

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CR No. 22-15
)	Washington, D.C.
vs.)	October 17, 2022
)	9:30 a.m.
ELMER STEWART RHODES III, ET AL.,)	
)	Day 12
Defendants.)	
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TRANSCRIPT OF JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE AMIT P. MEHTA
UNITED STATES DISTRICT JUDGE

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SA SYLVIA HILGEMAN 3514 3609

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1 P R O C E E D I N G S

2 COURTROOM DEPUTY: All rise. This court is in
3 session, the Honorable Amit P. Mehta presiding.

4 THE COURT: Please be seated, everyone.

5 COURTROOM DEPUTY: Good morning, Your Honor.

6 This is Criminal Case No. 22-15, the United States
7 of America versus Defendant No. 1, Elmer Stewart Rhodes III;
8 Defendant 2, Kelly Meggs; Defendant 3, Kenneth Harrelson;
9 Defendant 4, Jessica Watkins; and Defendant 10,
10 Thomas Edward Caldwell.

11 Kathryn Rakoczy, Jeffrey Nestler,
12 Alexandra Hughes, Troy Edwards, and Louis Manzo for the
13 government.

14 Phillip Linder, James Lee Bright, and
15 Edward Tarpley for Defendant Rhodes.

16 Stanley Woodward and Juli Haller for
17 Defendant Meggs.

18 Bradford Geyer for Defendant Harrelson.

19 Jonathan Crisp for Defendant Watkins.

20 And David Fischer for Defendant Caldwell.

21 All five named defendants are present in the
22 courtroom for these proceedings.

23 THE COURT: Okay. Good morning, everyone.
24 Welcome back. I hope everybody is doing well.

25 All right. Anything we need to take up before we

1 bring our jurors in?

2 All right. Let's bring them in.

3 MR. NESTLER: Just one schedule matter,
4 Your Honor. Our witness after Agent Hilgeman is here today
5 from New York. His counsel has to be in New York back
6 tomorrow. So if the cross is taking unnaturally long this
7 afternoon, I might ask to cut in so we can handle this
8 witness. He should only be about 45 minutes.

9 THE COURT: All right.

10 MR. NESTLER: Thank you.

11 MR. MANZO: I want to thank Mr. Fischer. He gave
12 us exhibits for the cross-examination of the witness today
13 and provided them to the agent, and so we should be good on
14 that. Those are the only exhibits we received in
15 anticipation of the cross.

16 THE COURT: Okay. Terrific. Thank you, all.
17 I appreciate the cooperation.

18 MR. LINDER: I think we're going to go out of
19 order on cross, and Mr. Fischer is going to lead.

20 THE COURT: Okay.

21 MR. BRIGHT: And then I'll follow, Your Honor.

22 THE COURT: All right.

23 Ms. Hilgeman, why don't you come on back up.

24 COURTROOM DEPUTY: Jury panel.

25 (Jury entered the courtroom.)

1 THE COURT: Okay. Welcome back, everybody.

2 Please be seated, everyone.

3 And it is nice to have everybody back. Hope
4 everybody had a nice weekend.

5 Before we get started, just a quick note. You may
6 notice if you walk around the courthouse that there are
7 signs up making masking now optional effective today. The
8 courthouse's policy in the public spaces for masking has
9 changed from mandatory to optional.

10 Notwithstanding the change in the public spaces,
11 within this courtroom, we will continue to maintain masking
12 for the reasons I said at the outset, which is, one, none of
13 you are here voluntarily. And it's not as if you can walk
14 away from anybody who might be unmasked.

15 Or more importantly or as importantly, I should
16 say, given our schedule and the length of time we all plan
17 to be together, we really can't risk an outbreak of COVID
18 among our jurors or among defense counsel and others.

19 So we'll continue to mask. I appreciate your
20 cooperation on that front, and we will continue our
21 testimony.

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SA SYLVIA HILGEMAN, WITNESS FOR THE GOVERNMENT, HAVING BEEN
PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS
FOLLOWS:

DIRECT EXAMINATION (CONTINUED)

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BY MR. MANZO:

Q Thank you. Good morning, ma'am. Do you
understand that you're still under oath?

A Yes.

MR. MANZO: Ms. Rohde, can you pull up 24.1. This
has already been admitted into evidence.

BY MR. MANZO:

Q Do you remember 24.1?

A Yes.

Q And you spoke last week about the very first line
in 24.1. Can you just read that first line again.

A "April 2 is drop dead for burner."

Q And you talked about burner phones, correct?

A Yes.

Q Nevertheless, did you perform an analysis on known
phone numbers in this case?

A Yes.

Q And can you describe what call detail records are?

1 A So call detail records that I think Agent Banks
2 had talked about briefly are the actual calls between phone
3 numbers. They show the number called and the number -- the
4 number who dialed and the number that that number called.

5 Q And can you describe generally what call detail
6 records look like when they come back from a carrier?

7 A It depends on the carrier. Oftentimes, they are
8 in PDF form. Sometimes they're in Excel form. It is
9 also -- they come in different time zones. It can be the
10 time zone of where the caller has registered their phone or
11 subscribed to their phone, but it can also be in some
12 universal time zone.

13 Q And are they often hundreds of rows or thousands
14 of rows --

15 A Yes.

16 Q -- and dozen of columns?

17 A Yes, sir.

18 Q And based on the records that you've received for
19 phone numbers corresponding with Mr. Rhodes, Mr. Greene,
20 Mr. Meggs, Mr. James, Mr Vallejo, Mr. Siekerman, and
21 Mr. Minuta, which I'm marking for identification as 2401,
22 2406, 2409, 2412, and 2425, did you provide a summary
23 exhibit based on those records?

24 A I did.

25 Q And was that for the period from January 4 to 5?

1 A Correct.

2 Q Can we pull up 6910.

3 And is this the summary exhibit that you
4 provided -- that you created?

5 A Yes.

6 MR. MANZO: And at this point, I'd seek to move in
7 2910 into evidence as a summary exhibit prepared by the
8 agent -- 6910.

9 THE COURT: Any objection?

10 MR. FISCHER: No objection.

11 THE COURT: 6910 will be admitted.

12 (Government's Exhibit 6910
13 received into evidence.)

13 BY MR. MANZO:

14 Q Agent, can you tell the jury generally what we're
15 looking at here in 6910?

16 A This is a selection of calls made between the --
17 by or between the individuals mentioned on January 4th and
18 January 5th, along with the time that call started and the
19 duration of the call.

20 Q And when you say "a selection," what do you mean
21 by that?

22 A This is not every single call that was made on
23 those days.

24 Q So how did you note certain calls in this conduct?

25 A They were based on the people -- known defendants

1 in this case, as well other persons that are known to be
2 associated with this case.

3 Q Now, is it fair to say these are just the known
4 phone numbers for the known defendants? Is that correct?

5 A Yes.

6 Q And when it says "duration," did you make any
7 judgments on which calls to include in the duration?

8 A Yes. I just included calls that were longer than
9 30 seconds.

10 Q And why was that?

11 A Just a judgment on my part.

12 Q And can you work through the first three lines of
13 this. Who are these calls between?

14 A Those are between Stewart Rhodes and Kelly Meggs.

15 Q And what are the dates of those calls?

16 A January 4th and January 5th.

17 Q And what's the time of that very first call on the
18 far right in the first row?

19 A 8:37 p.m. on January 4th.

20 Q And what was the duration?

21 A 27 minutes and 35 seconds.

22 Q Can we go to the next paragraph, please.

23 What are we looking at here?

24 A These are calls between Stewart Rhodes and
25 Joshua James on January 4th and January 5th.

1 Q And then can we go to the third row.

2 What are we looking at here?

3 A This is a phone call between Stewart Rhodes and
4 Edward Vallejo on January 4th.

5 Q What's the duration of that call?

6 A Four minutes and 36 seconds.

7 Q Can we go to the next paragraph.

8 What are we looking at here?

9 A These are telephone calls between Stewart Rhodes
10 and Donald Siekerman on January 4th.

11 Q What's the duration of that first call?

12 A An hour and 8 minutes and 10 seconds.

13 Q Can we go to the final paragraph.

14 What are we looking at here?

15 A These are calls between Stewart Rhodes and
16 Michael Greene for that time period.

17 Q Okay.

18 Can you remind the jury what part of the
19 investigation that you focused primarily on?

20 A Primarily on the Quick Reaction Force and the
21 individuals that stayed at the Comfort Inn in Ballston.

22 MR. MANZO: Ms. Rohde, can you pull up 6928.

23 BY MR. MANZO:

24 Q Agent, do you recognize 6928?

25 A Yes.

1 MR. MANZO: And, Ms. Rohde, can you flip through
2 to the next couple slides.

3 BY MR. MANZO:

4 Q What is 6928?

5 A These are text messages between Stewart Rhodes and
6 Kelly Meggs on January 5th, 2021.

7 Q Again, were these put into a more recognizable
8 format so the jury could see it easier?

9 A They were.

10 Q And is this fair and accurate copies of text
11 messages from Mr. Rhodes' phone?

12 A Yes.

13 MR. MANZO: Your Honor, at this point, I'd seek to
14 move into evidence 6928.

15 MR. BRIGHT: No objection.

16 (Government's Exhibit 6928
17 received into evidence.)

18 MR. WOODWARD: Can the government flip back.
19 I can't find it.

20 Is that it?

21 MR. MANZO: Yes.

22 MR. WOODWARD: No objection.

23 THE COURT: Okay. 6928 will be admitted.

24 (Government's Exhibit 6928
25 received into evidence.)

1 BY MR. MANZO:

2 Q Agent, can you describe for the jury who's
3 speaking or texting in the first slide in 6928?

4 A This first message is sent from Stewart Rhodes to
5 Kelly Meggs on 1/15/2021 at approximately 11:45 a.m. And it
6 says, "Test. Do you see this?"

7 Q Can we go to the next slide.
8 What's happening here?

9 A Kelly Meggs responds to Stewart Rhodes at
10 approximately 12:10 p.m. on the 5th: "Yes. We are just
11 outside of town unloading at QRF on our way in. Left
12 Ranger's place at 4:30 a.m."

13 Q Based on your investigation, was there anyone that
14 you came to know who went by the name Ranger?

15 A Yes. That's Doug Smith or George Douglas Smith,
16 the state leader of North Carolina.

17 Q Can we go to the next slide.
18 How does Stewart Rhodes respond?

19 A "Good to go. See you soon."

20 Q What's the time and date?

21 A January 5th, 2021, at 2:22 p.m.

22 Q Based on your examination of messages in this
23 case, were you able to identify the location that's referred
24 to as where the QRF was or the QRF hotel?

25 A Yes.

1 Q What was that location?

2 A The Comfort Inn in Ballston, Arlington, Virginia.
3 I believe it's 1211 North Glebe Road.

4 MR. MANZO: At this point, I'd seek to move in
5 pursuant to a 902(11) business record certification 2600.1,
6 2600.2, 2600.3, 2600.4, and 2600.5.

7 MR. WOODWARD: No objection.

8 THE COURT: I'm sorry?

9 MR. WOODWARD: No objection.

10 THE COURT: 2600.1 through .5 are admitted.

11 (Government's Exhibit 2600.1 through .5
12 received into evidence.)

12 BY MR. MANZO:

13 Q Have you reviewed records received from the
14 Comfort Inn regarding the guests at the hotel in the
15 January 6th period?

