We just talked and laughing about things. She was telling
25 me how much her family's a big U of L fan, and how they love

1 basketball, and -- it was just small talk. And we were going
2 back and forth. And then finally Tim Coury said, "Coach, I'm
3 going to head home. You going to finish your drink and leave?"

4 I said, "Yes."

5 He said, "Okay. Go out the side door, the front side door
6 and just -- it will close by itself."

7 Q. Okay. And at that point, how many people were left in the
8 restaurant?

9 A. Well, it was just the two of us, I thought, at the time. I
10 didn't find out until six years later that there were three
11 people in there.

12 Q. But that night, on July 31st, you thought you and Ms. Sypher
13 were the only two left in the restaurant?

14 A. Yes.

15 Q. Okay. And what -- and Mr. Coury left?

16 A. He did.

17 Q. Okay. What happened after that?

18 A. After that, we -- we just continued talking. And we were
19 getting up to leave, and she motioned, "Why don't we sit down
20 and finish our drink over here." We did and then some
21 unfortunate things happened. She opened up my pants and said
22 something to me at the time.

23 Q. We can talk about that a little bit later.

24 A. Okay.

25 Q. But did you end up -- was there a sexual encounter?

1 A. There was.

2 Q. Did you have sex with the defendant that night?

3 A. Yes, very briefly.

4 Q. All right. And we'll talk more about that later, but when
5 did you next see or hear from the defendant?

6 A. Well, a few weeks later -- I don't know the exact timing of
7 how long, maybe two or three weeks later -- I got a phone call
8 and she said that she missed her period.

9 And I said, "Well, it can't be me."

10 And she said, "I believe it is," and "I'm always on time,"
11 and "We need to talk."

12 Q. All right. And did you have some conversations or meetings
13 with Ms. Sypher about what she had told you, the fact that she
14 thought she was pregnant?

15 A. Yes. We met at her future husband's condominium --

16 Q. All right.

17 A. -- and talked about it that night.

18 Q. Okay. And what was it that you talked about?

19 A. Well, I said, "You -- how can you be sure you're pregnant?
20 It's only three weeks."

21 She says, "I'm always on time."

22 And I didn't believe at the time it was my child. And she
23 told me she was certain. And I said I didn't believe it. And
24 she said she didn't know what she was going to do. She was
25 going to get counselling.

1 And right before she left, she stood up, looked at me and
2 said, "Look, I have no health insurance."

3 And I said back to her, "You mean your husband doesn't give
4 you any health insurance?"

5 She said, "No, he doesn't pay for health insurance."

6 I said, "Well, how much do you need?"

7 And she says, "I need \$3,000 for my family's health
8 insurance."

9 So I said, "Okay. Give me some time to get it and I'll get
10 it to you."

11 Q. Okay. And did you -- at that particular meeting that you're
12 talking about, did the defendant indicate to you whether she had
13 made a decision to terminate the pregnancy or not?

14 A. No. She said she didn't know what she was going to do, that
15 she was going to get counselling on it, and she didn't know what
16 she would do.

17 Q. All right. And sometime after that did you learn that she
18 had decided in fact to have an abortion?

19 A. I did.

20 Q. All right. And after that meeting on -- we'll talk about
21 the date later -- but after that meeting -- that meeting took
22 place at Tim Sypher's condominium?

23 A. I believe -- yes.

24 Q. Okay. And we'll talk more about Mr. Sypher later. But he
25 was your equipment manager, wasn't he?

1 A. He was.

2 Q. Okay. And of course, he has the same last name as the
3 defendant in this case. But they were not married at the time,
4 were they?

5 A. They were not.

6 Q. All right. In fact, as far as you know, Ms. Sypher didn't
7 know Tim Sypher at all?

8 A. Just -- just to follow him into his condominium.

9 Q. All right. She was Karen Wise at the time, not Karen
10 Sypher.

11 A. I did not know that.

12 Q. Okay. You left town for some business engagements shortly
13 after that meeting. Did you make some arrangements to have Mr.
14 Sypher assist Karen, the defendant, in any way with her decision
15 to terminate her pregnancy?

16 A. Yes. He was supposed to take her to counselling in
17 Cincinnati. And if she decided to go through with it, he was
18 going to take her.

19 Q. All right. And eventually, a relationship developed between
20 the two of them, didn't it?

21 A. I don't know how long ago. The one thing about it, at that
22 point -- from that point on, when Tim started dating her, we
23 lost our relationship, Tim and I. So he didn't tell me
24 anything, except that he was going out with her, I think,
25 probably about three or four weeks later.

1 Q. All right. And -- but you knew that eventually they
2 married?

3 A. I did.

4 Q. And they also had a child together?

5 A. I did.

6 Q. All right. And that now they are -- are divorced or in the
7 process of divorcing?

8 A. I believe they are.

9 Q. All right. Let's talk a little bit about last year, the
10 2008-2009 basketball season. Was that a successful season for
11 the University of Louisville basketball team?

12 A. 2008 and nine?

13 Q. Uh-huh.

14 A. It was. We had one of our better seasons at Louisville.
15 Probably we had our best team, although we didn't go as far as
16 the 2005 team that reached The Final Four. That was our -- that
17 was the most promise we had to win a national championship.

18 Q. And what year was that?

19 A. 2008 and nine.

20 Q. Last year. Just last year?

21 A. No, the season before last.

22 Q. The season before, okay. But last year, the season -- the
23 2009 season also looked to be a very promising season?

24 A. Last season?

25 Q. Yes.

1 A. Last season wasn't as promising as the season before. We
2 were successful, but it wasn't great success.

3 Q. All right. Let's talk specifically about February, late
4 February of 2009. You're nearing the end of the regular season
5 at that point, aren't you?

6 A. We are.

7 Q. All right. And do you recall February 26th of 2009?

8 A. I do.

9 Q. Okay. And can you tell the members of the jury what you
10 recall about that specific date.

11 A. Well, I was in Las Vegas watching a high school basketball
12 player play, and we -- I remember it well because I saw a friend
13 who used to be the New York Knick doctor. And he was the father
14 of one of our players, and we talked. And we got on a plane and
15 we were flying back to Louisville. And I -- as soon as we
16 landed -- we had a -- probably a 4:00 or 5:00 practice. I
17 arrived somewhere in the mid afternoon. And when I turned on my
18 phone -- I was checking messages -- and I -- I just got sick to
19 my stomach with what was said on the telephone.

20 And I immediately called Tim Sypher and said, "Tim, you need
21 to get your wife and we need to talk."

22 And he said, "What's wrong, Coach?"

23 And I said, "You're not going to believe what was said on
24 the telephone. You need have her come in."

25 Q. Okay. When you say that you got sick to your stomach about

1 what you heard on the telephone, what was it that you heard?

2 A. He mentioned the word rape, and I -- I got very sick to my
3 stomach.

4 Q. Were these voice mail messages that you received?

5 A. Yes, they were.

6 Q. How many were there?

7 A. There were three in total.

8 Q. Okay. What about on that particular day, February 26th,
9 when you landed?

10 A. I believe two.

11 Q. All right. And did you recognize the voice on the messages,
12 the caller?

13 A. I did not. And I actually -- when I had everybody listen to
14 it, I was thinking there were two different people. I wasn't
15 sure actually if there were three different people at the time.

16 Q. All right.

17 A. And everybody had a difference of opinion when they listened
18 to it.

19 Q. You have -- you saved those recordings, didn't you?

20 A. I did.

21 Q. Okay. Saved the voicemail messages?

22 A. Yes.

23 Q. Okay. And you have listened to them a number of times since
24 then?

25 A. Right.

1 Q. All right. They have already been introduced into evidence
2 but, Debi, if we could go ahead and play Government Exhibit 1.

3 (Government playing audio.)

4 Q. Mr. Pitino, is that the first voicemail message that you're
5 referring to?

6 A. Yes.

7 Q. That was left on your telephone on February the 26th of
8 2009?

9 A. It was.

10 Q. All right. And you said you felt sick to your stomach when
11 you got that message. We just looked at the transcript, and at
12 the very end it refers to rape charges. There are a couple of
13 references to rape in that voicemail message. Did you feel
14 threatened by this telephone call?

15 A. Well, I really not only felt threatened, I was frightened.
16 I knew what was about to happen, but I didn't know who this
17 person was. When he said he had the information from an
18 abortion clinic in Cincinnati, I think he may have said
19 "Cincinnati," and right then and there it sounded like he was a
20 Kentuckian. I didn't -- never recognize the voice, but, yes, I
21 was -- I was very much frightened.

22 Q. All right. Debi, could you go ahead and play Government
23 Exhibit 2.

24 (Government playing audio.)

25 Q. And is this the second message that was left on your phone

1 on February 26th?

2 A. It was.

3 Q. All right. And this particular call makes reference to "a
4 rape in your future husband's condo." What did that mean to
5 you?

6 A. That meant that somebody's telling this person a lot of
7 lies.

8 Q. Okay. Did the reference to "future husband's condo" have
9 any significance for you?

10 A. It did, because no one knew about that meeting at the condo
11 but Tim, myself, and Ms. Sypher.

12 Q. All right. So you said, after you landed on the flight from
13 Las Vegas and checked your voicemail, you had these two
14 messages. And the first person that you called was Tim Sypher?

15 A. Yes.

16 Q. All right. And you asked Mr. Sypher to bring his wife in
17 for a meeting?

18 A. Right.

19 Q. Okay. And why did you want to meet with the defendant, with
20 Karen?

21 A. Well, I didn't know at the time -- right away I thought that
22 she was the person behind telling this person these lies, and --

23 Q. And why did you think that?

24 A. Because she was the only one that knew we were meeting at
25 the husband's condo.

1 Q. Okay.

2 A. And so we -- I had her listen to the phone calls, and I was
3 shocked to get her response.

4 Q. What was her response?

5 A. Her response was to the point where she accused me of
6 putting somebody up to making these phone calls.

7 And I said, "Well, why would I ever do that?" And then she
8 started going into different subjects about how much pain she's
9 in.

10 And I never thought from day one that that was my child that
11 she was pregnant with. And then she said something later on
12 that threw me off completely as well. She said she -- you know,
13 she was four months pregnant, and she didn't want to have this
14 abortion, and she did it and did it for me or something of that
15 nature.

16 And I said, "Wait a second," because I was thinking to
17 myself -- I was getting very confused. I thought it was three,
18 three-and-a-half weeks, and now suddenly it was four months.
19 And then I just thought at that point in time -- I knew it
20 wasn't my child, because she was four months pregnant, which
21 turned out to be not the case, but I was very confused. I was
22 just trying to get back to who made the phone calls.

23 Q. Okay.

24 A. That was -- I told Tim going over: "Tim, we've got to find
25 out -- somebody's about ready to blackmail me. This person on

1 this phone call's going to blackmail me, and --

2 Q. And at the --

3 A. -- we've got to get to the bottom of who that is."

4 Q. Okay. At this point on February 26th of 2009, Tim Sypher
5 and Karen Sypher are married?

6 A. They are.

7 Q. And have a young daughter together?

8 A. They do.

9 Q. All right. And when you called Tim, did he bring his wife
10 Karen down to the Yum! Center to meet with you?

11 A. Yes.

12 Q. Okay. And you had mentioned before that when you landed you
13 had a practice scheduled that day.

14 A. Right. We were going to practice about 4:30, 5:00.

15 Q. All right. You and I have met a couple of times over the
16 last month, and you also have met previously with the FBI. Have
17 you ever listened to a recording that was made of that meeting,
18 that meeting you had on February 26th of 2009?

19 A. Yes.

20 Q. All right. Did you make that recording?

21 A. I did not.

22 Q. All right. Do you recall when the first time was that you
23 heard the recording of the meeting?

24 A. Just in your office.

25 Q. Okay. Were you aware at the time of the meeting that the

1 defendant, Karen Sypher, was recording her meeting with you?

2 A. I had no knowledge.

3 Q. All right. So the first time that you heard the recording
4 has been sometime within the last few months?

5 A. Yes.

6 Q. All right. Have you listened to the recording in its
7 entirety?

8 A. I have.

9 Q. All right. And does it accurately reflect that entire
10 meeting, first meeting that you had with the defendant?

11 A. The first one?

12 Q. Yes.

13 A. Yes, it does.

14 Q. All right. Judge, this was previously identified by Special
15 Agent Wight as Government Exhibit 13. I'd like to go ahead and
16 play this.

17 THE COURT: Are you offering it as an exhibit?

18 MS. FORD: I am offering it, yes, into evidence, Your
19 Honor.

20 MR. EARHART: No objection.

21 THE COURT: There's no objection. It will be
22 admitted.

23 MS. FORD: We will definitely -- the jurors will need
24 headsets for this, Your Honor. This was the tape that was
25 enhanced by the FBI, and it is inaudible in places.

