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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

ALBERT SNYDER, Civil No. RDB-06-1389
Plaintiff Baltimore, Maryland
v. October 26, 2007
FRED W. PHELPS, SR., et al., 3:00 p.m.
Defendants.

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(EXCERPT) TESTIMONY OF TIMOTHY PHELPS
BEFORE THE HONORABLE RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE, and a jury

APPEARANCES:

For the Plaintiff: Barley Snyder LLC
By: SEAN E. SUMMERS, ESQ.
100 East Market Street
York, Pennsylvania 20910
Shumaker Williams
By: CRAIG TREBILCOCK, ESQ.
One East Market Street
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York, Pennsylvania 17401
For the Defendants: Marks and Katz LLC
By: JONATHAN KATZ, ESQ.
1400 Spring Street
Suite 410
Silver Spring, Maryland 20910
Pro Se Defendants: SHIRLEY PHELPS-ROPER, ESQ.
REBEKHA PHELPS-DAVIS, ESQ.
Court Reporter Lisa K. Bankins RMR
101 West Lombard Street
Room 5012
Baltimore, Maryland 21201

Proceedings recorded by mechanical stenography,
transcript produced by notereading.

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MR. KATZ: We've decided about watching the rest in the jury room during deliberations.

THE COURT: The jury is not going to watch any of them in the jury room, Mr. Katz, unless they're introduced into evidence. Do you have others you want us to watch?

MR. KATZ: I'm introducing them all into evidence, Your Honor.

THE COURT: All right. You're introducing all those into evidence. You want us to watch all of them?

MR. KATZ: No, judge. I'd like to move along.

THE COURT: Anything you want the jury to watch in the jury room is going to be displayed here in court, in public.

MR. KATZ: Just one moment, Your Honor.

(Defense counsel conferred with the pro se defendants.)

MR. KATZ: I'm not going --

THE COURT: Whatever the jury sees, the Court is going to see, Mr. Katz. So you're going to play -- anything that goes in the jury is played. Sir, you know that as an experienced lawyer.

MR. KATZ: I'm not showing any further right now --

THE COURT: All right. Then only the ones that have been played will go into the jury room.

MR. KATZ: May we please approach, judge?

THE COURT: No, you may not. You may not, sir. I've told you to introduce whatever exhibits you want to introduce --

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MR. KATZ: May I have the jury --

THE COURT: You know full well you can't send something back

3 to the jury room unless it's been played in the courtroom.

4 MR. KATZ: It's a simple answer. We're having a heated
5 agreement. I'm putting in the ones for evidence that have been shown.

6 THE COURT: That's fine. I want you to identify which ones
7 have been shown. If you'll list those, please?

8 MR. KATZ: Thank you very much. They're the --

9 THE COURT: You're clearly aware of the fact that something
10 can't go into a jury room unless it's been played before the Court in
11 the courtroom.

12 MR. KATZ: Your Honor and I are still having a heated
13 agreement. I'm going to tell Your Honor the --

14 THE COURT: No. I'm admonishing you that you're aware as an
15 experienced trial lawyer that you can't suggest something --

16 MR. KATZ: May I please approach?

17 THE COURT: No. I'm speaking. Don't interrupt me when I'm
18 speaking. You're aware of the fact as an experienced trial lawyer
19 that something doesn't go back in the jury room unless it's been
20 presented as evidence in the courtroom. That's all I'm asking you.
21 Go right ahead. Just list the ones you want -- the ones you played
22 are the ones that can go back into the jury room consistent with my
23 earlier ruling.

24 MR. KATZ: They're the ones that say God Hates Fags, Thank
25 God For I. E. D. s, Thank God for 9/11, You're Going To Hell, Fag Troops

1 and God Hates You.

2 THE COURT: All right. They are introduced into evidence
3 and will go back into the jury room.

4 MR. KATZ: Thank you, judge.

5 THE COURT: You're welcome, Mr. Katz.

6 MR. KATZ: I'd like to ask Mr. Phelps to return to the
7 witness stand.

8 MR. SUMMERS: Your Honor, can I suggest a break?

9 THE COURT: I'm sorry?

10 MR. SUMMERS: Can I suggest a break?

11 THE COURT: I don't see any reason for a break yet. Go
12 right ahead, Mr. Katz.

13 MR. KATZ: Thank you, judge.

14 Q. Now Mr. Phelps, please give a response to the reaction
15 you're re, of said reaction you're seeing from some of the jurors.

16 A. Well --

17 THE COURT: What? I'm sorry. What is the question? Would
18 you repeat the question? I didn't hear the question. What was the
19 question, Mr. Katz?

20 Q. Please give a response about the upset you're seeing from
21 some of the jurors.

22 MR. SUMMERS: And there's an objection.

23 THE COURT: That objection is sustained. It's improper to
24 ask a witness, Mr. Katz, of his view of the response of the jury and
25 you know full well that's an improper question.

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1 Q. Mr. Phelps, who is narrating the last video?

2 A. I believe that was Thank God For I. E. D. s was Jonathan
3 Phelps.

4 Q. Now you said earlier that you adopt the words of the
5 narrators of these DVDs. Right?

6 A. Yes, sir.

7 Q. Well, why is it that you adopt the words from the end of the
8 last DVD about jarheads and being happy about the I. E. D. s?

9 A. Well, of course, if you look at this from a perspective
10 other than the human perspective, if you look at this from the
11 perspective that is a sovereign God that has the exclusive prerogative
12 and the power to do what he wants to do with his creation and it's
13 based upon his standards and his standards alone, then you have a duty
14 to recognize that power and you have a duty to thank the creator for
15 what he does with that power. That is an absolute duty. It's not a
16 qualified duty. It's not a if I like the judgments or the decisions
17 or the actions of a sovereign God and how he deals with us. You don't
18 only thank him then when good things happen. You thank him because
19 you're supposed to be tuned to what he's doing when bad things happen.
20 That's why that movie and all the other movies include clear
21 scriptural context for the words that are spoken.

22 (Excerpt concluded.)

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2 I, LISA K. BANKINS, certify that the foregoing is
3 a correct transcript from the record of
4 proceedings in the above-entitled matter.

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6 _____
Signature of Court Reporter/
Transcriber

Date

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9 Typed or Printed Name
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