16 A Yes.

17 Q When I say January 6th, January 6th, 2021?

18 A Yes.

19 MR. MANZO: Ms. Rohde, can you pull up 2600.4.

20 BY MR. MANZO:

21 Q What is 2600.4?

22 A This is a reservation list for the Comfort Inn.
23 I believe the time period here was from 1/5/2021 to
24 1/7/2021.

25 Q And I notice there's a lot of black spots on this.

1 Did the original reservation list come with these redacted
2 messages or reactive words or did we redact that?

3 A We redacted that. You redacted that.

4 Q And is that just for guests that were just staying
5 there?

6 A Correct.

7 Q And have no relation to the case?

8 A Not that I'm aware of.

9 Q Can we go to the second page.

10 Ms. Rohde, can you zoom in on the unredacted
11 portion.

12 What does this record state?

13 A This is a reservation under the name of
14 Thomas Caldwell for the period 1/5/2021 to 1/7/2021 and it
15 is for room 320.

16 Q Can we go down to the next page and the next page.
17 What are we looking at on page 3 here.

18 A So this actually a record for 1/7 to 1/8 for Todd
19 Kandaris, who is one of our individuals from Arizona, for
20 room 255. Room 255 was actually one of the rooms which
21 we will see later reserved by Paul Stamey and paid for by
22 Kelly Meggs for the period of 1/5 to 1/6/2021.

23 Q And you said Todd Kandaris is from where?

24 A Arizona.

25 Q And who did he travel with into?

1 A Ed Vallejo.

2 Q Can we go to the next slide.

3 What are we looking at here?

4 A These are two rooms reserved by Frank Marchisella
5 for the period 1/5/2021 to 1/7/2021, rooms 225 and 25.

6 Frank Marchisella is somewhat on the board here. He was an
7 individual from the South Carolina chapter Oath Keepers who
8 also stayed at the Comfort Inn for the period of time.

9 Q Have you interviewed him actually?

10 A I have.

11 Q Can we go down to the next slide.

12 What are we looking at here?

13 A The reservation for Sandra Parker for that same
14 period 1/5 to 1/7/2021, room 38.

15 Q And where's Sandra Parker from?

16 A Ohio.

17 Q Can we go to the next slide.

18 What are we looking at here?

19 A So these are the rooms I mentioned before that
20 were reserved by Paul Stamey. I think we saw a message on
21 Friday where he confirmed to Mr. Caldwell that he had
22 reserved room 252, which we see in that top line.

23 The other two rooms, 253 and 255, were also
24 reserved in the name of Paul Stamey, but they were paid for
25 by Kelly Meggs.

1 Q Can we go down.

2 What are we looking at here?

3 A This is the room reservation for Jessica Watkins.

4 Typo here. For that same period, 1/5 to 1/7/2021, room 206.

5 Q Did you also obtain video footage from the Comfort
6 Inn?

7 A Yes.

8 Q And was that obtained also via subpoena?

9 A Yes.

10 MR. MANZO: And pursuant to a business record
11 certification, the government would seek to move in Comfort
12 Inn videos 1510.1 to 1510.14.

13 MR. WOODWARD: No objection.

14 THE COURT: 1510.1 through .14 will be admitted.

15 (Government's Exhibit 1510.1 through 1510.14
received into evidence.)

16 BY MR. MANZO:

17 Q Okay. Agent, I'm putting on screen 1510.1. What
18 is 1510.1?

19 A This is a short clip from a portion of the CCTV
20 footage that I reviewed.

21 Q And we're going to play it in a slower speed so
22 that the jury can see it more easily.

23 Ms. Rohde, can you play it forward.

24 (Video played)

25 I'm going to stop it here at 4 seconds.

1 Those arrows, were those in the original format?

2 A They were not. I did not add them either.

3 Q Are you aware that the government added those
4 arrows?

5 A Yes, the litigation support team, yes.

6 Q When you say litigation support team, have you
7 provided information to the litigation support team
8 regarding identity of people and things like that?

9 A Yes, I provided the team with all of my work that
10 I performed in this area.

11 Q The purple arrow, who does that point to?

12 A That's Tom Caldwell.

13 Q How are you able to identify that that was
14 Tom Caldwell?

15 A So there was previous footage that I reviewed that
16 showed him checking in at a time that was at the same time
17 as his hotel record showed. I've also seen multiple photos
18 of Tom Caldwell. And as I reviewed this footage, I was able
19 to compare message times that were sent to footage that
20 I was reviewing that matched up.

21 Q And just when you say you compared it to check-in
22 time, so were you able to look at the front desk in the
23 middle right side of this picture?

24 A Yes.

25 Q And when you say check-in times, what are you able

1 to determine based on looking at the video and the
2 portfolios provided by the Comfort Inn?

3 A So the check-in time noted on the actual folio
4 records, the underlying records from the Comfort Inn,
5 matched up to this individual checking in at that time on
6 the Comfort Inn CCTV footage.

7 Q Who's the person in yellow that you were able to
8 identify?

9 A That's Sharon Caldwell.

10 MR. MANZO: Can we play forward to the end of this
11 clip.

12 (Video played)

13 Can we go to 1510.2 now.

14 BY MR. MANZO:

15 Q What are we looking at at 1510.2?

16 A So this is a short while later. And I will note
17 that the time stamps for any of the non-lobby cameras are
18 approximately 20 minutes off if you're looking at it in
19 succession. So this is actually approximately 2:54 p.m. on
20 the 5th, and this is Sharon Caldwell and Tom Caldwell
21 getting off the elevator on the second floor.

22 Q How are you able to identify that the second floor
23 cameras have the incorrect time?

24 A When I watched it in succession. So things that
25 had happened in the lobby already and when those things

1 appeared on the second and third floor cameras.

2 Q So basically you determined that people weren't
3 stuck in the elevator for 20 minutes?

4 A Correct.

5 Also, I have seen lobby footage where there is no
6 second or third floor footage because of when we obtained
7 the footage and the time that it started.

8 Q And let me ask you a question about that. What
9 was the time period that the government was able to obtain
10 the time footage from the Comfort Inn?

11 A So we obtained footage from January 5th at 1:00
12 p.m. to January 7th at 12:00 p.m., I believe.

13 Q Why didn't you obtain footage from earlier?

14 A That seemed like a reasonable amount of time to
15 obtain the footage.

16 At this point in our investigation, this was
17 obtained before my time on the investigation, but my
18 understanding is that we did not fully understand at the
19 time the role that this location had played.

20 Q We're at 0 seconds in 1510.2. Can you identify
21 who's the purple arrow is pointing to?

22 A That's Tom Caldwell.

23 Q And the yellow arrow?

24 A Sharon Caldwell.

25 Q Does Mr. Caldwell appear to be carrying anything?

1 A He does.

2 Q And can you describe that briefly.

3 A It is a rather large item covered in a sheet.

4 MR. MANZO: Can we play the video forward.

5 (Video played)

6 MR. MANZO: Can we stop it here at 8 seconds?

7 BY MR. MANZO:

8 Q Who's the purple arrow again?

9 A Tom Caldwell.

10 Q And does Mr. Caldwell appear to be using a cane or
11 anything like that?

12 A He does not.

13 MR. MANZO: Can we go forward.

14 (Video played)

15 Ms. Rohde, can you play that again it. Looks like
16 it might have frozen about halfway through.

17 BY MR. MANZO:

18 Q So we're going to play again --

19 A They're actually just observing something in the
20 hallway there.

21 Q We're going to play it at 16 seconds.

22 (Video played)

23 And in what direction is Mr. Caldwell heading in
24 this video?

25 A That is to the area where Mr. Stamey had reserved

1 the three rooms.

2 Q And how do you know that?

3 A Based on the layout of the Comfort Inn and where
4 those rooms are.

5 Q Have you visited the Comfort Inn?

6 A I have.

7 MR. MANZO: Can we go to the next slide of 1510.3.
8 Can we go back to the very start of this.

9 BY MR. MANZO:

10 Q What are we looking at here in 1510.3?

11 A This is, I believe, approximately 30 minutes
12 later, Mr. Caldwell is coming back from that direction, he
13 is the purple arrow. The gentleman in front of him was
14 another individual from North Carolina who traveled with
15 Mr. Stamey.

16 Q Can we go forward.

17 A Mr. Caldwell is also carrying what appears to be a
18 sheet now folded up under his arm.

19 Q So is that different than the previous slide?

20 A Yes.

21 Q Can you pause it here.

22 We're at 14 seconds. What are we looking at here?

23 A This is Mr. Caldwell, the purple arrow, Sharon
24 Caldwell, the yellow arrow. The light pink arrow is
25 Paul Stamey, and just off the screen is the other

1 individual, one of the other individuals from North Carolina
2 exiting the hotel.

3 MR. MANZO: Can we go forward.

4 Can we go to the next slide, please.

5 So play out 1510.4.

6 (Video played)

7 MR. MANZO: You can play it forward a second.

8 Pause it.

9 BY MR. MANZO:

10 Q What are we looking at in 1510.4?

11 A So this is later that evening at approximately
12 5:05 p.m. And this is the individuals from Ohio checking
13 into the hotel.

14 Q How long was the reservation for for them to check
15 in to the Comfort Inn?

16 A Two nights.

17 MR. MANZO: Can you go back to the very beginning
18 of this slide and play it forward. Thank you.

19 (Video played)

20 MR. MANZO: Can you pause it.

21 BY MR. MANZO:

22 Q And the original black arrow here that was on the
23 person on the left of the screen?

24 A That's Sandra Parker.

25 Q And how are you able to determine that that's

1 Sandra Parker?

2 A Again, I've seen photos and based on watching the
3 duration of the footage. Also, when they checked into the
4 hotel, the time on their actual underlying folio records
5 tied back to these individuals at the front desk in the CCTV
6 footage.

7 MR. MANZO: Can we play forward a moment.

8 Pause it now.

9 BY MR. MANZO:

10 Q Who's in the gray arrow now at 4 seconds?

11 A That's Bennie Parker.

12 Q Can we play it forward now.

13 (Video played)

14 BY MR. MANZO:

15 Q Who's in the pink arrow now at five seconds?

16 A Jessica Watkins.

17 Q How were you able to identify Jessica Watkins?

18 A Again, I've seen photos. But the check-in time of
19 checking into her room and the corresponding individual
20 standing at the desk in the CCTV footage.

21 Q In the dark-gray and turquoise arrows, who does
22 that correspond to?

23 A The dark-gray arrow is Donovan Crowl.

24 The turquoise arrow is an individual by the name
25 of Matt LeBrun, who was, I believe, acquaintances with

1 Ms. Watkins, but unaffiliated with the group.

2 Q Thank you.

3 MR. MANZO: Can you play it forward.

4 (Video played)

5 MR. MANZO: Can we go to the next slide now.

6 BY MR. MANZO:

7 Q What are we looking at here in 1510.5?

8 A So this is Paul Stamey and Thomas Caldwell getting
9 off the elevator on the second floor. This was, I think,
10 approximately two hours or so after we had seen them exit
11 the hotel. I saw them come back to the hotel.

12 This is now them getting off on the second floor.

13 Ms. Caldwell stays in the elevator and
14 continues on.

15 Q And the pink arrow, who's that go to?

16 A That's Paul Stamey.

17 MR. MANZO: Can we play it forward.

18 (Video played)

19 MR. MANZO: Pause it here.

20 BY MR. MANZO:

21 Q The man in the purple, who's that?

22 A Tom Caldwell.

23 Q Thank you.

24 MR. MANZO: Can we play it forward.

25 (Video played)

1 MR. MANZO: Can we pause it here.

2 BY MR. MANZO:

3 Q The light pink on the left, who's that now?

4 A Continues to be Paul Stamey.

5 Q And the purple on the right?

6 A Tom Caldwell.

7 Q Does it appear that Mr. Caldwell has anything in
8 his hands?

9 A Yes. Before he flipped it over, it appears to me
10 to be some type of map.

11 Q Can we go forward.

12 A I would note the time here is approximately
13 6:28 p.m.

14 Q And not 6:08 p.m.?

15 A Correct.

16 Q Can we go to forward to the next slide.
17 What are we looking at here in 1510.6?

18 A So this is approximately an hour later. We will
19 see Jessica Watkins and Donovan Crawl walk into the screen
20 and head in the direction of the rooms reserved by
21 Mr. Stamey.