1 THE COURT: All right. You-all got all your headsets?

2 THE REPORTER: They do.

3 THE COURT: Do we have some headsets to offer to the
4 peanut gallery, if we need -- we don't have enough for everyone,
5 but --

6 MS. FORD: The witness will probably needs a set.

7 THE COURT: Well, he would be qualified to get one.

8 Let's give some out there. Mr. Wolfson needs one and some
9 others out there.

10 MS. FORD: Mr. Pitino, there's an on button on the
11 bottom.

12 THE COURT: Well, why don't you do 15 seconds to make
13 sure everybody can hear, and then back it up and start all over
14 again.

15 MS. FORD: Okay. And I think that the on/off button
16 should be facing your body so that the -- and then if you turn
17 them on.

18 THE COURT: They've used them before.

19 MS. FORD: Debi, you want to go ahead.

20 (Government playing audio.)

21 THE COURT: All right. Marisa -- all right. Can
22 everybody hear that?

23 Mr. Pitino, can you hear that?

24 THE WITNESS: I can, sir.

25 THE COURT: All right. Back it up and start all over

1 again.

2 (Government playing audio.)

3 Q. Mr. Pitino, do you know who's talking at this point?

4 A. Ms. Sypher.

5 Q. Okay. And the man that's speaking, is that you or somebody
6 else?

7 A. That's him, her husband Tim.

8 Q. That's her husband Tim, okay. And when she refers to her
9 son, do you know who she's referring to?

10 A. At the time, no.

11 Q. Okay. You were -- wherever they are, you were not present
12 at this moment?

13 A. I was not.

14 Q. Okay.

15 Okay. Debi, go ahead.

16 (Government playing audio.)

17 Q. Can we stop right there.

18 There's a pause here, Mr. Pitino. Do you know -- recall
19 what was happening at this point?

20 A. I was asking her if she would listen to the phone call and
21 -- this person mentioned Cincinnati and mentioned -- and she
22 said she had -- at that point she said, "If it's my business,
23 I'll listen to it." And that's basically what was happening.

24 Q. And you had -- do you know where you were meeting at this
25 point?

1 A. It was in the equipment room where her husband had an
2 office.

3 Q. All right. Where Tim Sypher had his office?

4 A. Right.

5 Q. Okay. And is Mr. Sypher present for the meeting?

6 A. He was.

7 Q. All right. And you had saved the two voicemail messages on
8 your cell phone?

9 A. I did.

10 Q. And did you play those for the defendant so she could listen
11 to them?

12 A. I did.

13 Q. All right. Debi, go ahead.

14 (Government playing audio.)

15 Q. Would you stop right there, Debi.

16 That -- that last line, "That's the next phone call. He's
17 going to. That's the next phone call." What were you thinking
18 at this point?

19 A. I didn't know what to think. I was -- I was extremely
20 frightened. I was -- I just traveled five hours, getting up
21 early in the morning. I was getting -- trying to rush to get
22 through practice. I didn't know what to think at that point.

23 Looking back on it today, I feel kind of foolish. This was
24 a -- this was -- the next couple of meetings that we had, Ms.
25 Sypher acted like Susan Sarandon in *Thelma and Louise*. She had

1 me believing things that I couldn't quite believe, and she was
2 acting like somebody that knew nothing about it.

3 I feel foolish saying that today, thinking that, and --
4 because it was obvious she knew something, but I didn't know
5 whether this person was going to blackmail her, blackmail me.
6 Was she controlling him? Was he controlling her? I did not
7 know what was going on. And all I was trying to find out -- I
8 had her listen to the phone calls. I had her son listen to the
9 phone calls. I had Tim listen to the phone calls for any hint
10 of who this could be.

11 Q. Debi, let's go ahead.

12 (Government playing audio.)

13 Q. Could you stop there for a second.

14 That reference, when she -- the defendant says, "I had an
15 abortion that was way too late." Is this the part you were
16 referring to earlier?

17 A. I did. I meant to say two or three weeks and said two or
18 three months, and that's the part I was referring to.

19 Q. And these references over and over again to Cincinnati, you
20 knew that was where she went to have an abortion.

21 A. Right.

22 Q. Okay. And that's where -- you knew that's where Mr. Sypher
23 drove her?

24 A. That's correct.

25 Q. Okay.

1 Okay. Debi, go ahead.

2 (Government playing audio.)

3 Q. Debi, stop there a second.

4 Up to this point in the meeting you have -- you've played
5 the two messages for her, the voicemail messages, and asked her
6 if she recognizes the voice; is that correct?

7 A. That is correct.

8 Q. And she's denied --

9 A. No, she didn't know who it was. I asked her if it sounded
10 like it was two -- two different people. I thought it was two
11 different people. I asked Tim if he thought it was two
12 different people. They couldn't tell. And she told me she had
13 no idea, and she got very upset at me every time I would mention
14 it again.

15 I tried to revert back to who this person was, and she got
16 very indignant, and as I mentioned earlier, accused me of having
17 somebody make these phone calls.

18 Q. Okay. Or up to the point we are now, even having told
19 somebody else about what happened and maybe that's the person
20 who's making the phone calls?

21 A. Right.

22 Q. All right. And we just passed -- she said, "Even that
23 night, I drove you home because you were so drunk. You
24 remember?" What is she referring to there?

25 A. Porcini's, the night in the restaurant.

1 Q. Okay. And she's saying, "I drove you home because you were
2 so drunk."

3 A. Well, I venture to say she had -- she had a lot to drink as
4 well. And I could definitely not drive home, but I was not
5 drunk.

6 Q. Okay. But she's also not suggesting that you ordered her to
7 drive -- ordered her to drive you home?

8 A. I didn't -- first -- first and foremost, I have a difficult
9 time speaking rudely to a woman, never mind the word rape. So
10 you can understand what that did to me, that -- those phone
11 messages.

12 And we walked out of that restaurant speaking civilly. I
13 got a ride home. We actually sat in my driveway for an extra
14 five minutes, which made me very nervous, and I walked in the
15 house. And as crazy as this may sound to you, when I left her
16 at this meeting, I honestly didn't think she knew who made these
17 phone calls. She convinced me that she didn't know.

18 So all -- I stayed up the next whole week trying to figure
19 out who made these phone calls and what this person was going to
20 do to me next. But it's obvious -- as months go by and years go
21 by, when you read this and listen to this, it was obvious that
22 she knew.

23 Q. Right. But you -- you didn't hear this until a month or so
24 ago?

25 A. Right.

1 Q. All right.

2 Debi, go ahead.

3 A. Well, I heard it back when these phone calls were made.

4 Q. Yes. But I mean, the -- this -- the recording of this
5 meeting --

6 A. No, I --

7 Q. -- where in hindsight you can --

8 A. Right, yes, of the meeting. I didn't know the meeting was
9 being recorded.

10 Q. All right.

11 Debi, go ahead.

12 (Government playing audio.)

13 Q. Debi, let's stop there.

14 What did you mean when you asked the -- asked Karen Sypher,
15 "What can I do to help you?"

16 A. I was -- well, knowing back then, I was hoping that she
17 wanted counselling. She said that she was going through such
18 tough times. She -- and she didn't have a penny to her name.

19 I don't know what she expected when she married Tim, that
20 she was going to have this life of luxury, because usually you
21 know what a person makes financially. But she says he doesn't
22 give her a penny, and she doesn't have a job.

23 Q. Are the two of you talking about abortion, the abortion she
24 had, or are you talking about rape?

25 A. No, we were definitely talking about the tough time of the

1 abortion.

2 Q. Okay. Did she ever mention rape?

3 A. She never mentioned that word ever.

4 Q. During this meeting?

5 A. Never mentioned that word to me ever.

6 Q. All right.

7 A. You don't -- you don't give someone a ride home, be very
8 cordial, talk about basketball, sit in the driveway, give me a
9 phone number and then say, "Well, how am I going to get these
10 tickets? We want to come to some games." I give her a business
11 card with -- I believe it was Vinnie's name behind it. That
12 just doesn't happen. That just doesn't happen.

13 You don't sit in an office with a person and record him and
14 go through all this whole charade to go through this whole
15 thing. It doesn't make any sense. You know, this is all
16 contrived. All these questions are contrived. She's playing to
17 this tape recording. This is not something that -- that she has
18 in mind that -- what she's going to do to me.

19 Q. Debi, go ahead.

20 (Government play audio.)

21 Q. Debi, if we could stop for just a second.

22 Mr. Pitino, did you play the messages for the defendant more
23 than once at this meeting?

24 A. I did.

25 Q. Okay. And is that what's going on during this pause here?

1 A. Yes.

2 Q. Okay. You were having her listen to them again?

3 A. Again.

4 Q. All right.

5 Debi, go ahead.

6 (Government playing audio.)

7 Q. Debi, stop there a second.

8 You've asked her, "Karen, is there anything I can do to help
9 you?"

10 And she responded, "Oh, my -- my life sucks right now, yes."

11 And you say, "I -- I can make your life better." What are
12 you referring to there?

13 A. Well, I'm just trying to find out who made the phone calls.
14 And I'm going to say anything at this point -- I don't know
15 these -- this is a contrived recording. I'm just trying to find
16 out who made these phone calls, and I'm trying to find out if
17 she's behind it. And at that point, I have no intention of
18 getting her counselling or doing anything at this point. I'm
19 just trying to do -- it seemed she knew who was making the phone
20 calls. But she kept listening and she -- she was selling me
21 that she didn't know who made the phone calls.

22 Q. Okay.

23 A. And I actually believed it --

24 Q. And --

25 A. -- as foolish as that may sound.

1 Q. And you -- you thought she was complaining about this
2 abortion that she had had in Cincinnati?

3 A. No, she was complaining about not having any money and
4 complaining about not having any things in life.

5 Q. Okay.

6 Debi, you want to go ahead.

7 A. I mean, she was -- she was always talking about going to
8 Lake Forest as if it was Monte Carlo where the rich and famous
9 live. I didn't know Lake Forest was like that. I have to go
10 out there, but I didn't know it was like that.

11 She always talked about moving to Lake Forest and Lake
12 Forest. I didn't know what was so special about that place.

13 (Government playing audio.)

14 Q. Debi, stop there for one second.

15 The college education fund that you just referred to --

16 A. I'm sorry? Say --

17 Q. The college education fund that was just referred to, what
18 is that about?

19 A. Every year I give the staff a bonus around Christmastime.
20 Some are different. And I'm not sure if it was Christmas or
21 the -- yes, I believe it was Christmas. And Tim said, "Coach,
22 instead of giving me something this year, could you put some
23 money toward my daughter's education?"

24 And I said, "Sure, Tim. I don't know how to do that though.
25 I don't know what vehicle you use for that." I said, "Call up

1 Rick Avare, my business manager, and find out if they have some
2 type of mutual fund that you can set up, and I'll put the money
3 into that instead."

4 Q. Okay. And to your knowledge was that done?

5 A. Yes, it was.

6 Q. But that was a college fund for --

7 A. I don't know if it was high school or college. Tim was --

8 Q. An education fund?

9 A. Right.

10 Q. Okay. That was set up for Karen and Tim Sypher's daughter?

11 A. Yes.

12 Q. Okay. And Tim's regular bonus was what was contributed to
13 that to start that?

14 A. Right.

15 Q. Okay. Debi, go ahead.

16 (Government playing audio.)

17 Q. At the conclusion of this meeting Karen Sypher tells her
18 husband Tim Sypher she wants a legal separation. Did you have
19 any idea that they were having problems in their marriage prior
20 to this meeting?

21 A. I did not.

22 Q. During the course of this meeting you played these two
23 voicemail messages that you had received. Some of the
24 information in those voicemail messages was accurate, wasn't it?

25 A. Yes, it was.

1 Q. The fact that you had had a sexual encounter with Karen
2 Sypher in a restaurant in 2003, that was accurate.

3 A. Yes, it was.

4 Q. Okay. It was also accurate that she had had an abortion,
5 which she told you resulted from that encounter.

6 A. Yes.

7 Q. Okay. And you had met with the defendant in Tim Sypher's
8 condominium to discuss what she was intending to do about that
9 pregnancy. So that fact was accurate.

10 A. Yes.

11 Q. And that would have been personally embarrassing to you,
12 wouldn't it, if that information had been publicly disclosed?

13 A. What my family and children have had to endure because of
14 this, as well as her children, the lies that her children were
15 told, the lies that my children had to read and my wife had to
16 go through, and so many people that would be hurt by -- by this
17 person's accusations on that -- on that message.

