



1 1st.

2 MS. GREGORY: Your Honor, it was available
3 earlier but I didn't want to leave out a hard drive
4 containing child sex materials out in the public
5 wing of the office of the Commonwealth's Attorney.
6 That's why I hand-delivered it to Ms. Butorac.

7 THE COURT: You could have emailed her the
8 witness list 14 days ahead of time, correct? And we
9 wouldn't be in this situation.

10 Let me take a brief recess.

11 (Off the record at 10:10 a.m.)

12 (The Court reconvened at 10:25 a.m.)

13 THE COURT: All right. The reason
14 discovery orders are in place is to ensure that
15 there's no trial by ambush and that the defendant's
16 due process rights are protected. It is also
17 necessary so that the victim in cases gets a voice.
18 When a discovery order is violated it puts the Court
19 in a terrible position.

20 The Court has to follow the law and the
21 order, even if the Commonwealth did not. The order
22 requires fourteen day's notice of the Commonwealth's