22 Q And can you play it forward, please. Who's in
23 pink?

24 A Jessica Watkins.

25 Q And who's in the dark gray?

1 A Donovan Crawl.

2 Q Pause it here.

3 And is this a different camera?

4 A No. It's the same one.

5 Q So what does it show?

6 A This shows them returning from the direction of
7 where Mr. Stamey's rooms were, approximately 90 minutes
8 later.

9 Q Pink is who?

10 A Jessica Watkins.

11 Q Dark gray?

12 A Donovan Crawl.

13 Q Can we go forward.

14 A This is them returning to the area of the hotel
15 where their own room was deserved.

16 Q We're at 21 seconds that you just stated that.

17 Okay. You can keep going.

18 (Video played)

19 BY MR. MANZO:

20 Q What are we looking at here at 27 seconds?

21 A This is just a different angle of the camera of
22 them returning to their rooms -- or a different camera,
23 I should say, not an angle.

24 Q Can we go to the next slide.

25 What are we looking at here in 1510.7?

1 A This is now Mr. Caldwell returning from the area
2 of Mr. Stamey's room.

3 Q And when you say "area of Mr. Stamey's room," can
4 you try and touch your screen and just circle where that
5 area would be?

6 A (Witness complied.)

7 Works today.

8 Q Thank you.

9 A It's back and around the corner to the right.

10 Q Just for the record, you circled the very top of
11 the hallway in the center of the screen at 0 seconds in
12 1510.7?

13 A So from what I understand, the cameras are
14 motion-activated. And so if the individuals get far enough
15 away from the elevator, the cameras stop. And there is no
16 camera down the hall where those three rooms actually were.

17 Q Can we play it forward.

18 And at 10 seconds, what are we looking here?

19 A This is Mr. Caldwell taking the elevator up to
20 return to his room on the third floor.

21 Q Can you describe his movements.

22 A He's walking around.

23 Q Can we go to the next slide.

24 A Looking in the mirror. There's a mirror right
25 there by the elevator.

1 Q What are we looking at now in 1510.8?

2 A So this was earlier in the day on the 5th.

3 So this is actually the first time that I
4 determined that the time stamps were off. We can see here
5 that it's 1:00 at the front desk, and that is Ed Vallejo
6 bringing in two black totes.

7 There was no corresponding footage of him getting
8 off the elevator because the cameras on the second floor
9 didn't start until the time stamp was 1:00 p.m. there, which
10 is actually 1:20 in reality.

11 Q Understood.

12 And so the person in yellow with the arrow here,
13 how were you able to identify that that was Ed Vallejo?

14 A So Mr. Vallejo, that took a little bit more work.
15 At the time of this investigation, that I was looking at
16 this, we had not interviewed Mr. Vallejo yet. I had not
17 seen photos of Mr. Vallejo yet.

18 So throughout the course, this seemed to be a
19 person of interest based on the amount of stuff he was
20 bringing in. And so then based on some Signal messages that
21 he had sent that corresponded to his movements at the hotel,
22 plus then acquiring recent photographs of Mr. Vallejo, I was
23 able to determine that this was Mr. Vallejo.

24 In addition, one of the rooms reserved by
25 Mr. Stamey, Todd Kandarlis paid for that same room the night

1 of the 7th, which I was able to conclude that they had then
2 stayed in one of the rooms reserved for by Mr. Stamey.

3 Q Just to remind the jury, Mr. Stamey is from where?

4 A North Carolina.

5 Q And Mr. Vallejo and Mr. Kandarlis are from where?

6 A Arizona.

7 Q Can we go forward now.

8 And the person in purple there?

9 A I don't know who that is.

10 Q Okay.

11 Can we pause it here at 1510.8 and go back to
12 8 seconds.

13 The two yellow arrows at the top here, who's that
14 pointing to?

15 A So the very top arrow is pointed to
16 Sharon Caldwell. The other is pointed. The white arrow is
17 Marchisella. This shows Mr. Vallejo bringing in two -- I
18 believe there's two more totes on that dolly cart.

19 Q And after Mr. Vallejo passes, can you narrate if
20 Mr. Caldwell makes any motions at all.

21 (Video played)

22 THE WITNESS: It appears that he nods.

23 BY MR. MANZO:

24 Q Can you pause now at 17 seconds.

25 What is going on here at 17 seconds?

1 A So this is now a third trip. Mr. Vallejo is
2 bringing in another tote.

3 And can we go forward now.

4 (Video played)

5 MR. MANZO: Okay. Can we go to the next slide,
6 please, which is 1510.9.

7 BY MR. MANZO:

8 Q What's going on here at 1510.9?

9 A So the previous times that we saw Mr. Vallejo
10 bringing in these totes, that was on January 5th. We are
11 now at the morning of January 6th, and Mr. Vallejo is
12 bringing in another tote --

13 Q Can we play it forward.

14 (Video played)

15 THE WITNESS: -- on the dolly cart.

16 BY MR. MANZO:

17 Q And can we pause it at 10 seconds here.

18 What's going on here at 10 seconds?

19 A So this is Mr. Vallejo bringing in yet another
20 tote.

21 And behind him is actually Kenneth Bittner, who is
22 the individual under the Quick Reaction Force here from
23 Florida.

24 Q And you just pointed at the board, which is 1530,
25 I believe.

1 A With the blue shirt on.

2 Q And just to be clear, the date of this video
3 footage is when?

4 A January 6th, 2021.

5 Q The date of the video footage from the lobby is
6 what day?

7 A January 5th, 2021.

8 Q And why don't we have the second-floor video
9 footage from January 5th?

10 A Again, because the -- of the 20-minute gap from --
11 or the 20-minute time difference that is off on the
12 second-floor cameras.

13 MR. MANZO: Can we play it forward now.

14 (Video played)

15 THE WITNESS: They appear to be talking to each
16 other.

17 MR. MANZO: That was at 14 seconds.

18 BY MR. MANZO:

19 Q What are we looking at here at 23 seconds?

20 A So here they are walking down the hall to the
21 direction of the rooms reserved by Mr. Stamey.

22 Q And what are we looking at here at 36 seconds?

23 A This is Mr. Vallejo bringing in another tote.

24 Q Can you just back up to 33 seconds.

25 When Mr. Vallejo gets off the elevator, can you

1 describe his movements?

2 A He appears to get a running start to push that
3 tote.

4 (Video played)

5 MR. MANZO: Can you pause it at 45 seconds,
6 please.

7 BY MR. MANZO:

8 Q What are we looking at here in 45 seconds?

9 A This is now Mr. Vallejo bringing in a large, black
10 duffel bag. Based on my experience in this job, that is
11 commonly used to transport rifles.

12 Q But to be clear, you don't know what's in that?

13 A I do not.

14 MR. FISCHER: Objection; move to strike.

15 THE COURT: She can -- well, hang on for a second.

16 (Bench conference)

17 THE COURT: I think the objection is sustained
18 based upon the way the question was asked. If there is a
19 foundation to establish her experience and seeing these
20 types of bags and her understanding for what the purpose of
21 these bags is, that's fine. But sort of just the direct
22 question of -- maybe she blurred it out herself; I can't
23 remember. But if there there's a foundation to be laid, you
24 can lay it; but in the way it's been presented, I'll sustain
25 the objection. Okay.

1 (Open court)

2 THE COURT: That objection, at least as phrased,
3 is sustained.

4 BY MR. MANZO:

5 Q Agent, are you familiar, generally, with firearms?

6 A Yes.

7 Q Are you familiar with handguns?

8 A Yes.

9 Q Are you familiar with rifles?

10 A Yes.

11 Q Can you describe generally the length of rifles?

12 A I have familiarization with a shotgun, as well as
13 an M4, and they are roughly the length of this desk, I would
14 say.

15 Q Is that fair to say, about two and a half feet, 2
16 feet?

17 A Yes, something like that, yes.

18 Q So did you -- I'm holding up a backpack right now.
19 Could you put a rifle in a backpack of normal size?

20 A Not an assembled rifle, no.

21 Q Would it be possible to put a rifle in a longer
22 bag?

23 A Yes.

24 Q So back to this exhibit here at 1510.9, where is
25 Mr. Vallejo moving with this long bag?

1 A He moves down to the area of the rooms reserved by
2 Mr. Stamey.

3 Q Can we play it forward, please.

4 (Video played)

5 And can we pause it here at 54 seconds.

6 What's going on here at 54 seconds?

7 A This is now Mr. Vallejo bringing the cooler.

8 Q Did you ever find out what was in that cooler?

9 A I did not.

10 Q Can we go forward now.

11 (Video played)

12 BY MR. MANZO:

13 Q And at 1:03, what's going on here at 1:03?

14 A This is Mr. Vallejo bring in two more totes. He
15 is the -- I think it's a light green arrow. The pink arrow
16 is Todd Kandarlis.

17 Q And I want to be clear, you don't know what's in
18 those totes based on his video footage, do you?

19 A I do not.

20 Q Is there anything that rifles require to operate?

21 A A number of things but ammunition would be one.

22 Q Are you familiar with how ammunition is sometimes
23 stored?

24 A In boxes.

25 Q Can we go forward now, again, just noting who's

1 present and stopping at 1:05.

2 (Video played)

3 BY MR. MANZO:

4 Q Who is in the pink?

5 A Todd Kandaris.

6 Q And now we're at 1:13. Can you pause it here.

7 Who's this in the pink?

8 A This is Mr. Kandaris and he is transporting a
9 large green duffel bag similar to the bag we saw being
10 brought in by Mr. Vallejo.

11 Q And can we play it forward now to the end.

12 (Video played)

13 BY MR. MANZO:

14 Q Can we go to the next slide, please; which is
15 1510.10.

16 What's going on here in 1510.10?

17 A This is actually early evening of January 6th, at
18 approximately 5:30 p.m. This is Mr. Stamey as he comes into
19 view, you can see he's carrying quite a large item covered
20 by some sort of blanket. And he will take that up to the
21 third floor.

22 MR. MANZO: Can we play it forward.

23 (Video played)

24 MR. MANZO: Pause it, please, at 4 seconds.

25

1 BY MR. MANZO:

2 Q And when you say large item, is that what you're
3 referring to in his right hand?

4 A Yes.

5 Q Do you know who's on the third floor?

6 A I know that two people -- two groups of people
7 stayed on the third floor, the Parkers and the Caldwells.

8 MR. MANZO: Play it forward, please.

9 (Video played)

10 BY MR. MANZO:

11 Q Can we pause it here at 16 seconds.

12 What's going on here?

13 A So this is Mr. Stamey getting off the elevator on
14 the third floor at approximately -- it says 5:12 here. It's
15 approximately 5:32 p.m.

16 Q And can you describe what, if anything, he's
17 holding?

18 A He's still holding that same item. He is also
19 holding some sort of, appears to be cane or walking stick in
20 his left hand.

21 MR. MANZO: Can we play it forward, please.

22 (Video played)

23 BY MR. MANZO:

24 Q What are we looking at here at 24 seconds?

25 A That is Mr. Stamey heading in the direction of

1 Mr. Caldwell's room, and I know that because I visited the
2 Comfort Inn and I know the layout.

3 Q And you know where Caldwell was staying how?

4 A Based on the hotel records.

5 Q What are we looking at here at 31 seconds for the
6 person with the yellow arrow and the person with the gray
7 arrow?

8 A So this is right after Mr. Stamey got off the
9 elevator on the third floor, and this is Sharon Caldwell and
10 Tom Caldwell also getting off the elevator on the third
11 floor.