18 Q. Okay. And the -- both of the messages refer to rape and
19 charges of rape. Was that personally threatening to you?

20 A. Oh, very much so.

21 Q. Was that information accurate in those messages?

22 A. It was the direct opposite of -- I could never rape a woman.
23 I could never be physically harmful to any woman at any time.

24 Q. Okay. At the conclusion of this meeting you asked Karen
25 Sypher to come back and meet with you again that evening.

1 A. That's correct.

2 Q. All right. Did you have a second meeting --

3 A. We did.

4 Q. -- with her? Okay. Can you tell the members of the jury
5 about that meeting?

6 A. I had her once again to listen to the phone messages, and I
7 had her -- I'm not sure if her son was in the meeting as well.
8 I believe he was -- to listen to the phone message.

9 Q. Was that meeting also held at the Yum! Center?

10 A. It was.

11 Q. In your office?

12 A. It was.

13 Q. Okay. Was it that same day, February 26?

14 A. It was after practice that night.

15 Q. All right.

16 A. And shortly afterwards, her son listened to it when we were
17 just together. I think that Ms. Sypher and Tim were speaking,
18 arguing out in the hallway. And I had her son, I believe,
19 listen to it again, and -- I don't know if it was the next day
20 or that night. It could have been the next day -- he said he
21 knew who that -- he was 90 percent sure who was making those
22 phone calls.

23 Q. Okay.

24 A. And I felt relieved that he knew who it was.

25 Q. All right. We'll talk about that in a minute, but I guess

1 from what you're referring to, you had a meeting that evening of
2 the 26th. And then did you have a third meeting?

3 A. I believe so.

4 Q. Okay. Let's talk about -- try to focus on the second
5 meeting. What was your purpose in asking the defendant to come
6 back and meet with you again that night?

7 A. I was just trying to find out who made these phone calls. I
8 still couldn't figure it out. And you have to remember, I'm --
9 we have a couple of games left in the season. And I'm trying to
10 focus in on getting this basketball team to the tournament and
11 winning a regular season championship, and I'm trying to figure
12 out who made these phone calls at the same time so -- and I'm
13 not getting anywhere with the second meeting as well. The
14 second meeting does not go well in terms of -- she had me
15 convinced that she did not know who made these phone calls, as
16 bizarre as that may sound.

17 Q. All right. And that's a good --

18 Your Honor, may I approach the witness?

19 THE WITNESS: I'm sorry?

20 THE COURT: Ma'am?

21 MS. FORD: May I approach the witness?

22 THE COURT: Yes.

23 Q. Mr. Pitino, I want to show you something that's been marked
24 as Government Exhibit 43 and ask you to take a look at that. I
25 think that's an excerpt of -- this is actually the entire

1 document. Do you recognize that?

2 A. Yes. That's the basketball press guide.

3 Q. That's the basketball press guide for University of
4 Louisville basketball team?

5 A. That is correct.

6 Q. Okay. And is -- and for what season was that?

7 A. That's the '08-09 season.

8 Q. Okay. So this is the time period that we're talking about
9 when you received these phone calls?

10 A. Yes, it was.

11 Q. Judge, I would move to admit Government Exhibit 43.

12 MR. EARHART: No objection.

13 THE COURT: There's no objection. It will be
14 admitted.

15 (Government Exhibit 43 admitted in evidence.)

16 Q. Debi, would you pull up the calendar on -- I think it's page
17 four.

18 Mr. Pitino, if I -- can you --

19 Debi, why don't we look down -- let's blow up the bottom
20 part of the calendar, February. There you go.

21 Oh, that wasn't good.

22 While we're having technical problems, we'll take a look at
23 the bottom of that calendar. You received the first two
24 voicemail messages on February the 26th; is that correct?

25 A. Yes, it was.

1 Q. Okay. And where are you in your regular season?

2 A. We are entering March and we're getting ready to play
3 Marquette at home --

4 Q. Okay.

5 A. -- on Sunday the -- March 1st.

6 Q. On March the 1st. And how is the team doing?

7 A. We're doing fine. We're battling for a championship.

8 Q. All right. And in fact, at -- on February the 26th, you
9 have just -- it looks like three games left in the regular
10 season.

11 A. That is correct.

12 Q. All right. And you have a chance at winning the --

13 A. The regular season Big East Championship.

14 Q. Big East Championship. The Big East is, of course, the
15 conference that the University of Louisville basketball team is
16 in?

17 A. Right.

18 Q. Okay. As I understand, a very competitive conference.

19 A. Well, that year in particular was probably -- I was there
20 when -- I was around when the Big East was formed. And that was
21 probably, arguably, the toughest the conference has ever been in
22 the history of the conference since its inception.

23 Q. Okay.

24 A. So it was not only quite a struggle that year because every
25 night out you were playing great teams, but it would be quite an

1 honor to win a regular season championship for Louisville.

2 Q. Okay. And so the meeting that you have the evening of
3 February the 26th, you were -- is it fair to say, the primary --
4 your primary focus in the meeting, again, was to try to find out
5 who made those phone calls?

6 A. Yes.

7 Q. And you said you played them again for the defendant. Did
8 she deny knowing -- having any involvement?

9 A. Well, one of my question was, "Does it sound like it's two
10 different people," or "Do you think it's the same person?" And
11 she wasn't sure.

12 Q. Okay. But she didn't identify the person who had made the
13 phone calls?

14 A. No. She said she absolutely did not know that, and once
15 again, accused me of having this person make the phone calls.
16 And toward the end some bizarre things happened.

17 Q. Bizarre things happened in the meeting?

18 A. Yes.

19 Q. Did she start to ask you for things during that meeting?

20 A. She did.

21 Q. All right. What did she ask you for?

22 A. She said she wanted to go back to Lake Forest, and she said
23 she wanted a new car. She said she wanted her son to have a
24 car. She said she wanted some spending money.

25 And I said to her, I said, "Well, look, I can get Tim a

1 raise. I don't know if it's going to do all that, but I can get
2 Tim a raise."

3 And she said, "No, I" -- I want this and I want this.

4 And I said, "Karen, you're going to have a -- those things
5 don't happen that way. You take loans out and, you know, you're
6 going to have IRS problems if you get things that you're asking
7 for." And I said, "We can give Tim a raise, but you-all got to
8 work that out yourselves."

9 And she -- then at the end, she started crying and -- at the
10 end of the meeting, she started crying and said her life could
11 finally get better and started crying how her life has been pure
12 hell living with him. And they were sort of like going to have
13 an argument. And then the strangest --

14 Q. By "him," she was referring to?

15 A. To Tim.

16 Q. Okay.

17 A. And then the strangest thing happened. In the middle of
18 crying and being very upset -- we were ending this meeting and
19 it was late. And she said, "Can I ask you a question?" She
20 immediately turned off the tears.

21 And I said, "Well, what is that?"

22 And she said, "You know, a couple of years ago you bought
23 all the wives beautiful pocketbooks for Christmas, and this year
24 I didn't get a pocketbook."

25 I said, "Karen, I -- I don't even know if I gave any of the

1 wives presents this year, but I'll make sure I check -- check it
2 out and find out why you didn't get a pocketbook." But I was
3 caught off guard with that, and it always stuck out in my mind,
4 because here she was crying and immediately changed and was
5 concerned about a pocketbook.

6 And we left that meeting that night with nothing
7 accomplished --

8 Q. All right.

9 A. -- because I never found out who made those phone calls.

10 Q. Okay. Was there another meeting?

11 A. There was.

12 Q. All right. Do you recall about when that was?

13 A. Not exactly, no, I don't.

14 Q. Okay. The meeting we just talked about, the second meeting,
15 Karen Sypher was there. You were there. Was Tim Sypher there?

16 A. I believe he was in and out.

17 Q. Okay. And you said she brought her son to that meeting?

18 A. Yes.

19 Q. Okay. Was that Jake or Jacob Wise?

20 A. Yes.

21 Q. All right. And what about the next meeting that you had,
22 was that also at the Yum! Center?

23 A. It was.

24 Q. Okay. Was that meeting for the same purpose, to try to
25 figure out who was making these phone calls?

1 A. The meetings were only to find out who made these phone
2 calls, but I could not get anywhere.

3 Q. Okay. To your knowledge, Mr. Pitino, was the second meeting
4 recorded?

5 A. I had no idea the first meeting was recorded.

6 Q. Okay. And you didn't record either the second or the third
7 meeting?

8 A. No.

9 Q. Okay. You've never heard recordings of either the second or
10 the third meeting?

11 A. No.

12 Q. Okay. What about the third meeting, did -- did the
13 defendant ask you for things during that third meeting?

14 A. She did. She wanted to know when she was going to get it
15 and when she would be able to do all these things. And I said,
16 "I have -- I've got to coach this basketball team."

17 We're entering the tournament. You know, I said, "Why are
18 you concerned about moving in the middle of -- the end of
19 February, beginning of March?" I mean, nobody moves in the
20 wintertime. What is going on here with this?

21 Q. And at that point had you promised to give her anything?

22 A. I did not. My sole reason for having these meetings was to
23 find out who made those phone calls.

24 Q. Okay. The first meeting -- we listened to the entire
25 recording -- the word rape is never mentioned. You'll agree

1 with me on that.

2 A. Right. That word was never mentioned, period.

3 Q. All right. In either the -- I mean, did you ask the
4 defendant, in either your second or third meeting, "What is
5 this -- what's he talking about rape?"

6 A. I wasn't sure at that point. I said -- I know I said in the
7 meeting, I said to her son, "I can assure you, son, that that
8 never happened." And he gave me the most bizarre response I've
9 heard in my life.

10 Q. Let's not talk about what he said.

11 A. Okay. No, we didn't talk about that word. At that point in
12 time, I didn't know she was putting this man up to these phone
13 calls.

14 Q. Okay.

15 A. I thought that he was either going to blackmail both of us,
16 he was going to blackmail her, or they were in it together. I
17 wasn't sure at that point.

18 The more I thought about it with each hour that would pass,
19 the more I figured she was in on it, but I was getting more and
20 more tired. I was not sleeping and I was just physically and
21 mentally worn out by that time.

22 Q. Okay. And when you say the word rape was never mentioned in
23 these meetings, are you saying the defendant never used the word
24 rape?

25 A. No, she never did.

1 Q. Okay. Did you deny to the defendant that you had --

2 A. I knew she knew that that -- that that didn't happen.

3 Q. All right. We've listened to two voicemail messages. Did
4 there come a time when you received a third telephone message?

5 A. Yes.

6 Q. Okay. And that was -- was that February 28th --

7 A. It was.

8 Q. -- of 2009?

9 All right. Debi, let's go ahead and play Government Exhibit
10 3.

11 (Government playing audio.)

12 Q. Mr. Pitino, what was your reaction when you got this
13 message?

14 A. Well, I knew why he was doing it at that point. I knew
15 he -- he kept mentioning that word because he was going to
16 blackmail me.

17 Q. Okay. Go ahead.

18 A. And I didn't know when it was going to happen. I knew he
19 wasn't going to go to the media, because he wasn't going to get
20 any money by going to the media. I knew this man was -- there
21 was one motive from day one from when this all started, and that
22 was money.

23 Q. Okay. And the threat was to bring some charges against
24 you --

25 A. Yes.

1 Q. -- with this? All right.

2 A. Embarrassment, humiliation.

3 Q. Do you recall where you were when you -- when you got this
4 third message?

5 A. I believe I was at the Yum! Center.

6 Q. Okay. Do you happen to recall what day it was?

7 A. I do not.

8 Q. Okay. Actually, we just -- it was February the 28th. We
9 don't -- you don't know what day of the week it was.

10 Did you have any other additional contact with the
11 defendant, with Karen Sypher after you got that third message?

12 A. I don't think in person; possibly by phone.

13 Q. Okay.

14 THE COURT: Ms. Ford, I think maybe we ought to take a
15 break.

16 MS. FORD: Good point for a break, Your Honor?

17 THE COURT: We've been going about an hour and a half.
18 I think we need to take a short break, so let's take a 15-minute
19 break here.

20 (At this point a recess was taken.)

21 THE COURT: Ms. Ford, please continue.

22 MS. FORD: Thank you, Your Honor.

23 BY MS. FORD:

24 Q. Debi, would you pull up page four of Government Exhibit 28B.

25 Mr. Pitino, the jury's looked previously at --

1 I'm sorry, next page. My fault.

2 -- the jury's looked at some summaries of phone records.

3 After you got the third voicemail message on February the 28th,
4 phone records, your telephone records -- I'm looking for March
5 1st -- telephone records show a couple of messages from Karen
6 Sypher that go directly to your voicemail. Did you have any
7 additional communication with her after you received the third
8 phone call in which you were trying to get information from her
9 about who might have made the phone calls?

10 A. Yes.

11 Q. Okay. And do you think that that's -- do you recall if
12 that's what these conversations -- it looks like one was a
13 message that just went directly to your voicemail, but the other
14 is a -- is a longer message from her to your cell phone. Do you
15 recall what that was about?

16 A. That was about when she was going to get the things she
17 asked for, and she specifically wanted everything to go directly
18 to her.

19 Q. Okay. When you mean by -- directly to her, you mean in her
20 name?

21 A. Yes.

22 Q. Okay. All right.

23 Debi, let's go to March the 2nd and 3rd.

24 Okay. Back up -- back up a page.

25 Okay. March 2nd of 2009 also shows, first, a telephone call

1 from Karen Sypher's cell phone to your cell phone, which goes to
2 voicemail, a message that lasts a couple of minutes, and then a
3 telephone call from you on March the 2nd to her in the
4 afternoon, which lasts some period of time. Do you recall what
5 that conversation was about?

6 A. This was after the third phone call from --

7 Q. Yes, after the third phone call on March the 28th -- on
8 February the 28th.

9 A. I would say that 80 percent of the conversations that we had
10 were trying to distinguish who this person was.

11 Q. Okay. The -- and did she continue or persist in her asking
12 you to provide her with things? This house in Lake Forest?
13 Money? Cars?

14 A. Right. She wanted her -- her son to have a car. She
15 wanted -- she wanted this home in Lake Forest, and she wanted
16 her education -- the education was mentioned, but that was
17 already being taken care of because Tim Sypher is a university
18 employee.

19 And I kept trying to refer back -- I didn't understand the
20 rush behind all of that. I kept referring back at the point of
21 we need to find out who made these phone calls.

22 Q. Okay. And the -- after you received the third of the three
23 telephone messages, did you provide those to -- to an attorney
24 that you contacted in Lexington?

25 A. I did.

1 Q. All right. And that was Bill Rambicure?

2 A. It was.

3 Q. All right. And the recordings that we've listened to, are
4 those recordings that Mr. Rambicure made from your cell phone?

5 A. It was.

6 Q. Okay. And did you provide those to Mr. Rambicure shortly
7 after you received the third phone message?

8 A. I did.

9 Q. Okay. Did Mr. Rambicure counsel you that you should go to
10 law enforcement authorities with this information?

11 MR. EARHART: Objection, Your Honor. Hearsay.

12 THE COURT: Overruled.

13 Q. You may go ahead and answer.

14 A. Mr. Rambicure thought -- as soon as he listened to it, he
15 said, "Coach, you're being shaken down and you need to go to the
16 police with this."

17 And I said, "Bill, I need to get through this tournament and
18 then we'll do it, but I need to get through this tournament
19 first. I can't -- I owe it to these guys to get through this
20 tournament first."

21 Q. Okay. Debi, can you go to -- do you have the summary of --
22 I think it's March 4th through the 9th phone calls?

23 Okay. Mr. Pitino, this is the last page of Government
24 Exhibit 28B. It shows a couple of messages from Karen Sypher's
25 cell to your cell phone that I think were short messages. And

1 there are no communications reflected in the phone records
2 between the two of you after this time. Did there come a time
3 when you stopped talking to the defendant?

4 A. Yes, shortly after that.

5 Q. Okay. And why was that?

6 A. I -- when I went to see the lawyer, the lawyer -- Bill
7 Rambicure, he told me not to have any conversations with her
8 anymore.

9 Q. Okay. The end of the regular season in 2009 was the March
10 6th ball game on the road at West Virginia. Is that -- wasn't
11 it?

12 A. That is correct.

13 Q. All right.

14 A. If you could give -- I don't have it.

15 Q. Okay. I'm going to hand you -- it's Government Exhibit 43.

16 A. Yes, we were traveling to West Virginia on the -- we always
17 go the night before the game -- so it would have been the 6th.

18 Q. Okay. So you had been traveling on the 6th. And was the
19 University of Louisville, was it contending for the regular
20 season championship?

21 A. Yes. If we -- if we won that game, we were going to be
22 outright the champions of the Big East.

23 Q. Okay. And so that -- is it fair to say that was a
24 significant game for --

25 A. That was the most significant game so far of the season.

1 Q. Of the season up to that point.

2 All right. Judge, if I may approach.

3 THE COURT: Yes.

4 Q. I'm going to show you what has been marked Government
5 Exhibit 4 and ask you to take a look at that. Do you recognize
6 that?

7 A. I do.

8 Q. Okay. What do you recognize that to be?

9 A. We arrived at the hotel -- Rick Avare, a business associate
10 of mine, bought the trip to go on the trip with his son as an
11 auction item for charity, and he was in my room. And Tim Sypher
12 asked if he could come up.

13 And he was very nervous and he came up and put the envelope
14 down. And I said, "What is that, Tim?"

15 And he said, "It's -- it's -- I don't know if I want to be
16 here when you open that."

17 And I said, "Why not?"

18 And he said, "I just don't know if I am comfortable."

19 And I said, "Well, Tim, you're not here as far as I'm
20 concerned, but I want to open it." I opened it. I took one
21 look at it and most of it was already talked about in the second
22 or third meeting, except for the fact that when I leave a cash
23 payment of \$75,000 to be given to Karen.

24 Q. Let me stop you for a minute. Is this a note that you're --
25 you're saying it was a note that was delivered to you by Mr.

1 Sypher?

2 A. It was.

3 Q. On March the 6th?

4 A. It was.

5 Q. And is it attached there to the envelope in which it was
6 delivered?

7 A. Yes.

8 Q. It was hand-delivered to you?

9 A. It was.

10 Q. And you were in West Virginia at the time?

11 A. Morgantown, West Virginia.

12 Q. Okay. Was the envelope sealed when you received it?

13 A. It was.

14 Q. Okay. And you opened it in the presence of Mr. Avare?

15 A. Yes.

16 Q. All right. And I guess you were in your hotel room or --

17 A. I was.

18 Q. -- wherever you were staying for the game.

19 Okay. And does that, Government Exhibit 4, appear to you in
20 all respects to be in the same condition it was when you
21 received it on March the 6th of 2009?

22 A. Yes, it is.

23 Q. All right. Judge, I move to admit Government Exhibit 4.

24 THE COURT: All right. There's no objection. It will
25 be admitted.

1 (Government Exhibit 4 admitted in evidence.)

2 Q. Debi, would you pull that up, please. And can you blow it
3 up at all? It's kind of faint.

4 Mr. Pitino, can you tell us -- did you read this note at the
5 time that you received it?

6 A. I did.

7 Q. Okay. Can you tell us what it says at the top of the note
8 there?

9 A. It says, "Everything I have named below to be put in my name
10 only, Karen Cunagin Sypher," and then a list of demands.

11 Q. It has an itemized list of demands, you said?

12 A. Yes.

13 Q. Okay. And you -- I think you said earlier that those were
14 the same things that the defendant had demanded of you in the
15 meetings that you had with her at the Yum! Center.

16 A. That is correct.

17 Q. Okay.

18 A. There's a few additional things too.

19 Q. All right. Why don't you -- what were the things that she
20 had mentioned before and what are the new items?

21 A. Well, the college part -- I knew when I got this that their
22 marriage was now over, because Tim Sypher already had college
23 for the boys.

24 Q. As you said, because he's an employee of the University of
25 Louisville?

1 A. Exactly.

2 Q. And children of a university employee attend free?

3 A. Yes, they do.

4 Q. All right.

5 A. The "car of my choice & Jacob's choice - also, insurance
6 paid on...for 2 years." She asked for a car before in the
7 meeting, and she asked for Jacob as well.

8 "House paid off [of] my choice. Movers and" -- as far as
9 the movers and closing costs now were added.

10 "\$3,000 cash" -- she asked for spending money in the office.
11 Now it was a specific amount -- "...for five years for
12 groceries, bills, et cetera. Annabelle's accounts to be put
13 into" her name.

14 Q. And Annabelle is Karen and Tim Sypher's daughter?

15 A. And that's the one thing that Tim didn't want was to be put
16 in anybody's name other than his daughter.

17 Q. And what -- what account are they referring -- is the
18 defendant referring to?

19 A. It was the \$19,000 that was put aside, a two-year bonus that
20 he had come into.

21 Q. Okay. In the education fund that we talked about earlier?

22 A. Right, that is correct.

23 Q. Okay.

24 A. "All to begin immediately starting 3-6...(cash payment to
25 begin this month." And then --

1 Q. Three -- 3-6, March 6th is the day you received this note?

2 A. Right.

3 Q. All right.

4 A. And then when I leave, "...a cash payment of \$75,000 to be
5 given to" -- to her. "If all is accepted," she "will protect
6 Rick Pitino's name for life."

7 Q. Debi, could you blow up that bottom portion for me.

8 Mr. Pitino, you just read that. "If all is accepted, I will
9 protect Rick Pitino's name for life." And it's got a signature
10 after that. Is that the defendant's name?

11 A. It is.

12 Q. Okay. And it was dated?

13 A. 3-6-09.

14 Q. Okay. And a time of 1:06 p.m.?

15 A. That is correct.

16 Q. Okay. When you received this note, did you construe that as
17 a -- as a threat?

18 A. I thought it was blackmail.

19 Q. Okay.

20 A. And I thought it was -- that if I did not comply, she was
21 going to try and damage my reputation.

22 Q. All right. Mr. Pitino, is this -- did you request that the
23 defendant write these things down?

24 A. I did not.

25 Q. Did you ask her husband to get a list from her?

1 A. I did not.

2 Q. All right. Had you asked the defendant for any kind of
3 written assurance that she would protect your name or --

4 A. I never discussed that.

5 Q. All right. What did you do with this note when you got it?

6 A. I immediately -- since it looked familiar, I handed it to
7 Rick Avare, who was sitting to my left. Tim was sitting over
8 here. Rick was over there, and I handed it to him.

9 And he immediately said, "Tim, do you understand what's
10 going" --

11 MR. EARHART: Objection, Your Honor, to hearsay again.

12 THE COURT: I need to talk to you here at the bench,
13 please.

14 (Bench conference on the record outside the hearing of
15 the jury.)

16 MS. FORD: It is hearsay.

17 THE COURT: It is?

18 MS. FORD: I believe it is.

19 THE COURT: I don't know because I don't know if it's
20 to be admitted for the truth. What did he say?

21 MS. FORD: Actually, it's not to be admitted for the
22 truth. He is going to say that he told Tim: "Tim, your wife is
23 trying to blackmail me. You're going to have to basically" --

24 THE COURT: What?

25 MS. FORD: He's going to say that Rick Avare said,

1 "Tim Sypher, you understand your wife is trying to blackmail the
2 coach. You're" -- and then the -- Pitino said, "Tim, you're
3 going to have to make a choice either between me or your
4 family," but it --

5 THE COURT: Well, I think the latter part is not to be
6 admitted for its truth, obviously. The first part, maybe. So I
7 think you can steer him around the first part in which Avare
8 says, "Your" -- says to Tim Sypher, "Your wife is trying to
9 blackmail the coach."

10 Okay. I think I will sustain the objection on that but
11 admit the second statement, or you can forget the whole thing,
12 whatever you want to do.

13 MS. FORD: All right.

14 (End of bench conference.)

15 Q. Mr. Pitino, at this point in time, on March the 6th, did Mr.
16 Sypher's hand-delivery of this note to you give you -- cause you
17 some concern about Mr. Sypher's possible involvement in
18 certain -- the demands that were being made of you?

19 A. Not until Rick Avare pointed that out to me did I think
20 that.

21 Q. Okay. And did you say anything to Mr. Sypher about that?

22 A. Well, I was trying to go into what happened --

23 Q. Right.

24 A. -- at that point. I handed the note to Rick --

25 Q. And I'm trying to -- if you can tell us without telling us

1 what Mr. Avare said.

2 A. Okay. Well, what happened -- it's very difficult to do,
3 because it's -- Rick Avare told Mr. Sypher he had a choice to
4 make.