12 MR. MANZO: Can we play it forward.

13 (Video played)

14 MR. MANZO: Pause it here.

15 And actually can you back it up here to 35
16 seconds. And, Ms. Rohde, if it's possible, go to 34 and
17 play it at half speed.

18 So we're playing at two-thirds speed right now.

19 (Video played)

20 MR. MANZO: Pause it at 38 seconds.

21 BY MR. MANZO:

22 Q Can you describe what, if anything, Mr. Caldwell
23 is using to assist himself in his walking?

24 A Nothing.

25 MR. MANZO: Play it forward.

1 (Video played)

2 BY MR. MANZO:

3 Q Just to be clear -- can you pause it actually --
4 in the previous slide -- can you go back to 35 seconds.

5 What's the time of this slide, approximately?

6 A 5:13 p.m. on this slide in actuality, 5:33 p.m.

7 Q What's the date?

8 A January 6th, 2021.

9 Q This was after the events at the Capitol.

10 A Correct. This was also maybe just like one minute
11 after the previous video of Mr. Stamey coming down the same
12 hallway.

13 MR. MANZO: Okay. Can we play it forward, please.

14 And we're still playing at two-thirds speed right
15 now.

16 (Video played)

17 BY MR. MANZO:

18 Q What are we looking at here at 44 seconds?

19 A This is approximately three minutes later. This
20 is Mr. Stamey heading back to the elevators without that
21 item.

22 Q So this is him on the third floor?

23 A Correct.

24 Q And he's heading back to the elevators?

25 A On the third floor, correct.

1 Q Does he still have the object under his arm?

2 A He does not.

3 MR. MANZO: Can we play it forward.

4 (Video played)

5 MR. MANZO: Okay. Can we go to the next slide,
6 please.

7 1510.11.

8 BY MR. MANZO:

9 Q And what are we looking at here generally now at
10 1510.11 and forward?

11 A I believe these are going to be the videos of
12 various individuals retrieving items with the assistance of
13 Mr. Bittner.

14 MR. MANZO: Can we play it forward.

15 (Video played)

16 THE WITNESS: Oh, never mind.

17 MR. MANZO: Pause it here.

18 We're at 4 seconds.

19 BY MR. MANZO:

20 Q What's the date of this video?

21 A I actually might need to refresh me on this one.

22 Q Okay. Can we go back to the zero seconds here.
23 What's the date of this slide?

24 A So this says 1/7/2021 at 10:39 a.m.

25 MR. MANZO: Can we play it forward.

1 (Video played)

2 MR. MANZO: Pause it here, please.

3 BY MR. MANZO:

4 Q At 3 seconds, who's visible?

5 A So this is Jessica Watkins under the gray arrow,
6 Donovan Crawl, the black arrow, and Tom Caldwell, the green
7 arrow.

8 Q And how are you able to identify, again, Watkins
9 and Crawl here?

10 A So once I was able to track them coming back into
11 the hotel on any given day or time, I followed their
12 movements throughout the entire period within the hotel.

13 Q How much time did you spend reviewing the footage
14 at the Comfort Inn?

15 A I'm going to say conservatively probably 80 or 90
16 hours.

17 Q Going forward here, could you describe what, if
18 any, movements Jessica Watkins makes here?

19 A So we will see, as this plays through, they all
20 appear to salute each other.

21 (Video played)

22 MR. MANZO: Can you pause it there.

23 BY MR. MANZO:

24 Q And when you say "all appear to salute," who do
25 you mean, all?

1 A Tom Caldwell, Donovan Crowl and Jessica Watkins.

2 Q What is the date of this video?

3 A January 7th, 2021.

4 MR. MANZO: Can you play it forward.

5 (Video played)

6 MR. MANZO: Can we go to the next slide, please.

7 1510.12.

8 (Video played)

9 MR. MANZO: Can you pause it here.

10 BY MR. MANZO:

11 Q What are we looking at here at 1510.12?

12 A So these are the videos I mentioned before of
13 individuals picking up items with the assistance of
14 Mr. Bittner.

15 Q So are there going to be individuals here who we
16 did not see from January 5 or 6?

17 A Correct.

18 Q Why is that?

19 A Based on other information obtained during the
20 investigation to include those messages we saw between
21 Mr. Rhodes and Mr. Meggs where Mr. Meggs said he was at the
22 QRF hotel before noon on the 5th, we did not have CCTV
23 footage cov- -- CCTV footage for that period of time.

24 Q Okay. But we have CCTV footage for January 7th?

25 A Correct, the morning of January 7th.

1 Q Who's in the dark blue arrow here?

2 A That is David Moerschel.

3 MR. MANZO: And can we play it forward.

4 (Video played)

5 MR. MANZO: Can you pause it, actually, and go
6 back one second.

7 BY MR. MANZO:

8 Q In looking at the luggage cart there, could you
9 describe the bags?

10 A So there appears to be at least one pelican case
11 on there, a hard rifle case.

12 Q And can we go forward now at two seconds.

13 Who's here in the dark -- or in the light green
14 and the yellow?

15 A So the green arrow is Kenneth Bittner, who is on
16 our chart under the Quick Reaction Force, and the yellow
17 arrow is an individual by the name of Robert Lemar.

18 Q Is he on the board at all?

19 A He is not.

20 MR. MANZO: Can you play it forward.

21 (Video played)

22 MR. MANZO: Can we pause it here at 13 seconds.

23 BY MR. MANZO:

24 Q And can you circle what you identified as a
25 pelican case?

1 A Sure.

2 Q And you just circled the bag that's diagonal in
3 the center of the frame at 13 seconds on the tally cart
4 here?

5 A Correct.

6 Q And what is a pelican case?

7 A It is a firearm, a rifle case.

8 Q Can you play it forward.

9 (Video played)

10 A There are a number of other items on the luggage
11 cart that it is not clear what they are. But I do know that
12 neither of those men spent a night at the Comfort Inn.

13 Q Let me pause it here for a second.

14 When you say neither of those men spent a night at
15 the Comfort Inn, who do you mean?

16 A Robert Lemar and David Moerschel.

17 Q So on those luggage cart there's bags?

18 A Uh-huh. Yes, sorry.

19 Q Those people didn't stay at the hotel?

20 A Correct.

21 MR. MANZO: Can we go back now to 27 seconds.

22 26, actually.

23 Play it forward, please.

24 (Video played)

25

1 BY MR. MANZO:

2 Q What are we looking at here at 26 seconds in terms
3 of the person on the far right who briefly had a pink arrow
4 over his head?

5 A So this is another group of four individuals who
6 picked up luggage and other items from -- with the
7 assistance of Mr. Bittner. The individual in the front
8 going off the screen here is Kelly Meggs.

9 Q Can you circle that person?

10 A (Witness complied.)

11 Q And can you just circle a person on the far right.
12 How were you able to identify that that was
13 Kelly Meggs?

14 A That was based on Signal messages and also other
15 information obtained during the investigation.

16 Q And the four people here, other than Mr. Bittner,
17 who of these people stayed at the hotel?

18 A None of them.

19 Q Can you describe what is in the luggage cart as it
20 approaches the screen here playing forward?

21 (Video played)

22 MR. MANZO: Pause it here, please.

23 BY MR. MANZO:

24 Q At 29 seconds, can you identify, first, the person
25 with the black arrow?

1 A That is Joseph Hackett.

2 Q How are you able to able that was Joseph Hackett?

3 A Based on -- that was primarily based on the cell
4 site data that was in the report that Agent Banks prepared.

5 Q The light gray?

6 A That is Caleb Berry.

7 Q And the turquoise?

8 A That is an individual by name of Jeffrey Morelock.
9 He's another Oath Keeper from Florida.

10 Q Could you identify any bags on that cart that
11 would be, in your estimation, a longer type of bag?

12 A Yes. There is a bag that is on there diagonally
13 that meets that criteria.

14 Q Can you circle it, please.

15 A (Witness complied.)

16 Q And, again, can you remind the jury which of these
17 people with Ayres stayed at the hotel?

18 A None of them.

19 Q The person in the back who doesn't have an arrow
20 in the kind of green shirt, who's that person?

21 A That's Kenneth Bittner.

22 MR. MANZO: Can we play it forward.

23 (Video played)

24 THE WITNESS: Mr. Bittner did stay at the hotel.

25 MR. MANZO: Can we pause it here at 48 seconds.

1 BY MR. MANZO:

2 Q What are we looking at at 48 seconds?

3 A This is a third group of individuals picking up
4 items from Mr. Bittner.

5 Q Were you able to determine if any of these
6 individuals stayed at the hotel?

7 A They did not.

8 Q Can we play it forward.

9 And who's the person who's going back to about
10 50 seconds?

11 MR. MANZO: We can pause it here actually,
12 thank you, at 57 seconds.

13 Sorry, Ms. Rohde.

14 (Video played)

15 MR. MANZO: Right here.

16 BY MR. MANZO:

17 Q Can you identify who's visible in this photo or
18 this still at 57 seconds?

19 A So the gold arrow is an individual by the name of
20 Tom Burgess. He is another Oath Keeper from Florida.

21 The green arrow is Jeremy Brown.

22 And the individual with the light-blue shirt is
23 Kenneth Bittner.

24 Q Did these people stay at the hotel, other than
25 Mr. Bittner?

1 A No.

2 MR. MANZO: Can you play it forward, please.

3 Pause it here at 59 seconds.

4 BY MR. MANZO:

5 Q Can you identify any bags on the cart that are of
6 a long variety?

7 A Yes.

8 Q Can you circle them, please.

9 A In the middle, there is -- I believe it's a green,
10 maybe camouflage-type case.

11 Q Can we play it forward now.

12 And can we pause it at 1:07. Were you able to
13 identify the person in the light-green arrow?

14 A Yes. That is Kenneth Harrelson.

15 Q And in the light-blue arrow?

16 A Terry Cummings.

17 Q Can you play it forward.

18 A And Jason Dolan.

19 Q And Jason Dolan was in the light purple, correct?

20 A Yes.

21 MR. MANZO: And can you pause it here -- or,
22 I'm sorry, at probably 1:10.

23 (Video played)

24 MR. MANZO: Can you pause it here, please.

25

1 BY MR. MANZO:

2 Q Okay. Pausing here at 1:08, are there any cases
3 that are long on the dolly cart?

4 A Yes. There appear to be three of them.

5 MR. MANZO: Can we play it to the next slide at
6 this point.

7 Can we go to 1510.13.

8 BY MR. MANZO:

9 Q Now, 1510.13, you see people getting off the
10 elevator. Do you recognize any of these individuals?

11 A Yes.

12 Q And was this from before or after January 6th?

13 A Before.

14 Q And who are the individuals getting off the
15 elevator here at 14 seconds?

16 A So this is the group that traveled from
17 South Carolina that I had mentioned previously.

18 The individual in the very back where there is no
19 arrow yet is actually Frank Marchisella.

20 The individual in front of him is Darin Bassett.

21 The individual in front of him with the gold arrow
22 is Bruce Holden.

23 And the individual pushing the cart is David Kirk.

24 Q And so this is from before January 6th?

25 A Correct.

1 MR. MANZO: Can you play it forward.

2 (Video played)

3 MR. MANZO: And then can we go to 1510.14.

4 BY MR. MANZO:

5 Q What are we looking at in 1510.14?

6 A This is them coming to their rooms on the second
7 floor.

8 MR. MANZO: Can you just play it forward.

9 (Video played)

10 BY MR. MANZO:

11 Q In these last two videos that we've watched,
12 1510.3 and 1510.14, these are from before January 6th;
13 is that correct?

14 A Correct. This was shortly after they had checked
15 into the hotel.

16 This last individual is a fifth individual that
17 traveled with the South Carolina group. His name is
18 Robert Kennedy.

19 Q Okay. Agent, based on these videos, other
20 diagrams received from the Comfort Inn, records from the
21 Comfort Inn, were you part of a team that helped create and
22 ensure the accuracy of a diagram of the Comfort Inn?

23 A Yes.

24 Q And in addition, have you been to the Comfort Inn
25 itself?

1 MR. MANZO: Ms. Rohde, can you pull up 1509.

2 BY MR. MANZO:

3 Q And is there and what is 1509?

4 A 1509 is an exhibit I helped to create that shows
5 the layout of the Comfort Inn.

6 Q Does it also show the distance from the
7 Comfort Inn into the Capitol?

8 A It does. It shows the driving distance around --
9 on Route 66, I believe.

10 Q So based on the records from the Comfort Inn and
11 the other things that I've said before, is this a summary
12 exhibit relating to the Comfort Inn?

13 A Yes.

14 MR. MANZO: Your Honor, at this point, I seek to
15 move into evidence 1509.

16 MR. WOODWARD: No objection.

17 THE COURT: 1509 will be admitted.

18 (Government's Exhibit 1509
19 received into evidence.)

20 BY MR. MANZO:

21 Q Agent Hilgeman, when we're looking at 1509 here at
22 zero seconds, what are we looking at?

23 A This is an overhead map showing the Comfort Inn
24 location that is the yellow circle and the Capitol that is
25 the blue circle and the driving distance between the two.

1 Q Approximately how far is it?

2 A Six and a half miles.

3 MR. MANZO: Can we play it forward, please.

4 (Video played)

5 BY MR. MANZO:

6 Q What are we looking at here at 20 seconds?

7 A That's an overhead view of the Comfort Inn.

8 Q What are we looking at here at 31 seconds?

9 A That is showing the entrance onto 66 East relative
10 to the Comfort Inn.

11 Q Can you pause at 37 briefly.

12 Can you just circle the entrance to 66.

13 A (Witness complied.)

14 Q You just circled the green sign on the left.

15 MR. MANZO: We can play it forward.

16 BY MR. MANZO:

17 Q What is the green arrow showing here at 45
18 seconds. The green arrow is showing the entrance into the
19 covered garage.

20 (Video played)

21 MR. MANZO: Can you pause it at 1:05?

22 BY MR. MANZO:

23 Q What are we looking at here in 1:05?

24 A Again, just an overview of the layout of the
25 Comfort Inn. We can see the lobby off to the left. And

1 then the two red markings there are the lobby elevators.

2 MR. MANZO: Can you play it forward, please.

3 (Video played)

4 BY MR. MANZO:

5 Q What are we looking at at 1:15?

6 A The doors into the lobby.

7 Q Now we're at the lobby.

8 MR. MANZO: Go to 1:20.

9 (Video played)

10 BY MR. MANZO:

11 Q What are we looking at here at 1:36?

12 A It's a photo of the second-floor elevators that we
13 saw in the CCTV footage.

14 Q Can you pause it here at 1:42.

15 All right. What are we looking at here at 1:42?

16 A So this is the layout of the rooms reserved by the
17 individuals we discussed on the second floor.

18 Room 206 is Jessica Watkins.

19 Room 225 and 226 is Frank Marchisella.

20 Room 252, 253, and 255 were the three rooms
21 reserved by Paul Stamey, two of which were paid for by
22 Kelly Meggs. The other was paid for by Paul Stamey.

23 MR. MANZO: Play it forward, please.

24 (Video played)

25 MR. MANZO: Pause it here at 1:52.

1 BY MR. MANZO:

2 Q What are we looking at here at 1:52?

3 A The overhead layout of those three rooms, which
4 show that there is an adjoining door between 253 and 255.

5 MR. MANZO: Play it forward.

6 (Video played)

7 THE WITNESS: That is the adjoining door.

8 BY MR. MANZO:

9 Q Okay. Can you stop it here at 2:15.

10 What are we looking at at 2:15?

11 A This is the third floor showing room 338, which
12 had been reserved by Sandra Parker, and room 320 that was
13 reserved by Tom Caldwell.

14 MR. MANZO: Can we just play it to the end now.

15 (Video played)

16 BY MR. MANZO:

17 Q Okay. Agent, in the course of your investigation,
18 have you reviewed thousands of Signal messages?

19 A Yes.

20 Q Text messages?

21 A Yes.

22 Q Financial records?

23 A Yes.

24 Q Cell site records?

25 A Yes.

1 MR. MANZO: And at this point, I'd mark for
2 identification 6920.1, 6902.3, 690 -- excuse me, 6901.1,
3 6901.2, 6901.3, 6901.4, 6901.5, 6901.6, 2601, 2602, 2603,
4 2604, and 2605.

5 BY MR. MANZO:

6 Q And based in part on these records of hotels and
7 other information, were you able to help create a summary
8 exhibit showing the movement of individuals who are present
9 on the board, which is 1530, as they converged on
10 Washington, D.C. before January 6th?

11 A Yes.

12 Q Did you create the graphic itself?

13 A I did not.

14 Q Did you provide the information to our litigation
15 support team to create the map?

16 A Yes, similar to the others that we've talked
17 about.

18 Q Have you checked for accuracy?

19 A I have.

20 MR. MANZO: Ms. Rohde, can you pull up 1501.

21 BY MR. MANZO:

22 Q What are we looking at here in 1501?

23 A This is that summary exhibit of the travels of the
24 people on the board.

25 MR. MANZO: Your Honor, at this point I'd seek to

1 move into Exhibit 1501 as a summary exhibit.

2 MR. WOODWARD: I think we would object,
3 Your Honor.

4 THE COURT: Basis?

5 MR. WOODWARD: It's a computer animation or a
6 simulation, not a summary exhibit.

7 THE COURT: Okay. If that's the objection, it's
8 overruled.

9 (Government's Exhibit 1501
10 BY MR. MANZO: received into evidence.)

11 Q Okay. If we pull up 1501 here, and generally what
12 are we looking at here at the start of 1501?

13 A A map of the United States.

14 MR. MANZO: Can we start playing forward, please.

15 (Video played)

16 MR. MANZO: Can we pause here at 30 seconds.

17 BY MR. MANZO:

18 Q Agent, can you look at the bottom left-hand corner
19 and describe what the key is on this exhibit.

20 A Yes, the key actually corresponds to the board.
21 What is the board number again?

22 Q 1530.

23 A 1530.

24 Q Yes.

25 A So green is who would be under leadership. In

1 addition to a new individual we'll talk about, Ms. SoRelle.

2 The QRF or quick reaction force is in orange.

3 Those that entered the Capitol as part of Stack 1
4 are under Stack 1. And the same with Stack 2.

5 Q And so the yellow corresponds to Stack 1?

6 A Correct.

7 Q And the purple corresponds to Stack 2?

8 A Correct.

9 Q Can we play it forward.

10 And, actually, can you pause it one second here.

11 At the bottom of the screen, there's a series of
12 dates. What do those dates mean?

13 A So that is where these people were located on that
14 specific date.

15 Q And that's based on your investigation, financial
16 records, hotel records?

17 A Cell site data, Signal messages, text messages,
18 and also we have credit card statements.

19 MR. MANZO: Can we play it forward, please.

20 (Video played)

21 BY MR. MANZO:

22 Q What date are we at at 40 seconds here?

23 A We're at January 4th.

24 Q Can you name the individuals -- just pausing at 50
25 seconds here -- who were present?

1 A So how this is divided up is based on not only the
2 key on the left but also the area of the country that
3 individuals traveled from. So this is where these
4 individuals were in Florida on January 4th, and it's
5 Kelly Meggs, Connie Meggs, Kenneth Harrelson,
6 David Moerschel, Jason Dolan, Kenneth Bittner, Joe Hackett,
7 Jeremy Brown, and Caleb Berry.

8 MR. MANZO: Can we play it forward, please.

9 (Video played)

10 MR. MANZO: Can we pause it here at 1:25.

11 BY MR. MANZO:

12 Q What did the map just show up to here at
13 1:24 p.m.?

14 A So a certain of these individuals met up and
15 traveled together, and then there was a rally point, based
16 on Signal messages that I saw and also a review of the cell
17 site data, that was located at some sort of gas station by
18 Jacksonville, Florida.

19 MR. MANZO: Can we play it forward now.

20 (Video played)

21 MR. MANZO: Can we pause here at 2 minutes.

22 BY MR. MANZO:

23 Q What are we looking at at 2 minutes?

24 A So based on the cell site data in the report that
25 Agent Banks prepared, these individuals that we see, Smith,

1 Stamey, Kelly Meggs, and so on, stopped and stayed in the
2 area of Whiteville, North Carolina, on January 4th.

3 We just saw Mr. Isaacs move all the way from
4 Florida to Washington, D.C.

5 Based on signal messages that I reviewed, they --
6 he and the individuals he traveled with, they drove straight
7 through and arrived in Washington, D.C. at approximately
8 3:30 a.m. on January 5th.

9 Q Are you aware of anyone in this investigation who
10 lives in the Whiteville, North Carolina, area?

11 A Yes.

12 Q Who's that?

13 A Doug Smith.

14 MR. MANZO: Can we play it forward now at
15 2 minutes?

16 (Video played)

17 MR. MANZO: Pause it here at 2:12.

18 BY MR. MANZO:

19 Q What was the map just showing there?

20 A So this is Graydon Young, who is under Stack 1.
21 His records show that he flew from Sarasota via Atlanta to
22 North Carolina, where Laura Steele, who is his sister,
23 resides.

24 MR. MANZO: Can we play it forward.

25 (Video played)

1 MR. MANZO: And it just dimmed there at 2:15 or
2 so. Can you pause it, please.

3 BY MR. MANZO:

4 Q What does the dimming signify?

5 A Yeah, you'll see that throughout the exhibit,
6 that's just overnight.

7 MR. MANZO: So now we're at January 5th here at
8 2:22. Can we play it forward, please.

9 (Video played)

10 MR. MANZO: Pause it here. Actually, we can keep
11 going a couple seconds.

12 (Video played)

13 MR. MANZO: Pause it here at 3:14.

14 BY MR. MANZO:

15 Q What did the map just signify there in relation to
16 people coming to the Comfort Inn and then going elsewhere?

17 A So, as we saw on the cell site data presented by
18 Agent Banks, individuals were at the Comfort Inn in the area
19 of the Comfort Inn, at least, around -- before noon on
20 January 5th. They then departed the Comfort Inn and cell
21 site data and hotel records show stayed at a hotel, Hilton
22 Garden Inn in Washington, D.C.

23 MR. MANZO: Can we play it forward, please.

24 (Video played)

25 MR. MANZO: Pause it here at 3:23.

1 BY MR. MANZO:

2 Q Now we've got, on the board -- not on the board
3 but on the exhibit here, Florida team travel.

4 And are these the locations where people from
5 Florida stayed on the night of January 5th?

6 A Correct.

7 MR. MANZO: Play it forward.

8 (Video played)

9 BY MR. MANZO:

10 Q What's the date we're at now at 3:33?

11 A So now we're back to January 2nd, 2021, which is
12 when Ed Vallejo, Todd Kandarlis, and a third individual,
13 Kelly Carter, actually departed from outside of Flagstaff,
14 Arizona.

15 Q How did they move across the country?

16 A They drove.

17 MR. MANZO: Play it forward.

18 (Video played)

19 THE WITNESS: That's Amarillo, Texas.

20 BY MR. MANZO:

21 Q That was at about 3:39. Now we're on January 3rd.

22 A The night of the 4th stayed in West Memphis,
23 Arkansas.

24 And the night of the 4th, they stayed in
25 Wrightsville, Virginia.

1 Mr. Stamey actually lives in Shelby,
2 North Carolina. He's stayed at the hotel in Whiteville,
3 North Carolina, the night of the 4th.