5 MR. EARHART: Objection, Your Honor.

6 Q. Okay.

7 THE COURT: That's overruled. I overruled the
8 objection as to that part of it.

9 Q. You can go ahead with that part.

10 A. He told Tim, he said, "Tim, have you a problem here. Your
11 boss is being blackmailed."

12 MR. EARHART: Your Honor, I renew my objection.

13 THE COURT: Well, that would be sustained on that
14 part.

15 A. Well, Tim Sypher left. And he was told to think long and
16 hard about what he just did.

17 And Rick then had a conversation with me and said, "Coach, I
18 know you" --

19 MR. EARHART: Objection, Your Honor, to what Rick
20 Avare told Mr. Pitino.

21 MS. FORD: This is not going to be offered for the
22 truth.

23 THE COURT: Well, you --

24 MS. FORD: We can -- if you want us to approach.

25 THE COURT: Yes.

1 (Bench conference on the record outside the hearing of
2 the jury.)

3 THE COURT: Now he's talking about what Avare said to
4 him?

5 MS. FORD: Yeah, but he's going to say that I know
6 that you trust Tim and think that he's loyal, but he -- it
7 appears he's got some involvement in this.

8 THE COURT: Okay. I'll overrule the objection on
9 that. It doesn't sound like it's admitted for the truth.

10 MR. EARHART: That's fine. I just don't know how I'm
11 going to anticipate this, but I'm -- I'll just keep coming back
12 up.

13 THE COURT: I understand. I just wanted to hear it
14 before it comes out.

15 MR. EARHART: Yes, sir, I understand.

16 MS. FORD: I'll try to lead through this part.

17 THE COURT: All right. If you need to steer around
18 with a little leading, go ahead.

19 MS. FORD: All right. Thank you, Judge.

20 (End of bench conference.)

21 Q. Mr. Pitino, Tim Sypher at this point in time is -- had been
22 an employee of yours for some period of time, hadn't he?

23 A. He has.

24 Q. Okay. And he was somebody that you trusted implicitly?

25 A. I did.

1 Q. All right. And so the fact that he had been the person who
2 hand-delivered this note to you must have created some concern
3 for you; is that fair to say?

4 A. Yes, doubt entered for the first time, without mentioning
5 the other person's name.

6 Q. Okay. And the doubt was as to whether Mr. Sypher was in
7 fact a trusted employee or whether he also was involved in the
8 demands that were being made of you for money and property.

9 A. That is correct.

10 Q. All right. The West Virginia ball game was played on March
11 the 7th.

12 A. Are we done with that?

13 Q. Yes.

14 A. I had something I wanted to say about that.

15 Okay. We'll be done with it.

16 Q. No, I know -- I think --

17 A. Well, I got the most --

18 MR. EARHART: Your Honor, I'm going to object.

19 There's not a question before the witness.

20 THE WITNESS: Okay.

21 Q. Were your concerns -- were your concerns about Mr. Sypher's
22 loyalty or his possible involvement in some plan to try to
23 demand money and property from you, were those concerns
24 communicated to Mr. Sypher?

25 A. They were, but I -- I didn't believe it one bit, what was

1 being said. I didn't believe that he was part.

2 Q. You didn't think he was involved?

3 A. I didn't until I got a text later that night from him.

4 Q. You got a text from Mr. Sypher later that evening?

5 A. Right.

6 Q. All right. And he communicated -- he communicated to you
7 that he loved his family?

8 A. He texted me that -- he said, "Coach, I'm sorry. I love my
9 wife. I love my family and I'm going to stay with them." And
10 that was the first time I thought he could possibly be in on
11 this.

12 Q. Okay. So at that point, you thought he might be involved in
13 the demands?

14 A. Right.

15 Q. All right.

16 A. Didn't want to believe it, but after everything I read and
17 saw in this, I didn't know how.

18 Q. Okay. Do you know, when he delivered the note, whether Mr.
19 Sypher had read it? Do you know -- have any idea whether he
20 knew what was in the note?

21 A. I had no idea.

22 Q. Okay. Because the envelope was sealed when you received it?

23 A. It was sealed.

24 Q. All right. The game the next day, West Virginia, the end of
25 the regular season championship, did U of L win that basketball

1 game?

2 A. We did.

3 Q. All right. Difficult game to win on the road?

4 A. It was probably the most difficult environment I've been in
5 in a long, long time as a coach, because it was -- most
6 basketball arenas, when you go on the road, you have 10,000,
7 15,000 people that are against you. You have maybe 20 people
8 that are for you.

9 And they had a celebration. They brought back all their
10 great players and their great teams, and they were going to
11 celebrate them at halftime, from Jerry West to all the great
12 players that ever played for this prestigious university.

13 So it was a very difficult environment because everything
14 was at stake. It was on the road. And I would say probably in
15 the Big East, with the upper level teams, that road teams maybe
16 only win less than 10 percent of the games. So it was a
17 tremendous victory for us. It was a major, major coup to win
18 the championship in the toughest league probably ever
19 established in the Big East.

20 Q. Debi, can you bring up the calendar again of the season.

21 You play that game on March the 7th.

22 And then, Debi, if you could blow up the bottom of the
23 calendar.

24 From that point, after that game -- that's Saturday, March
25 the 7th -- your schedule shows next you go on to the Big East

1 Championship, which is being played the 10th through the 14th in
2 New York.

3 A. That is correct.

4 Q. All right. Do you recall receiving a telephone call from
5 Karen Sypher's mother?

6 A. Yes.

7 Q. Okay. And was that call before you went into the -- into
8 this next -- the tournament championship?

9 A. It was.

10 Q. Okay. And do you know the defendant's mother?

11 A. I have never met her in my life.

12 Q. Never met her. Would you know her if she was in the
13 courtroom today?

14 A. I would not.

15 Q. All right. And she contacted you where, on your cell phone?

16 A. On my cell phone.

17 Q. All right. And can you tell us what that call was about?

18 A. She introduced herself and said, "You know, I just want to
19 know -- my grandson has not gotten his automobile yet, and when
20 are you -- when are you going to buy him his automobile?"

21 And I said, "Ma'am, you don't need to speak this way on the
22 phone. Right now I'm just trying to get through a tournament."
23 And the answer back to me was -- that's all I said.

24 Q. Was she angry?

25 A. No. She just said -- I just said, "You don't need to talk

1 this way on the phone."

2 And she immediately said, "Well, we know people in high
3 places also."

4 And I said, "Ma'am, I'm going to hang up this phone. No
5 disrespect." And I hung up the phone.

6 Q. Okay. U of L goes on to play in the Big East tournament the
7 days that we see here on the calendar in New York. How did
8 U of L do in that tournament?

9 A. We -- we won the Big East Championship tournament as well.

10 Q. All right. And is that significant for you going into the
11 NCAA tournament?

12 A. It is. Whoever wins the championship -- although we won the
13 regular season championship, certain conferences get multiple
14 bids to the NCAA tournament. The Big East -- the major
15 conferences will get anywhere from three to seven, eight bids to
16 the tournament.

17 So even though we won the regular season, it was a given
18 that we would get an automatic berth. It was not -- the winner
19 of the tournament is the guaranteed champion to go into the
20 NCAA. And so winning that as well was extremely prestigious and
21 would get us a high seed, because they seed the tournament from
22 one to 64. And we were actually, after we won that
23 championship, we were seeded number one of the number one seeds.

24 Q. All right. So top-ranked team in the country?

25 A. Yes.

1 Q. Okay. And going into the NCAA tournament, a top seed is
2 advantageous?

3 A. Well, it's what you strive for. I'm not sure --

4 Q. It helps at least in the first round?

5 A. It helps very good, it does.

6 Q. That's the -- well, that's the little bit I know.

7 A. It does. A 16 seed has never beaten a one seed.

8 Q. Okay. When you win the Big East tournament, I guess,
9 contractually you are entitled to certain bonuses if you make
10 certain milestones, I guess regular season championship, Big
11 East conference championship, and then depending on how well you
12 do in the NCAA tournament.

13 For winning the Big East Championship last year, is that the
14 first time that U of L has won that championship, conference
15 championship since you've been the coach?

16 A. Well, we -- we entered the Big East somewhere in the mid
17 part of my coaching tenure at Louisville. They weren't always
18 in the Big East. So we probably were in the Big East prior to
19 that maybe four or five years.

20 Q. Okay. But is this the first time that you won?

21 A. Maybe actually less than that.

22 Q. Is this the first time that you had won?

23 A. Yes, it is.

24 Q. All right. As a result of winning that tournament, you
25 received a bonus?

1 A. I did.

2 Q. Okay. And how much was that?

3 A. I don't know.

4 Q. Do you remember? Is it your practice to -- when you receive
5 a bonus like that, to share that with your -- some of your
6 employees?

7 A. It is.

8 Q. Okay. And do you recall, when you won that championship
9 last year, did you in fact share that bonus among some of your
10 employees?

11 A. I did. I gave \$30,000 to -- well, \$10,000 each to the
12 trainer, Fred Haner, to the strength coach, Ray Ganong, and to
13 Tim Sypher.

14 Q. Okay. And would that bonus have been paid shortly after you
15 concluded this tournament on March the 14th?

16 A. Yes.

17 Q. Okay. And you had received this phone call from the
18 defendant's mother Judy Cunagin about a car for Jacob. Did you
19 and Mr. Sypher have subsequent conversations or communications
20 about that car?

21 A. We did.

22 Q. All right. And can you tell the jury about that?

23 A. I just said to Tim, I said, "Tim, I'm not buying any
24 automobile." I said, "Here's your bonus. You want to -- you're
25 his dad. You buy him the automobile." And he did.

1 Q. Okay. Did you assist Mr. Sypher or -- I understand you have
2 an ownership interest in some dealerships in Lexington. Did you
3 send Mr. Sypher that way?

4 A. Actually, Tim knew the dealership better than me. I've
5 never --

6 Q. Okay.

7 A. I've only been there probably once in my life.

8 Q. Okay. But it's your understanding he did go to Lexington --

9 A. He did.

10 Q. -- and used his bonus to purchase a car for Jacob Wise?

11 A. I believe they both picked it out.

12 Q. Okay.

13 A. I'm not sure on that, but I think that's true.

14 Q. Okay. Once you have won the Big East Championship -- that
15 concluded on March the 14th -- from that point we're now into
16 March Madness. We're into the NCAA tournament?

17 A. Right, that is correct.

18 Q. And you said that U of L was going in as the number one of
19 the number one seeds --

20 A. That is correct.

21 Q. -- in that tournament. And the -- my recollection is the
22 championship game last year was being played in Indianapolis.

23 A. That year?

24 Q. Uh-huh.

25 A. I believe so.

1 Q. Okay.

2 A. We didn't make it.

3 Q. Okay. But that would be near the end of the first week of
4 April?

5 A. That is correct.

6 Q. Okay. I think it was April 6th of last year.

7 A. It's the year prior to last year's season.

8 Q. Okay. The -- right -- I'm talking about 2009.

9 A. Right.

10 Q. Okay. The -- as you're heading into the tournament -- I
11 want to show you what's been marked Government Exhibit 5, if you
12 would take a look at that.

13 A. Yes.

14 Q. Do you recognize that?

15 A. I do.

16 Q. What do you recognize that to be?

17 A. It's a -- a personal letter from an attorney in Louisville,
18 Kentucky, requesting that -- I believe a meeting.

19 Q. And this letter was delivered to you?

20 A. It was.

21 Q. All right. And the -- what's the date on this letter?

22 A. March 22nd.

23 Q. Okay. Of 2009?

24 A. Yes.

25 Q. Okay. And do you recall about when you received it?

1 A. I believe it was on a Monday when I returned from the Big
2 East tournament.

3 Q. Okay.

4 A. No. Actually, it would have been after that. I believe it
5 was a Monday, but I'm not exactly sure.

6 Q. Okay. Do you think you received it a couple of days after
7 the date of the letter?

8 A. Yes.

9 Q. Okay. So around the 24th of March?

10 A. Yes.

11 Q. All right. Judge, the United States moves to admit
12 Government Exhibit 5.

13 THE COURT: All right. There's no objection. It will
14 be admitted.

15 (Government Exhibit 5 admitted in evidence.)

16 Q. Debi, if you go ahead and pull that up.

17 Mr. Pitino, when you received this letter --

18 Well, let's go ahead, Debi, and blow up the -- these top
19 paragraphs here.

20 Okay. These are the first two paragraphs of the letter.

21 Mr. Pitino, would you read those to us.

22 A. Which one? I'm sorry.

23 Q. Just start at the very beginning of the letter.

24 A. "She tells me that for the last 5 years she has been
25 suffering in silence over two instances where you forced your

1 sexual advances upon her, the first of which resulted in
2 pregnancy. She has tremendous self loathing over the abortion
3 that she feels you forced on her. The unnecessary death of her
4 unborn 5th son has lain heavily upon her heart and soul. It
5 seems that after the rapes and while you were attempting to
6 coerce Karen to have the abortion you sent your long time
7 retainer Tim Raymond Sypher to befriend and seduce the Karen and
8 control her for you."