4 (Video played)

5 THE WITNESS: And those three groups arrived and
6 stayed at the Comfort Inn in Ballston on January 5th.

7 MR. MANZO: Can you pause it?

8 BY MR. MANZO:

9 Q The three groups meaning? Kandariss and Vallejo
10 coming from where?

11 A Arizona.

12 Q Bittner coming from where?

13 A Florida.

14 Q And Stamey coming from where?

15 A Stamey coming from North Carolina, and
16 Mr. Caldwell coming from Virginia.

17 MR. MANZO: Can we play it forward here at 442:00.

18 (Video played)

19 THE WITNESS: This is showing the travel of
20 Stewart Rhodes and Kellye SoRelle, starting in approximately
21 Granbury, Texas, also drove.

22 (Video played)

23 MR. MANZO: I want to pause it here at 5:28.

24 BY MR. MANZO:

25 Q So the night of January 5th, where did Rhodes and

1 SoRelle stay?

2 A The Hilton Garden Inn on Vienna, Virginia.

3 Q Did those two appear to travel together?

4 A Yes.

5 MR. MANZO: Ms. Rohde, can you pull up 6902.4.

6 BY MR. MANZO:

7 Q And, Agent, have you reviewed 6902.4?

8 A I have.

9 Q What is 6902.4?

10 A These are messages exchanged between Ms. SoRelle
11 and Mr. Rhodes.

12 Q And what's the general time period of these
13 messages?

14 A January 3rd, 2021.

15 MR. MANZO: At this point, I seek to move in
16 Government's Exhibit 6902.4 into evidence.

17 MR. BRIGHT: A moment, Your Honor.

18 No objection, Your Honor.

19 THE COURT: 6902.4 will be admitted.

20 (Government's Exhibit 6902.4
received into evidence.)

21 MR. MANZO: Ms. Rohde, can you enlarge just the
22 first three messages on 6902.4.

23 BY MR. MANZO:

24 Q And based on your investigation, were you able to
25 identify whether it appeared as if Ms. SoRelle and

1 Mr. Rhodes were in a relationship?

2 A Yes.

3 Q Okay.

4 Just looking at 6902.4, can you read what
5 Mr. Rhodes says, if anything, on January 3rd?

6 A So this actually January 2nd. These times are in
7 Central Time, so I believe it's early in the morning on --
8 late at night January 2nd, early in the morning on
9 January 3rd.

10 Q So these times periods on the right are in
11 Eastern Time, but they're in the Central Time Zone?

12 A I'm sorry. The messages on the left are actually
13 in Central Time. So it's actually very early in the morning
14 on January 3rd.

15 Q Okay.

16 A Sorry.

17 Q So around midnight on --

18 A Correct.

19 Q -- January 3rd?

20 A Yes. I'm sorry.

21 Q What does Mr. Rhodes say?

22 A He says, "Speaking of fucking, if you need some,
23 come on over."

24 Q And what's the next line?

25 A From Kellye SoRelle, a smiley face or a laughing

1 face emoji, "As founder of the Oath Keepers."

2 And then she says, "I've got my girlies for the
3 night," meaning, the night of 1/2nd, I believe.

4 MR. MANZO: Can we go down to the next three
5 slides or next three messages.

6 BY MR. MANZO:

7 Q And what's going on here?

8 A Mr. Rhodes says, "Ha-ha, damn right."

9 And then, "No sweat. I'll see you in the
10 morning," which was the date -- which was January 3rd when
11 Mr. Rhodes left for -- to travel out to D.C.

12 Q What else does he say?

13 A "Maybe I'll drag you into my hotel room and throw
14 you on the bed then."

15 Q Does Kellye SoRelle respond?

16 A She does.

17 Q What does she say?

18 A "I'm going to have to go to rehab."

19 MR. MANZO: And can we zoom on the final two
20 messages on this page.

21 BY MR. MANZO:

22 Q And what happens next here?

23 A Kelly writes, "And my body will just respond.
24 See, that's how I know you're trouble. You're too good at
25 what you do. Whole bad-boy thing. I am a damn moth to

1 a" -- fire emoji. "I really am replaying my teenage years."

2 MR. MANZO: Can we go back to 1501 now and turn
3 back to 5:28 and play it forward, please.

4 (Video played)

5 BY MR. MANZO:

6 Q And who is Mr. Greene who appears to be moving now
7 at 5:33?

8 A So that is Michael Greene, who is top middle of
9 the -- under "Leadership."

10 Q Okay.

11 A Mr. Greene drove from Indianapolis.

12 MR. MANZO: And, Ms. Rohde, can you back to 5:33
13 briefly.

14 Play it forward.

15 (Video played)

16 BY MR. MANZO:

17 Q And where does Mr. Rhodes, Ms. SoRelle, and
18 Mr. Greene appear to stay on the night of the 5th?

19 A At the Hilton Garden Inn in Vienna. Based on
20 messages I reviewed, it appeared that Mr. Greene arrived in
21 Vienna in the very early morning hours of 1/5, so may have
22 also driven through the night on the 4th.

23 MR. MANZO: Can we play it forward now.

24 (Video played)

25

1 BY MR. MANZO:

2 Q What are we looking at at 5:49?

3 A These are the Ohio individuals that were a part of
4 Stack 1. Mr. Crawl and Ms. Watkins met at her house and
5 then picked up the Parkers.

6 That evening, based on messages, they drove to
7 Winchester, Virginia, where they stayed with some family of
8 Mr. Crawl.

9 And then on the 5th, as we saw in the CCTV footage
10 previously, checked in to the Comfort Inn.

11 Q What are we looking at here at 6:30?

12 A And, finally, we have the members designated as
13 Stack 2 on the chart.

14 This is Brian Ulrich and Rick Jackson from
15 Georgia.

16 Josh James and Mark Grods from Alabama.

17 Mr. Grods and Mr. James left from Mr. James' home,
18 and they all met at a park north of Atlanta before driving
19 to Washington, D.C.

20 Q What are we looking at here at 7:10?

21 A So this is Roberto Minuta. So Mr. Minuta flew
22 from Dallas, Texas, to Newark, New Jersey, and then drove to
23 the Hilton Garden Inn in Vienna, Virginia.

24 So Mr. Minuta and Mr. James stayed at the
25 Hilton Garden Inn in Virginia. The other three stayed at

1 the Mayflower Hotel in D.C.

2 Q Playing forward now at 7:26.

3 A This is actually Mr. Walden. He is from Alabama.
4 He drove by himself and stayed at the Mayflower with the
5 other three individuals.

6 (Video played)

7 MR. MANZO: Ms. Rohde, I'll ask you to pause it at
8 8:02.

9 This is fine here.

10 BY MR. MANZO:

11 Q So we're at 7:56. So what are we looking at here
12 at 7:56?

13 A So this is the overview of where all of these
14 individuals were on the night of January 5th, 2021.

15 Q And, again, the yellow signifies what?

16 A Stack 1.

17 Q The orange?

18 A The QRF.

19 Q Leadership?

20 A That's green.

21 Q And the purple?

22 A Stack 2.

23 MR. MANZO: Can you play it forward to the end.

24 (Video played)

25 MR. MANZO: Your Honor, I'm going to be going on

1 to a different subject now.

2 THE COURT: Okay.

3 This would be a good time for us to stop and take
4 our morning break, everyone.

5 It's about 5 of 11:00. So we'll resume at 5 --
6 excuse me, 11:10. We'll see you all very shortly.

7 COURTROOM DEPUTY: All rise.

8 (Jury exited the courtroom.)

9 THE COURT: Step down and just remind you not to
10 discuss your testimony with anyone during the break.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Thank you.

13 MR. WOODWARD: Your Honor, may we be heard briefly
14 either now or before the jury comes back in about an
15 objection to the admissibility of this video?

16 THE COURT: Sure.

17 MR. WOODWARD: So we don't think there's been any
18 prejudice insofar as it's clearly a demonstrative exhibit
19 that the government is free to share and ask the witness
20 about and discuss.

21 However, we would argue that it is -- it is not a
22 summary exhibit in the sense that the witness has not taken
23 a series of records and compiled them so as to ease the
24 jury's review of those records. She's --

25 THE COURT: I thought that's precisely what she

1 did, which is that she took a disparate group of records and
2 provided the information to lit support, which allowed them
3 to map out the movements of the various individuals.

4 MR. WOODWARD: She testified to that effect. But
5 if we drill down on the source of the records and the
6 various types of identifications that have been made, it's
7 quite more than a summary exhibit. It's really an
8 animation.

9 And we'd ask the Court to read a limiting
10 instruction that it should be used for that purpose.

11 I can give the Court case law if the Court wants
12 to look at it from the -- nothing in D.C. that I can find,
13 but there's a helpful case, I think, from the Eastern
14 District of New York that actually provides the limiting
15 instruction.

16 It's 2017 U.S. District Lexis 41758. And it gives
17 a good -- the judge there gives a good primer on this
18 distinction between summary exhibits and animations that the
19 government creates.

20 Yes, we're free to cross-examine the witness on
21 the various errors and omissions that give rise to all of
22 this data coming in, including the people weren't in the
23 places where the expert said they were, but that -- you
24 know, just is just going to prolong things here.

25 Again, we don't mind the jury seeing the video for

1 demonstrative purposes, but to be able to have that and rely
2 on that in deliberations in lieu of the text messages, the
3 hotel footage, all of the other actual evidence.

4 THE COURT: So are you suggesting that that
5 exhibit should not go back during deliberations?

6 MR. WOODWARD: Exactly right.

7 THE COURT: So I don't -- I'll look at your case.
8 But if what -- I mean, the summary exhibits go back --

9 MR. WOODWARD: Exactly.

10 THE COURT: -- right?

11 So this is, although it's dynamic, unlike a static
12 summary exhibit, is a compilation of various sources of
13 records that show movement of various individuals across the
14 country.

15 So I'm sort of at a loss as to understand why
16 that's not a summation of voluminous records that the jury
17 can rely upon.

18 If you think there's any inaccuracies, you can
19 cross-examine her about it and that's up to you.

20 But you've got the underlying records. You have
21 the opportunity to cross-examine her. And it's a summary of
22 voluminous records that show, as I said, movements across
23 the country and where people stayed at various points,
24 including when they arrived in the area on January the 5th.

25 MR. WOODWARD: Understood, Your Honor.

1 I think the case may not persuade you. It's the
2 best that I could come up.

3 We just think it's a slippery slope. At some
4 point now, we're just showing video to the jury of the
5 government's case, and we're not relying on the underlying
6 evidence. And we think that's why --

7 THE COURT: I don't know what the video is in the
8 Eastern District case, but this isn't some effort at, like,
9 a reenactment. This is simply just the plotting of data
10 points along the map. It's nothing more than that. It's
11 obviously a little more sophisticated, given the number of
12 data points. But it's not as if it's a reenactment of
13 anything.

14 MR. WOODWARD: Very good, Your Honor.

15 THE COURT: I'll take a look at the case.

16 Thanks, everyone.

17 COURTROOM DEPUTY: All rise. This Court stands in
18 recess.

19 (Recess from 10:59 a.m. to 11:14 a.m.)

20 THE COURT: All right. Just have a quick seat,
21 everybody.

22 Before the jury comes in, two things.

23 JC advised me that the juror in Seat 7 told us
24 that his client is the Comfort Inn. I guess he sells
25 cleaning supplies, and he just wanted us to be aware of

1 that. I think it's a he.

2 Anyway, I thought I'd let you all know that.

3 I don't think it's a big deal.

4 Secondly, I did read the case, Mr. Woodward, over
5 the break. This is Morency, M-o-r-e-n-c-y, versus Annucci,
6 A-n-n-u-c-c-i, 217 U.S. District Lexis 41758. It's actually
7 a habeas case. But, you know, it involves the exact
8 situation that I was distinguishing this from, which was
9 this was an actual animation of an alleged homicide. And
10 the animation was created to sort of -- it was made to
11 recreate the actual shooting and was used as a
12 demonstrative, not as a summary exhibit.