9 Q. All right. You received this letter apparently from an
10 attorney that the defendant had retained or had consulted with.
11 This paragraph that you just read refers, again, to where you
12 forced your sexual advances upon her, and refers to an abortion
13 that you forced upon her, and then refers again down here to
14 rapes in the plural. What was your reaction when you received
15 this letter?

16 A. I knew at this point that anything was going to be said. At
17 this point, I didn't know what this lawyer was up to. I didn't
18 know, again, what this was all about.

19 I knew and I felt very comfortable with -- I still had no --
20 who made these phone calls. I felt very comfortable that, (A),
21 I did not force myself on her. I did not force her to get an
22 abortion. And I certainly did not rape her in any way, shape,
23 or form. That never happened. She made the decision to have
24 the abortion on her own, and I had nothing to do with that as
25 well.

1 Q. Okay. Debi, let's look at the very last paragraph of this
2 letter. And if can you blow that -- the last paragraph up for
3 us.

4 A. I'm sorry?

5 Q. I was asking her -- Debi to blow that up a little bit so we
6 can see it.

7 Can you read that?

8 A. "Neither you nor Tim Sypher or anyone on your behalf are to
9 have any conversations with Karen regarding this subject matter
10 further without my presence and until this is resolved. If
11 someone makes contact I have instructed her to record the
12 conversation and report it accordingly."

13 "She requests that you consider an immediate mediation or
14 settlement conference prior to this suit. If it is not done in
15 the next two days, which means prior to Wednesday, she will
16 assume you have no desire to settle this matter and she will
17 seek closure one way or the other."

18 Q. All right. This letter you -- was dated March the 22nd.
19 You said you thought you received it on a Monday. This
20 paragraph is demanding, basically, a settlement conference the
21 same day you receive the letter. Is that --

22 A. That is correct.

23 Q. All right. Did you -- did you construe this letter to be
24 one which contained threats either to your reputation or to
25 accuse you of a crime?

1 A. Well, once again, the -- none of these things were true. So
2 this was, once again, perpetrating this lie. And I immediately
3 turned this over to my attorney.

4 Q. Okay. And you're referring to Mr. Rambicure in Lexington?

5 A. Yes, that's true.

6 Q. All right. Shortly thereafter, did you and Mr. Rambicure
7 have a meeting with law enforcement authorities?

8 A. We did.

9 Q. Okay. Can you tell the members of the jury about that.

10 A. Well, Bill Rambicure and -- after getting this says, "Coach,
11 you need to go to the police. It's time." He said, "You're not
12 going to get through this tournament. They know that you're
13 under stress, and their angle to blackmail you is to do it while
14 you're stressed out with this tournament. You're not going to
15 get through it."

16 And I said, "Okay, Bill. You were right from the beginning.
17 What do we need to do?"

18 Q. Okay. And did you and Mr. Rambicure have a meeting with the
19 Attorney General of the State of Kentucky?

20 A. We did.

21 Q. All right. And was the purpose of that meeting to discuss
22 beginning a criminal investigation of what you viewed as an
23 extortion or a blackmail attempt?

24 A. Yes.

25 Q. All right. And do you recall when that meeting took place?

1 A. I don't.

2 Q. Okay. Do you recall if that meeting took place -- let me
3 back up for a minute.

4 A. I don't recall the exact date.

5 Q. Okay. Mr. Kolter, in this letter of March 22nd, is
6 demanding a very quick meeting with you and some of your
7 representatives to discuss these rape allegations and the forced
8 abortion allegations. Did such a meeting take place to your
9 knowledge?

10 A. With Mr. Kolter?

11 Q. Yes. Did anyone meet on your behalf with Mr. Kolter?

12 A. Yes.

13 Q. Okay. You did not attend a meeting with Mr. Kolter?

14 A. I did not.

15 Q. Okay. Did Mr. Rambicure and Mr. Avare go to a meeting with
16 Mr. Kolter?

17 A. Yes.

18 Q. Okay. To your knowledge, was that meeting with Mr. Kolter
19 after you and Mr. Rambicure had met with the Attorney General?

20 A. Yes.

21 Q. Okay.

22 A. It could have been the next day or even that night.

23 Q. Okay. But you met with the Attorney General to discuss a
24 criminal investigation before Mr. Rambicure and Mr. Avare met
25 with Mr. Kolter?

1 A. That is correct.

2 Q. Okay. And Mr. Rambicure and Mr. Avare, you discussed with
3 them whether or not you should attend this meeting?

4 A. I told them I was not going to this meeting.

5 Q. All right. And what was their purpose in attending?

6 A. That it was a -- this was a -- it looked like a very
7 threatening letter, and it was -- Bill Rambicure wanted to go
8 from a fact-finding standpoint to find out exactly what they
9 were after.

10 Q. All right. And at this point -- you said that Louisville
11 did not go to the championship game in 2009, but around this
12 time, between March 24th and the end of the month, March 31st,
13 is Louisville still involved in the tournament?

14 A. We are.

15 Q. Okay. Are you on the road at that time?

16 A. Yes.

17 Q. Okay. Where were you playing?

18 A. I believe it was Dayton.

19 Q. Okay. In the regional?

20 A. Yes, we were in the Elite Eight.

21 Q. Okay. So you made it to the final eight in 2009.

22 A. Right.

23 Q. Did not make it to The Final Four?

24 A. We did not.

25 Q. Okay. After you and Mr. Rambicure met with the Attorney

1 General, to your knowledge did Mr. Rambicure ask the Attorney
2 General to begin -- formally to begin a criminal investigation
3 of these extortion or blackmail attempts?

4 A. He said it was -- this was -- this was for the FBI.

5 Q. Okay. You're saying that was what the Attorney General
6 communicated to you?

7 A. That was his advice, that he would take this to the FBI.

8 Q. All right. And after that, the -- were you interviewed by
9 the FBI?

10 A. I was.

11 Q. Okay. On April the 9th of last year, I think?

12 A. Yes.

13 Q. So that for you, for Louisville, the tournament is over at
14 that point?

15 A. Yes.

16 Q. Okay. After -- after Mr. Rambicure and Mr. Avare met with
17 Mr. Kolter, did you have some understanding of what the
18 defendant's financial demands were at that point?

19 A. Yes. We met that night.

20 Q. Okay. Do you recall approximately when that was?

21 A. Yes, because the restaurant that we -- the Cardinal Cafe was
22 closing, so it was probably around 8:00, 9:00 at night to about
23 11:00.

24 Q. Okay. And you met with Mr. Avare and Mr. Rambicure?

25 A. I did.

1 Q. Immediately following their meeting with Mr. Kolter?

2 A. Yes.

3 Q. Okay. What was your understanding of the defendant's
4 financial demands at that point?

5 A. Well, both -- both people came back and said it was the most
6 bizarre meeting they've ever been involved with, that Ms. Sypher
7 and Dana Kolter were yelling obscenities back and forth at each
8 other during the meeting, and they were asking for millions and
9 millions of dollars.

10 Q. Okay.

11 A. And it changed quite substantially from that letter I
12 received in West Virginia.

13 Q. Okay. Do you recall the figure \$10 million?

14 A. Yes.

15 Q. Okay. Do you recall them saying the case -- they thought
16 her claims against you were worth \$10 million?

17 A. Yes.

18 Q. All right. That they would settle for 5.5 million?

19 A. Yes. They were talking about the Daniel Pitino Foundation
20 that I had where we've raised over \$5 million for children in
21 need and children's charities over the period since I've been a
22 coach at Kentucky, Boston, and now in Louisville, and that they
23 wanted the equal amount because she lost a child.

24 Q. And I'm sorry. What is the Daniel Pitino Foundation?

25 A. The Daniel Pitino Foundation is a foundation set up for

1 children who are terminally ill, children in need. We also have
2 a homeless shelter in Owensboro, Kentucky, where we feed 100
3 people a day, and we house six battered -- 60 battered families
4 for seven days a week.

5 Q. Okay. And that's a foundation that you established, you and
6 your wife?

7 A. Yes, in my son's name that we lost in 1987.

8 Q. And your son died when he was how old?

9 A. Six months.

10 Q. Six months. From crib death or --

11 A. Yes.

12 Q. -- or sudden infant death syndrome?

13 You were interviewed by the FBI on April the 9th. Did you
14 learn at some point that during the course of the FBI
15 investigation -- when you were interviewed by the FBI, did you
16 know who was responsible for the three voicemail messages that
17 you received?

18 A. I still could not -- no matter how much I tried, I could not
19 find out who made those phone calls.

20 Q. All right. At some point -- you were interviewed on April
21 the 9th. As that month passed, did you learn that the FBI had
22 in fact identified who had made the three phone calls to you?

23 A. I didn't know the person, but I knew they found someone.

24 Q. Okay. And you knew that towards the end of that month the
25 defendant was charged with several counts of threatening

1 communications to you related to the phone calls, to the note
2 that was delivered to you in West Virginia, as well as to this
3 letter that we just looked at?

4 A. Yes.

5 Q. All right. At that point in time, April of 2009 and over
6 the course of the next two to three months, the defendant had
7 been charged with certain federal violations. Are you familiar
8 with the stories that were appearing in both the print and the
9 broadcast media during that time about the charges against the
10 defendant and to the extent they relate -- the case related to
11 you?

12 A. Well, to backtrack, you know, I was obviously dealing with
13 problems at home myself, because I had to -- I had to deal with
14 a much larger issue and a much larger problem, and that's
15 dealing with my family. I had to be truthful to the university
16 of what happened.

17 MR. EARHART: Your Honor, I'm going to object. It's
18 nonresponsive to the question.

19 THE COURT: Well, let's see.

20 Q. Once the FBI's criminal investigation began, did you feel a
21 responsibility to report to friends, family, employers, people
22 that you work with, that you were the victim of -- in a case
23 that the FBI was investigating?

24 A. Yes. I had to meet with my athletic director. I had to
25 meet with the lawyers at the university, the PR director, the --

1 along with my wife and family within a 48-hour period.

2 Q. Okay. And did you do that at the point in time where you
3 knew the criminal investigation -- you had reported this and the
4 criminal investigation was beginning?

5 A. Yes. I told them all simultaneously what was going on.

6 Q. Okay. And after that, the defendant had been charged. Was
7 there information that was publicly being reported in April,
8 May, and June that -- specifically about what the defendant was
9 alleging, that you had raped her twice and forced her to have an
10 abortion?

11 A. Yes, my attorney told me that. I wouldn't watch it. It was
12 too disgusting to even watch and even to look at. And
13 unfortunately, my family had to look at that.

14 Q. Are you familiar -- was there a period of time when the
15 media was not reporting the substance of her rape allegations?

16 A. Yes, they were not reporting it.

17 Q. Okay. Because they said she hadn't gone to the police.

18 A. Right.

19 Q. All right. And that was in the period -- the months and
20 weeks immediately after she was initially charged --

21 A. That is correct.

22 Q. -- in federal court.

23 Okay. In June of 2007, the defendant went to the Louisville
24 Metro Police Department for the first time. Were you aware of
25 that or did you become aware of that?

1 A. Yes, I think I was aware of it, as well as most of the media
2 outlets.

3 Q. Okay. And were you aware that in July of last year, July of
4 2009, that the defendant went to the Louisville Metro Police
5 Department and charged you with two instances of rape?

6 A. Yes, I am.

7 Q. Okay. Were you interviewed by the Louisville Metro Police
8 Department in July of last year about those allegations?

9 A. Yes. My attorney called me and said, "Coach, you need to --
10 you need to come back and meet with the police."

11 Then I said, "Could it wait?" I was on the road recruiting
12 and we only have so many periods in a time. I said, "Can it
13 wait a week or so?"

14 And he said, "No, I don't think you should do that. I think
15 you should come in and meet with the police right away."

16 Q. All right. And was -- at this point you had an attorney
17 here in Louisville representing you, didn't you?

18 A. That is correct.

19 Q. That was Mr. Pence?

20 A. Steve Pence, yes.

21 Q. Okay. And so you went in voluntarily to the Louisville
22 Metro Police Department?

23 A. I did.

24 Q. Okay. Were you interviewed by a Sergeant Abbott at the sex
25 crimes unit?

1 A. I was.

2 Q. Okay. And you were aware that the defendant, in July of
3 2009, had charged you with raping her at Porcini's restaurant on
4 July 31st of 2003. Were you aware of that?