13 And the trial judge in that case admonished the
14 jury appropriately that it was a demonstrative aids as
15 opposed to what we have here, which is a summary.
16 So I think the case is distinguishable on that ground.

17 All right. You can bring them in.

18 MR. WOODWARD: Thank you, Your Honor.

19 THE COURT: Thank you.

20 COURTROOM DEPUTY: Jury panel.

21 (Jury entered the courtroom.)

22 THE COURT: All right. Welcome back. Please be
23 seated, everyone.

24 Agent Hilgeman, we'll have you re-take the stand
25 and keep moving along.

1 BY MR. MANZO:

2 Q Agent, do you understand that you're still under
3 oath?

4 A Yes.

5 Q I want to return very briefly to the previous
6 exhibit regarding movements of individuals. For example,
7 you reviewed credit card or bank records for some of those
8 individuals, right?

9 A I did.

10 Q And so when you saw a transaction in a certain
11 location, then noted that card corresponding to a person was
12 in that location, right?

13 A Correct.

14 Q But for the record, you don't know if the person
15 using that card was the person on the -- was that person in
16 real life?

17 A Yes, that is true, that's correct.

18 Q So that was an inference that you made?

19 A Correct.

20 Q Got it.

21 Okay. Can we go to -- let me step back for a
22 second.

23 Did you review text messages of Mr. Rhodes
24 regarding a purchase of weapons?

25 A Yes.

1 Q And can we now go to 6901.1.

2 What is generally 6901.1?

3 A This is a text exchange between an individual and
4 Mr. Rhodes regarding what appeared to be guns.

5 Q And 69 --

6 A The purchase of guns, I'm sorry.

7 Q And 6901.2, 6901.3, 6901.4, 6901.5, and 6901.6,
8 are those all similar?

9 A Yes.

10 MR. MANZO: Your Honor, I'd seek to move those
11 exhibits into evidence which are 6901.1 to 6901.6.

12 MR. WOODWARD: May we approach?

13 (Bench conference)

14 MR. WOODWARD: Can you hear me?

15 THE COURT: Yes, I can hear you.

16 MR. WOODWARD: I don't know when we got these.
17 I don't want to waste the jury's time in having to go
18 through these.

19 If we can table this and come back to it another
20 time, we can articulate objections. Among other things that
21 stand out is that we have declarants whom we don't know who
22 they are, the government doesn't know who they are, and
23 presumably they're trying to get statements from unknown
24 people in as co-conspirator statements, and that's an issue
25 we've had throughout the trial. So I'm not sure when the

1 government gave these to us. If they didn't give them to us
2 last night and I had them over the weekend, I apologize, but
3 I suspect we got them only last night.

4 MR. MANZO: These were given considerably longer
5 than last night ago. We can pull up the exact time but this
6 isn't particularly recent.

7 And we're not seeking to admit the statements of
8 the people that Mr. Rhodes is transacting with.

9 THE COURT: Look, I can short-circuit this.

10 If Mr. Rhodes is, in fact, doing what is
11 represented by the government in these text messages, making
12 a purchase or attempting to make a purchase, his statements
13 are clearly admissible.

14 And to the extent that others are responding on
15 the other end of the transaction, that, too, is admissible,
16 that's not hearsay. I mean, these are statements in
17 furtherance of a transaction, I guess, verbal act, if you
18 will, maybe that's not the right way to characterize it.
19 But in any event, you know, you don't have to be part of a
20 conspiracy to purchase a weapon that's allegedly purchased
21 in furtherance of the conspiracy and if that's all this is,
22 then there's no objection on that basis.

23 MR. WOODWARD: If that's all this is, then there's
24 no objection. I don't know.

25 THE COURT: Okay. All right.

1 MR. WOODWARD: Thank you, Your Honor.

2 MR. MANZO: I will actually ask that he review
3 this so we don't have objections.

4 THE COURT: Well, I mean, look, they've had the
5 opportunity to review it. If there's no objection
6 contemporaneous to when it's submitted, then that's where we
7 are. And for some reason if you think there's something
8 objectionable after the fact, I'll deal with it then.

9 (Open court)

10 THE COURT: All right. So 6901.1 through -.6 will
11 be admitted.

12 (Government's Exhibit 6901.1 through 6901.7
received into evidence.)

13 MR. MANZO: Ms. Rohde, can we go back to 6901.1.

14 Can you just zoom in on the first four slides or
15 so.

16 BY MR. MANZO:

17 Q What's going on here in 6901.1?

18 A So this is a text exchange between an individual
19 phone number ending 3556 and Stewart Rhodes on
20 December 31st, 2020.

21 Q And what does the exchange start with?

22 A "Hi, Stewart, this is the guy from Texas, gun
23 trader with the .223 and .308 Lantac BCGs. Those are still
24 for sale. Would you like to buy both of them?"

25 Q And how does Mr. Rhodes respond?

1 A "Yes, I would. What town are you in?"

2 Q What happens next?

3 A He says, the other individual says, "I'm in
4 Dallas. What about yourself?"

5 Q Can we scroll down to the bottom four.

6 And what's going on here at the bottom four
7 messages on the first page?

8 A So, Mr. Rhodes says, "Granbury, the one flying
9 back in DFW tonight from a trip. I land at 8:30. Could we
10 possibly meet up somewhere in Dallas after I land. Would
11 save me the drive back from Granbury later."

12 Q And what else happens here?

13 A They make arrangements about where to meet.

14 MR. MANZO: Ms. Rohde, can you go to the second
15 page.

16 And, yes, just zoom in on the top four.

17 BY MR. MANZO:

18 Q What happens here?

19 A So they set on a place of Walmart near Love Field,
20 with an address of 9410 Webb Chapel.

21 Q And are the other exchanges in 6901.2, .3, .4, .5,
22 and .6 other parking lot purchases?

23 A Yes, they are text message exchanges of
24 arrangements between Mr. Rhodes and other individuals to
25 make purchases.

1 Q Can you go down to the very final slide here or
2 the very bottom of this.

3 What's going on here?

4 A This is now 1st of January 2021 and it appears
5 they set a time for 12:40 to meet.

6 Q Can you go back to the very first slide in this
7 exchange.

8 And what is a .223 or .308 Lantac BCG?

9 A I actually have no idea.

10 Q Well, it is a type of -- is .223 and .308, what
11 does that mean?

12 A I believe those are calibers.

13 Q And can we go forward now to 6902 point -- or
14 6901.2.

15 What are we looking at here at the top of 6901.2?

16 A This is another individual on December 31st, 2020,
17 texting Mr. Rhodes, "Texting you about the 11.3-inch BCM
18 upper."

19 Q And what is an upper generally?

20 A So the handgun that I carry just has a receiver.
21 For rifles, there's an upper and a lower receiver. So
22 I believe it's referring to an upper receiver for a rifle.

23 Q And we just go down to the very final text message
24 exchange in 6901.2. I think there's a second page.

25 And what does this say?

1 A "Can we make it 2 p.m.? I ended up staying in
2 Dallas last night." That's from Mr. Rhodes.

3 Q And then is there a continuous additional back and
4 forth here on page 3?

5 A Yes.

6 Q Can we go to page 4.

7 And then what is page 4 -- or page 5, sorry?

8 A At the top of page 5, the individual says, "Cool,
9 I'm here in a black Lexus SUV in the back by the Lowe's box
10 trucks." And Mr. Rhodes responds with a thumbs-up.

11 Q Can we go to 6901.3.

12 Can you just zoom in on the first couple messages
13 of 6901.3.

14 What is 6901.3, how does the conversation start
15 here?

16 A An individual texts Mr. Rhodes, the 2nd of January
17 2021. "Hi, which 40 self-defense ammo are you wanting? I'm
18 meeting a guy at Bass Pro at 11 in the morning if you want
19 to meet then. Thanks, Thomas."

20 Q Is there a response?

21 A Yes. "Which ones do you have? Sorry, can't find
22 your ad again."

23 Q Who's saying that?

24 A Mr. Rhodes.

25 Q Can we go down to the very final page of 6901.3.

1 Final page, sorry. Just one page. Okay.

2 Can we go down to the bottom.

3 Two slides or two messages.

4 And what's going on here down at the bottom of
5 this text exchange?

6 A So a couple messages earlier, the individual
7 provided an address in Georgetown, Texas, I believe.
8 Stewart Rhodes responds, "3:30 p.m.," and the other
9 individual says, "Okay, sounds good."

10 MR. MANZO: Ms. Rohde, apologies. Can you zoom on
11 the middle of this page where it says the Georgetown address
12 here.

13 BY MR. MANZO:

14 Q And is that what you were referring to on the
15 1/2/21, 2:10 p.m. message?

16 A Correct.

17 Q Okay. Can we go to 6901.4.

18 What is going on here in 6901.4?

19 A This is another exchange between Mr. Rhodes and an
20 individual beginning on December 31st, 2020. The individual
21 writes, "Stewart, I just got your message regarding the AR
22 I have listed on gun trader. Andrew."

23 Q What does Mr. Rhodes respond?

24 A "Which one was yours?"

25 The individual responds to Mr. Rhodes, "It's the

1 Aero Precision with the Black Hole weapons barrel."

2 Q Does Mr. Rhodes respond?

3 A "Yeah, the SPR build, right? What city are you
4 in?" Individual responds, "I live near Hockley. It's just
5 west of Tomball near Waller."

6 MR. MANZO: Ms. Rohde can you go to the final page
7 of this slide.

8 And now, just highlight the bottom three slides.

9 BY MR. MANZO:

10 Q What's going on here?

11 A Mr. Rhodes tells the individual he's "In a silver
12 Nissan Armada, backed in spot on fence at right side of
13 front door. Off to side by pumps."

14 The individual responds, "Okay. I'm in a silver
15 F350."

16 Mr. Rhodes responds, "Okay."

17 This was on the 2nd at 2:57 p.m.

18 Q In between the first slide about the gun trader
19 and the bottom slide about meeting in silver F350, what
20 happened?

21 A They were making arrangements to meet.

22 Q Can we go to 6901.4. -- .5.

23 What's going on here in 6901.5?

24 A So this is a similar series of messages to meet up
25 and make a purchase of a TS12.

1 Q And are you aware of what a TS12 is?

2 A I am not.

3 Q It is a type of gun or gun accessory?

4 A I believe, yes.

5 Q And when -- the date here is January 2nd; is that
6 correct?

7 A Correct.

8 Q And then can you go down to the very bottom of
9 this slide here -- or the -- sorry, Ms. Rohde. Can you go
10 to the last page.

11 Just pause it here in the middle at 1/2, 6:10 p.m.

12 And go down.

13 What's going on here?

14 A They appear to be talking about some type of
15 accessories and ammunition.

16 And at 6:15 p.m., Mr. Rhodes says that he's in
17 line at the ATM.

18 Q And, Ms. Rohde, can you actually go up to the very
19 top text exchange on this page.

20 And what is happening here at 1/2/21, at 6:07
21 p.m.?

22 A The individual is telling Mr. Rhodes, "Okay, I
23 don't know if you reload, but I also brought a used
24 reloading setup that I previously bought. MEC600 or 650,
25 don't remember. 300 to 500 empty shells, about 500 primers,

1 number 1 powder, bottles and lots of bushings if you are
2 interested."

3 Mr. Rhodes responds, "What do you want for it?"

4 Q Okay.

5 And can we go to the final page of this exhibit.

6 And this is just down here at the bottom again
7 where it says "In line at the ATM," correct?

8 A Correct.

9 Q Can we go to 6901.6.

10 What are we looking at in 6901.6 here at the top?

11 A Mr. Rhodes is writing to another individual that
12 says, "Want to buy your Geissele AR today. I'm from
13 Granbury but in Tyler now. Can we meet?"