5 A. Yes.

6 Q. And she also charged you with raping her at Tim Sypher's
7 condominium on August the 25th of 2003.

8 A. Yes.

9 Q. All right. She filed the complaint. Were you ever formally
10 charged by the Louisville Metro Police Department?

11 A. No. I was -- I was interviewed for a long time by the
12 sergeant, I believe, and then it went --

13 Q. Was that Sergeant Abbott?

14 A. Yes, Sergeant Abbott. And then it went to Mr. Stengel, I
15 believe his name is, and --

16 Q. And was the investigation closed at that point?

17 A. Yes.

18 Q. Okay. You were never indicted?

19 A. No. And a matter of fact, it was reported that it was void
20 of credibility.

21 Q. The -- after that, did the fact of that investigation, the
22 rape investigation done by Louisville Metro Police Department,
23 did that become a matter of public record?

24 A. It did.

25 Q. Okay. And from that point on, the point at which the

1 investigation was closed, was -- were the defendant's
2 allegations of rape and forced abortions being publicly
3 reported?

4 A. It was.

5 Q. In the media?

6 A. Yes.

7 Q. Okay.

8 A. Nationally.

9 Q. And have continued to be reported to this day?

10 A. Not only continue to be reported, she went to the *New York*
11 *Post*, *The Daily News*, *Inside Edition*, as well as the local
12 network here in town.

13 Q. Okay. Mr. Pitino, we're -- we're going to conclude now.
14 We're coming to the end. And I told you at the beginning I
15 wanted to talk briefly about what happened in 2003, and we've
16 kind of come full circle. So I want to talk in a little more
17 detail about 2003.

18 And we'll start specifically with July 31st of 2003, that
19 night in Porcini's. Could you tell the members of the jury in a
20 little more detail what happened that night, what led up to the
21 sexual encounter that you had with the defendant.

22 A. Well, ignorance on my part led up to it. I'm a married man
23 and I should have never put myself in that situation. And
24 I'm -- had not only deep regret for putting and embarrassing and
25 humiliating my family and university, but it was a mistake on my

1 part to have a sexual encounter with Ms. Sypher.

2 Q. Why were you there that night on July 31st of 2003?

3 A. I was just there after playing golf. We were celebrating
4 the hiring of Reggie Theus, an assistant basketball coach.

5 Q. Who were you there with?

6 A. I was there with Reggie, Vinnie Tatum, Ron Carmicle.

7 Q. Did you -- did you have drinks before dinner?

8 A. We did.

9 Q. Okay. There in the bar at the restaurant?

10 A. Yes.

11 Q. Do you know about what time you arrived at the restaurant?

12 A. Probably 6:30, 7:00.

13 Q. Okay. And who did you have dinner with?

14 A. With Ron Carmicle, Vinnie Tatum, and Reggie Theus.

15 Q. So just the four of you?

16 A. I'm not sure if there was another person who played golf
17 with us, but I don't think that person had dinner with us.

18 Q. After you finished dinner, did you go back in to the bar at
19 the restaurant?

20 A. Yes, I did.

21 Q. And you said -- you testified earlier that the defendant
22 approached you at some point with a cell phone and wanted you to
23 talk to her son.

24 A. Right. I was at the other end of the bar and talking golf
25 with Ron Carmicle and a golf pro. I believe she was a golf pro.

1 Q. Okay. Debi, can you put up Government Exhibit 42.

2 The jury's already seen this. It's a seating chart for the
3 restaurant at Porcini's. The front door is right up here. I've
4 got all kinds of lights flashing. That's the front door, the
5 hostess stand, and the fountain. And then this is the bar area,
6 and the restaurant dining room is over here.

7 A. Right.

8 Q. Where -- where were you first when -- I'm sorry. Where were
9 you standing when the defendant approached you?

10 A. I was opposite the door at the other end of the bar.

11 Q. So -- you can touch this screen and it will put a little
12 arrow or --

13 A. Okay. Well, if that's the front door, I was over here.

14 Q. Okay. So at the end of the bar.

15 A. Right.

16 Q. All right. And you said you were talking to a woman that
17 you thought was a golf pro.

18 A. Two women.

19 Q. Two women?

20 A. I thought she said she was a golf pro and Ron Carmicle.

21 Q. Okay. And the defendant approached you?

22 A. Yes.

23 Q. All right. And she wanted you to talk to one of her kids.

24 A. She interrupted us and said, "Listen, it's my son's
25 birthday. Can you wish him a happy birthday?"

1 Q. And did you talk to her son on the phone?

2 A. I did.

3 Q. All right. Is that something that --

4 A. I wished him happy birthday.

5 Q. Is that something that happens to you frequently?

6 A. It happens occasionally.

7 Q. Had you ever seen the defendant before that?

8 A. I had not.

9 Q. All right. And do you think that was before or after
10 dinner, if you recall?

11 A. That was after dinner.

12 Q. It was after dinner in the bar. And did the defendant stay
13 and talk with you and the other members of your group?

14 A. She did not.

15 Q. Okay. What was she doing after you made the -- after you
16 talked to her son?

17 A. I have no idea.

18 Q. Okay. At some point later in the evening, you started to
19 interact with her again. Tell us how that happened.

20 A. Well, I was at the bar and she came back into the
21 restaurant. And I was sitting talking to the owner, and she
22 came in and sat down.

23 Q. And where were you? Were you at the same location?

24 A. Same location, basically, but I was sitting down now at the
25 end of the bar.

1 Q. All right. And you were talking to Tim Coury?

2 A. Yes.

3 Q. All right. And she sat down next to you?

4 A. Yes.

5 Q. Okay.

6 A. I did not call her over at any point in time. I know that
7 was reported, but I never did.

8 Q. Okay. And what happened after she sat down?

9 A. She started -- well, she had -- I ordered a drink for her,
10 and she started rubbing on my leg.

11 Q. Okay. And are there a lot of other patrons in the bar at
12 this time?

13 A. No. It's just about cleared out.

14 Q. Okay. Do you know if the bartenders were still there?

15 A. Yes.

16 Q. Okay. And Mr. Coury is still there?

17 A. Yes.

18 Q. Okay. But most everybody else is leaving the restaurant at
19 that point?

20 A. Yes.

21 Q. Okay. And then what happened?

22 A. Then we -- we had the drink and Tim Coury said, "Coach, I'm
23 going to take off. If you go out the front door on the side, it
24 will lock by itself and just close it up. I know you're
25 finishing your drink. Just close it up."

1 Q. Okay. Had Mr. Coury ever done that for you before?

2 A. He had not.

3 Q. All right. Did he leave keys for you to lock up?

4 A. He just said it would -- it would lock behind us.

5 Q. Okay. So it's an emergency exit or a fire door?

6 A. Yes. There were no keys left.

7 Q. All right. And what happened -- I guess, are you and Ms.
8 Sypher sitting at barstools here at the end of the bar?

9 A. Yes.

10 Q. All right. And were you drinking wine?

11 A. We were.

12 Q. Okay. Had you had a lot to drink?

13 A. I could not drive, but I was -- I was totally coherent, knew
14 what I was talking about, and knew what I was saying, and --

15 Q. All right. And you said that -- that she started rubbing
16 your leg?

17 A. Yes.

18 Q. Okay. While you're sitting there on the barstools?

19 A. Yes.

20 Q. All right. What happened after that?

21 A. After that, she said, "Why don't we go over here and sit
22 down and finish our wine," and we did. We sat down and we
23 talked some more. And one thing led to another and --

24 Q. Can you point to us here on this diagram where you went to
25 sit?

1 A. (Witness indicating.)

2 Right over here, I believe it was.

3 Q. Okay. Debi, could you put up Government Exhibit 38H.

4 Mr. Pitino, do you recognize this?

5 A. Yes. That's where it was.

6 Q. Okay. This is the bar area of Porcini's, isn't it?

7 A. It is.

8 Q. Okay. And this is the end of the bar?

9 A. Right.

10 Q. Coming down here in an L shape. And then there's some
11 seating here in the back of the restaurant.

12 A. Yes.

13 Q. Okay. And the jury's heard some testimony about kind of a
14 brick wall, and then we can see chairs and the tables. Is this
15 like a booth that's on the opposite side of the table?

16 A. Yes.

17 Q. I think they're sometimes called banquettes or --

18 A. Yes.

19 Q. And so you and the defendant went and sat down in -- in this
20 area?

21 A. Right here.

22 Q. On the end, okay.

23 A. Right.

24 Q. Were you both sitting on the booth side?

25 A. We were.

1 Q. Okay. And then what happened?

2 A. And then she opened up my pants, and she asked me if I had a
3 condom. And I said, "No, I don't carry condoms around with me."

4 And she said, "Well, you -- you have to make sure you pull
5 out, because I'm very fertile." She cracked a joke that my --
6 her ex-husband looked at her and she got pregnant. And I got
7 very scared at that point. Our encounter lasted less than 15
8 seconds. And I got very scared when she said that, obviously.

9 Q. Okay. And then what happened?

10 A. Then what happened is we talked a little bit. I pulled my
11 pants up and we left a short time afterwards.

12 Q. Okay. And again, you thought it was just the two of you
13 there in the bar at that point?

14 A. Yes. We -- she offered to give me a ride home before Tim
15 left. Tim would have never left me there, but he probably knew
16 something that I didn't know at the time, that Vinnie Tatum was
17 there. He probably -- he could have known that Vinnie was still
18 there and that Vinnie was going to give me a ride home.

19 Q. You're saying Tim Coury wouldn't have left you otherwise
20 because you had been drinking?

21 A. Right. He would have made sure or she was offering to give
22 me a ride home.

23 Q. Because Vinnie was your designated driver that night?

24 A. He was.

25 Q. Okay. And so the defendant gave you a ride home to your

1 house?

2 A. She did.

3 Q. All right. What was her mood like?

4 A. She was in a good mood. She was talking again nonstop and I
5 was listening and -- talking about her children, talking about
6 sports, talking about how much she liked basketball. And then
7 we sat in my driveway for about five or seven minutes talking.

8 And she said to me, "How can I get tickets for games?" And --

9 Q. She's asking you for basketball tickets?

10 A. Yes.

11 Q. All right.

12 A. And I said, "Just" -- the end -- that was the end of the
13 conversation. And I gave her a card and I believe I wrote
14 Vinnie's name on the back of the card and this is who you would
15 contact for tickets.

16 Q. Okay. Do you know --

17 A. And she also said to me -- she gave me her phone number and
18 said, "Make sure you call me."

19 Q. Okay. Did you give her a cell phone number at that time
20 or --

21 A. I wasn't -- I'm not sure if my cell phone was on the
22 business card or not.

23 Q. Okay. But you did give her one of your business cards?

24 A. Yes.

25 Q. And wrote Vinnie's name and number on the back?

1 A. I believe so.

2 Q. All right. Debi, could you pull up the second page of
3 Government Exhibit 5, and if can you just blow up that top of
4 the page there.

5 Mr. Pitino, I've started in mid sentence, but could you just
6 start with -- at the top line where it says, "Mr. Coury...."

7 A. "Mr. Coury came up and appeared to give you keys and
8 whispered conversation occurred. Mr. Coury left saying you --
9 'don't forget to lock up.' You had been drinking wine for quite
10 some time and kept offering Karen wine."

11 "Within a short time after Mr. Coury departed the premises,
12 you began your physical advances on Karen. You moved the table
13 away from the padded seats in a semi booth about five seats from
14 the bar seats where both of you had been sitting. You grabbed
15 her hand and you pushed her into the padded seats."

16 Q. Mr. Pitino, did that happen?

17 A. Absolutely not.

18 Q. All right. Did Mr. Coury come up to you and give you keys
19 and whisper to you --

20 A. He did not.

21 Q. -- "don't forget to lock up?"

22 A. He did not.

23 Q. All right.

24 A. And we were being served by the drink. We didn't have -- I
25 didn't keep pouring her wine.

1 Q. Okay. Why don't you go ahead where you left off.

2 A. "Karen describes that you forced her shirt up and forced her
3 pantyhose down and forcibly penetrated her. Karen says she kept
4 protesting and said no several but you insisted. She says you
5 ejaculated rather quickly inside her. You went and got a towel
6 and handed it to her. She was in shock and said she was
7 leaving. You insisted that she take you home because you had no
8 ride. It was" --

9 Q. Stop right there. Did you insist that she give you a ride
10 home?

11 A. Absolutely not, and I did not ejaculate inside of her, and I
12 did not force myself on her, and I did not do any of that that
13 was said.

14 Q. All right. Let me ask you this.

15 A. "It was snowy."

16 Q. Was it snowy on July 31st?

17 A. It would -- the *Farmer's Almanac* would probably be out of
18 business if it was. "For reasons" --

19 Q. It's been a long time since it snowed on July 31st in
20 Louisville.

21 A. "For reasons she cannot explain, she agreed to take you home
22 so she could get rid of you and decide what to do about the
23 rape. She was afraid no one would believe her, and she just
24 went home after dropping you off. You gave her your card with
25 your phone number."

1 Q. Let me ask you --

2 A. That was the only thing of that whole paragraph that was
3 true.

4 Q. You gave her your card --

5 A. That I gave her my card --

6 Q. -- with your phone number?

7 A. -- with my phone number. She was definitely not afraid of
8 me.

9 Q. Do you recall whether she was wearing pantyhose?

10 A. I do not.

11 Q. All right.

12 A. I don't know if people wear pantyhose on July 31st. I know
13 she -- well, I don't even know what color miniskirt she had on.

14 Q. Do you recall she was wearing a miniskirt?

15 A. I do. She didn't wear anything but miniskirts. Even in
16 January, February, and March, that's all she ever wore to
17 basketball games or anywhere.

18 Q. All right. We talked before that after the defendant
19 dropped you off at home that night, you heard from her again a
20 few weeks later when she contacted you and told you that she
21 believed she was pregnant.

22 A. Yes.

23 Q. All right. Tell us about the events that transpired after
24 that.

25 A. Well, we met at Tim's condominium and we talked. And she

1 said she didn't know what she was going to do.

2 Q. Was that on August 25th?

3 A. It was.

4 Q. Okay. Was that the day that you had played golf at Harmony
5 Landing?

6 A. It was.

7 Q. All right. And how did you make arrangements to meet her at
8 Tim Sypher's condominium?

9 A. We spoke on the phone and said we needed some place private
10 to meet. And I said, "Well, I can ask Tim if we could meet at
11 his condo."

12 Q. Okay.

13 A. And I believe he met her somewhere and escorted her into the
14 neighborhood.

15 Q. All right. Were you already at the condominium when she
16 arrived?

17 A. I was.

18 Q. All right. And tell us about that meeting. You -- she said
19 she wasn't sure what she was going to do.

20 A. She didn't know what she wanted to do. And I said, "How do
21 you know you're pregnant?" And she says she's always -- I guess
22 regular would be the term. And she said -- I said, "But it's
23 only three weeks. How can you be sure?"

24 And she said, "Well, I am sure." And all I kept thinking
25 about at that point was that I was set up and didn't know what

1 to do, how to react, but I kept my composure. I said, "You have
2 to do what you think is right."

3 And then we got up. And then she said to me that she had no
4 health insurance. And that's when I questioned her and said,
5 "Your ex-husband doesn't provide for your family with health
6 insurance?"

7 And she said, "No."

8 And I said, "Well, how much is health insurance?"

9 She said, "\$3,000. And I -- I need \$3,000 for health
10 insurance."

11 I said, "Okay. I'll get it for you."

12 Q. Was Mr. Sypher present for this -- during this meeting?

13 A. He was up at the top of the stairs.

14 Q. Okay. And this is his condominium?

15 A. It is.

16 Q. Okay. And you are aware that the defendant accused -- has
17 accused you of raping her a second time during that meeting in
18 the condominium?

19 A. Yes. That did not take place.

20 Q. All right. When she left that meeting on -- do you recall
21 about what time that meeting took place?

22 A. I would venture to say maybe 8:00 or so.

23 Q. Okay. And when that meeting concluded, do you know what --
24 if she had made a decision about whether she was going to
25 terminate the pregnancy or not?

1 A. No. She said she was going to think about it and maybe get
2 counselling on it. And I told her that was a good idea. I did
3 not say any of the things that were reported.

4 Q. Okay. Did he -- did you learn shortly thereafter that she
5 had decided to have an abortion?

6 A. Yes.

7 Q. All right. Do you recall how you learned that?

8 A. I called Tim and Tim said that they were driving to
9 Cincinnati. And he said -- and when he called me back -- I
10 believe he was on his way to Massachusetts to visit his
11 family -- and he just told me that he drove her to Cincinnati
12 and drove her home.

13 Q. Okay. If we can backtrack a little bit. How did -- I
14 didn't word my question very artfully. Whose decision was it to
15 go to Cincinnati?

16 A. She just said to me that -- "I can't go in Louisville.
17 Everybody knows me here. I've been through this before and I
18 can't do that."

19 And so I believe myself or Tim found a place in Cincinnati.

20 Q. All right. And did you ask Mr. Sypher to assist her in some
21 way in finding a place where she could go?

22 A. Yes.

23 Q. Okay. And why didn't you do so yourself?

24 A. I was leaving town and I had a contractual obligation that I
25 had to leave town. And after finding the place in Cincinnati, I

1 did not know whether she was going or not.

2 Q. Okay. Did you learn later that Mr. Sypher had taken her to
3 Cincinnati?

4 A. I did.

5 Q. Okay. And I think that's what you were describing earlier.
6 You did learn that she -- Mr. Sypher took her to Cincinnati --

7 A. That is correct.

8 Q. -- and she did in fact have an abortion?

9 A. Yes.

10 Q. All right. You were out of town at the time that that
11 occurred?

12 A. That's true.

13 Q. All right. Did you make some efforts to contact the
14 defendant once you found out she was going to terminate the
15 pregnancy, just to check and see --

16 A. Afterwards?

17 Q. Yes, afterwards?

18 A. Yes, I called to see how she was doing.

19 Q. All right. Did you -- did you ever get -- actually speak to
20 the defendant about that?

21 A. I believe I left her two messages.

22 Q. Okay. In the -- in the course of our meeting in the last
23 month or so, have you had an opportunity to listen to some
24 voicemail messages that you left for the defendant?

25 A. Yes.

1 Q. Okay. Those are not messages that you saved or recorded --

2 A. No.

3 Q. -- are they?

4 A. They are not.

5 Q. All right. So they would have to be messages that were
6 recorded by the defendant?

7 A. Yes.

8 Q. Okay. And you've listened to the recordings and it's your
9 voice on the recording?

10 A. It is.

11 Q. Those are messages that you left for the defendant in August
12 of 2003?

13 A. They are.

14 Q. All right. And they accurately reflect the messages that
15 you left?

16 A. Yes, they do.

17 Q. Okay. Judge, I'd like to move to admit --

18 THE WITNESS: Judge, is there any way I can take a
19 minute?

20 THE COURT: You bet, you bet. We'll -- let's take a
21 ten-minute break here.

22 (Bench conference on the record outside the hearing of
23 the jury.)

24 THE COURT: Marisa, come here. Let me see the Kolter
25 letter.

1 MS. FORD: I'm sorry?

2 THE COURT: Let me see the Kolter letter.

3 We're in recess.

4 Is this the original exhibit?

5 MS. FORD: No, that's my copy.

6 THE COURT: Let me see the original.

7 Okay. I just wondered about the envelope, because you
8 didn't ask him how he got it, so I wanted to find out whether
9 there was some evidence that it came in the postal service.

10 MS. FORD: Thank you. We should ask that question.

11 (End of bench conference.)

12 (At this point a recess was taken.)

13 THE COURT: Ms. Ford.

14 MS. FORD: Thank you, Your Honor.

15 BY MS. FORD:

16 Q. Mr. Pitino, we're coming down to the wire. I just have a
17 couple more things I want to talk to you about. If I could
18 backtrack just for one minute. I left up there next to you
19 Government Exhibit 5, which was that letter dated March the 22nd
20 of 2009.

21 When I showed you the demand note that was hand-delivered to
22 you in West Virginia, it had attached to it the envelope in
23 which the letter had been -- the note had been hand-delivered to
24 you. I neglected to ask you -- with respect to that letter of
25 March the 22nd, it also -- is that the original letter that you

1 received?

2 A. Yes.

3 Q. And it has an envelope attached to it also, doesn't it?

4 A. It does.

5 Q. Okay. And is that letter marked "certified mail return
6 receipt requested?"

7 A. Yes.

8 Q. Okay. Did you receive that -- was that letter sent to you
9 through the United States mail?

10 A. It was.

11 Q. It was not hand-delivered to you?

12 A. It was not.

13 Q. At the Yum! Center?

14 Okay. We were talking about voicemail messages that you
15 left for the defendant with respect to the abortion that she had
16 in August of 2003, and you have listened to those recordings.

17 A. I have.

18 Q. All right. Judge, we'd move to admit Government Exhibit 14,
19 and I'd like to have the jury listen to those. They're quite
20 short.

21 MR. EARHART: No objection.

22 THE COURT: All right. There's no objection. They'll
23 be admitted.

24 (Government Exhibit 14 admitted in evidence.)

25 Q. Debi, if you'd go ahead and play Exhibit 14.

1 (Government playing audio.)

2 Q. Okay. Mr. Pitino, those were voicemail messages that you
3 left for the defendant in 2003?

4 A. Yes, it was.

5 Q. All right. And again, you did not record those messages?

6 A. I did not record those messages.

7 Q. All right. In one of them, the longest of the messages, you
8 leave a message to the effect that I can't give you advice. I
9 can't tell you what to do. That's your decision. What are you
10 referring to in that voicemail message?

11 A. The abortion.

12 Q. Okay. In several of the messages you also say, "I hope
13 you're doing okay." What are you referring to there?

14 A. I'm just hoping she's feeling okay. I told her in the
15 condominium that night, I said, "It's -- it's your decision and
16 you have to make that." And I called her from -- to find out
17 what was going on and see if she was doing okay.

18 Q. Okay. Because you learned from Tim Sypher that the
19 defendant had in fact terminated a pregnancy on August the 29th
20 of 2003.

21 A. Right.

22 Q. All right. And you called several times to check on her.

23 A. Right. I was checking on her to see if she was okay
24 mentally and -- I -- I know how traumatic that was for her.

25 Q. All right. After that -- and we talked about this a little

1 bit earlier -- eventually, the defendant started dating your
2 equipment manager, Tim Sypher.

3 A. Yes, that is correct.

4 Q. Okay. And a romantic relationship developed between the two
5 of them and they married.

6 A. Yes, as bizarre as that sounds. It was bizarre to all of us
7 at the university basketball offices that this happened.

8 Q. All right. And over the years -- they married in 2004 --
9 over the years, after the events at Porcini's in July of 2003,
10 have you seen the defendant on subsequent occasions?

11 A. I have seen the defendant many times. She -- she was
12 invited to my daughter-in-law's shower, went to my
13 daughter-in-law's shower. She we went to our Christmas party.
14 She went to our parties. She tailgated with us at football
15 games. She came to basketball games. She was extremely
16 cordial. She kissed me hello every time she saw me, and she was
17 very nice, very cordial, and --

18 Q. So you -- you answered the question that I was just getting
19 ready to ask. How did she behave towards you and around you, in
20 any unusual way?

21 A. No. She kissed me hello and we had small talk, nothing --
22 nothing very long. And I kept the position that I -- she's,
23 obviously, a married woman, and I just didn't want to get
24 involved in any deep conversations.

25 Q. Okay. Would it be fair to characterize it as social

1 acquaintances or --

2 A. Yes. She was part -- no different than any other wife of a
3 basketball coach, or an assistant trainer, or anybody else. She
4 was treated with respect. And she came to the football games
5 and the basketball games and seemed to have a good time.

6 Q. Okay. Mr. Pitino, did you rape Karen Sypher in Porcini's
7 restaurant on July 31st of 2003?

8 A. Absolutely not.

9 Q. And did you rape her or force yourself upon her in Tim
10 Sypher's condominium on August 25th of 2003?

11 A. Absolutely not.

12 Q. The pregnancy that she terminated, the abortion that she
13 had, did you force her in any way to have that abortion?

14 A. As you could hear from those phone calls, absolutely not.

15 Q. Did you ever at any time threaten to put the defendant or
16 her children in concrete shoes?

17 A. That is so insulting. It's beyond comprehension. That's so
18 insulting. I've never used that type of verbiage, never used
19 that type of language at all. That's an insult to me and
20 anybody who would say something like that -- I have nothing but
21 respect -- I would never say anything like that, and it was
22 never even brought up. It was never discussed. We never
23 discussed children. We never discussed anything like that at
24 any point in time.

25 MS. FORD: Judge, if I could have just a moment.

THE COURT: Yes.

MS. FORD: Judge, that's all I have. Thank you.

(End of direct examination.)

C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM
THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

s/Dena Legg

September 15, 2010

Certified Court Reporter No. 20042A157
Official Court Reporter

Date

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RICHARD PITINO

Direct Examination By Ms. Ford

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Exhibit 5 - letter from D. Kolter (3-22-09)

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Exhibit 14 - CD

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Exhibit 43 - U of L brochure re: Big East
Championship

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