14 Q What happens next?

15 A They discuss places where they could meet.

16 Q Can we just go to the very bottom of this exhibit.
17 And what happens here at the bottom of page 1
18 here?

19 A So earlier, Mr. Rhodes says he's at the bank and
20 he's on his way.

21 Then this individual replies, "Roger that. Sounds
22 good, brother."

23 And Mr. Rhodes responds, "7:17 ETA."

24 Q Based on these text-message exchanges regarding
25 the purchase of weapons in parking lots, did you also look

1 for cash withdrawals to correspond with these purchases?

2 A Yes.

3 MR. MANZO: Ms. Rohde, can you pull up 2010.1,
4 2010.2, and 2010.3, briefly, in succession.

5 BY MR. MANZO:

6 Q Agent, generally, what are we looking at in terms
7 of 2010.1, 2010.2, 2010.3?

8 A These are Bank of America bank statements for
9 Oath Keepers' accounts from December of 2020 to January of
10 2021.

11 MR. MANZO: Your Honor, at this point I'd seek to
12 move in 2010.1, 2010.2, 2010.3 as business records pursuant
13 to a 902(11) certification.

14 MR. WOODWARD: No objection.

15 THE COURT: 2010.1 through 3 will be admitted.

16 (Government's Exhibit 2010.1 through 2010.3
17 received into evidence.)

18 MR. MANZO: Ms. Rohde, can we pull up 2010.2.

19 Can you zoom in on the name at the top of the
20 page.

21 BY MR. MANZO:

22 Q So what is 2010.2?

23 A It's a Bank of America bank statement for
24 Oath Keepers.

25 Q Can you zoom out now and just pull in that whole

1 area, correct, right there.

2 Thank you.

3 What are we looking at here in the middle of
4 2010.2, page 1?

5 A It's a summary of activity for that account from
6 January 1st, 2021, to January 31st, 2021.

7 Q And where it says, "Account Summary," can you just
8 work through those lines and explain what it means for the
9 jury?

10 A Yes. So the beginning balance on January 1st is
11 the amount in the account on January 1st. There's a total
12 of deposits and other credits for the account for that month
13 of approximately \$113,000.

14 Total of withdrawals and other debits for the
15 whole month of approximately \$156,000.

16 Checks and service fees, nominal.

17 And then an ending balance of approximately \$6,800
18 on January 31st.

19 Q So the deposits for the month of January were
20 approximately \$113,000 into this Oath Keepers account?

21 A Correct.

22 Q Were there other Oath Keepers accounts?

23 A Yes.

24 MR. MANZO: Can you zoom out of that, Ms. Rohde.

25 Now, can you go down to the bottom of page 2.

1 Actually keep going. Sorry.

2 Keep going.

3 BY MR. MANZO:

4 Q And can you explain to the jury what the
5 highlighted portion here is at the bottom of what's actually
6 page 4?

7 A So this is a withdrawal of \$1,003 on January 1st,
8 2021, from an ATM located at Northwest Highway and Webb in
9 Dallas, Texas.

10 Q Why do you say January 1st as opposed to
11 January 4th?

12 A January 4th is the date that the transaction
13 posted to the account. January 1st, as listed in the
14 details of the transaction, is when it actually occurred.

15 Q Can you actually circle where it says,
16 "January 1."

17 A (Witness complied.)

18 MR. MANZO: And the witness just circled the
19 numbers next to the Capital One, to the right of them.

20 Okay. Can we go to the next page down here.

21 BY MR. MANZO:

22 Q What are we looking at here on the top of page 5
23 of 12 of these Bank of America records.

24 A Another withdrawal on January 1st, looks to be
25 from the same location, for \$403.

1 MR. MANZO: Okay. And, Ms. Rohde, can you go down
2 to that highlighted section beginning at 14. Correct.

3 BY MR. MANZO:

4 Q What are we looking at here?

5 A So another series of transactions. The ATM
6 withdrawal on January 2nd in Austin, Texas, was for a
7 thousand dollars.

8 Q And then at the bottom here at 1/4, was there
9 another withdrawal as well?

10 A Yes. And this was from, it appears to be from
11 Chase, a Chase ATM, still from the same account for \$403.

12 Q The line here that's highlighted on 1/4/2001 for
13 Academy Sports, can you describe what's going on there?

14 A So that is a debit card purchase on January 2nd
15 from Academy Sports for approximately \$3,000.

16 Q And did members of your investigation team also
17 review purchases for weapons and weapons accessories at
18 stores, in addition to private purchases at parking lots?

19 A Yes.

20 Q And I think we'll return to that in a moment here.

21 Can you continue down on this exhibit to the
22 bottom highlighted portions.

23 What's going on here?

24 A So these are additional withdrawals on January 3rd
25 now in Tyler, Texas. There are two withdrawals that total

1 \$1,400.

2 Q And then what's going on here at the 601 Sports?

3 A Similar to the transaction that we saw previously,
4 this is a debit card purchase at that location.

5 Q And the final highlighted portion here on 1/5?

6 A Another purchase at a store.

7 MR. MANZO: Okay. Ms. Rohde, can you pull up
8 2010.3.

9 And can you highlight again the address and name
10 on the top left.

11 BY MR. MANZO:

12 Q And what is this?

13 A This is a statement for another Oath Keepers
14 account at Bank of America.

15 MR. MANZO: And, Ms. Rohde, can you highlight the
16 middle section there.

17 BY MR. MANZO:

18 Q What's the time period that we're looking at here?

19 A Again, the month of January 2021.

20 Q And this is a separate Oath Keepers account;
21 is that correct?

22 A Correct.

23 Q And what did the deposit say?

24 A \$21,000, and the withdrawals are approximately
25 \$20,200.

1 Q Can we go down to the fourth page of transactions
2 and stop right there in the highlighted section. We're at
3 page 4 of 6.

4 What are we looking at here on page 4 of 6?

5 A So these are showing one withdrawal each on
6 January 1st, January 2nd, and January 3rd.

7 The withdrawal on January 1st was \$503.

8 The withdrawal on January 2nd was \$503.

9 And then a withdrawal on January 3rd was \$500.

10 You know, actually, most likely, those nominal
11 amounts are fees because it's not a Bank of America ATM.

12 Q And now can we go briefly to 2010.1.

13 And what -- who controls this account?

14 A Oath Keepers.

15 Q And then what's the time period of this statement
16 sheet?

17 A So this is now for December of 2020. This is the
18 statement for December of 2020 for the same account that
19 we've looked at the first time.

20 Q So those were for January; now we're back in time
21 in December?

22 A Correct.

23 Q What's the deposit amounts that this account
24 received in the month of December?

25 A Approximately \$133,000. And withdrawals and other

1 debits were approximately \$101,000.

2 Q Okay. Can we go down to page 9.

3 And enlarge the highlighted section here.

4 What's going on here at page 9?

5 A This is a purchase made with a check card on
6 December 30th at KERIF Night Vision for approximately
7 \$7,300.

8 Q Okay.

9 And did you go or did members of the investigation
10 subpoena the receipts from KERIF Night Vision?

11 A Yes.

12 Q And did the other highlighted purchases from
13 stores that you noted before, including Academy Sports,
14 Superior Outfitters, and The Range at 601, did you subpoena
15 the underlying records for those transactions?

16 A We did.

17 Q Can you describe generally what those receipts
18 look like?

19 A So they are itemized receipts that contain
20 numerous gun accessory and parts and ammunition.

21 Q So I'm marking for identification 2009, 2015,
22 2017, and 2013, which are the underlying records. Based on
23 those records and the cash withdrawals and the text
24 messages, did you create a summary exhibit?

25 A Yes.

1 MR. MANZO: Ms. Rohde, can you pull up 6925.

2 BY MR. MANZO:

3 Q And what is 6925 generally?

4 A So this is a summary exhibit of the dates,
5 amounts, and details of those purchases overlaid against
6 Mr. Rhodes' travel from Texas to Washington, D.C., that we
7 had looked at in the previous exhibit.

8 Q And when I say "create," did you actually draw
9 this map out?

10 A I did not.

11 Q Did you provide the information and ensure its
12 accuracy?

13 A Yes.

14 MR. MANZO: Your Honor, at this point I'd seek to
15 move in Exhibit 6925 as a summary exhibit.

16 MR. WOODWARD: We do object based on the text that
17 is included in the exhibit.

18 THE COURT: It's overruled.

19 6925 will be admitted.

20 (Government's Exhibit 6925
21 received into evidence.)

22 BY MR. MANZO:

23 Q Okay. So starting in the top here, generally, can
24 you again describe what's going on in 6925 to the jury.

25 A Yes. So these are the purchases that we just went

1 over, both the cash purchases and the store purchases by
2 date and where those purchases were made right before
3 Mr. Rhodes left for D.C. and during his travel to D.C.

4 Q Can you zoom in on the top box on the left.

5 Can you read to the jury what's going on here on
6 1/1/21?

7 A Mr. Rhodes arranged via text message on
8 December 31st to buy two bolt carrier groups from an
9 individual on January 1st. Rhodes withdrew \$1,900 on
10 January 1st.

11 Q And is that based on the underlying records that
12 we just went over?

13 A Yeah. That's based on the text messages that we
14 went over, plus the ATM withdrawal receipts.

15 Q What happened on January 2nd?

16 A Mr. Rhodes spent \$2,989.51 at Academy Sports in
17 Georgetown, Texas. The items are listed out there based on
18 the actual itemized receipt that we obtained from
19 Academy Sports. And it included 14 magazines, three sights,
20 two optics, one bipod, one scope-leveling kit, one case of
21 ammunition, and gun-maintenance equipment.

22 Q What else happened on 1/2?

23 A Mr. Rhodes arranged via text message to buy an
24 upper, a rifle, three boxes of ammunition, and a shotgun
25 part from multiple individuals. Mr. Rhodes withdrew \$1,900

1 from two banks.

2 Q Okay?

3 A And that's based on, again, the text messages that
4 we went over plus the ATM withdrawals.

5 MR. MANZO: So then starting here on 1/3, can you,
6 Ms. Rohde, zoom in on all the sections on 1/3 here at the
7 bottom.

8 BY MR. MANZO:

9 Q What are we looking at?

10 A So I'll start with the bottom one.

11 Rhodes arranged via text message to buy an
12 AR rifle from an individual. Mr. Rhodes withdrew \$1,900 on
13 January 3rd. It's a combination of the two accounts we
14 looked at. The location of those ATMs was Tyler, Texas.

15 And, also, Mr. Rhodes spent \$5,737.02 at
16 Superior Outfitters in Tyler, Texas. The items bought
17 included 2 triggers, 6 sights, 2 scope mounts, a sling and
18 mount, and attachment accessories.

19 Q Just to be technical about it, the purchases in
20 stores were for a credit card associated with the
21 Oath Keepers, correct?

22 A I believe it was a debit card.

23 MR. MANZO: Okay. And then, Ms. Rohde, can you
24 zoom in on the right-hand portion here at the bottom where
25 it's on 1/3.

1 BY MR. MANZO:

2 Q What's going on here on 1/3?

3 A This is The Range at 601 purchase that we saw in
4 the bank statement for \$4,521.54. Included upper sights,
5 mounts, optic plates, ladder rail panels, magazines, lights,
6 charging handles, a bipod, and other equipment.

7 Q Okay. Now, going up to 1/5 here, what's happening
8 here.

9 A This is detailing a purchase that we saw on
10 12/30/2020 for the \$7,273.64 from KERIF Night Vision. Based
11 on the actual invoice from KERIF Night Vision, these items
12 were shipped to Marshall Asard in Lovettsville, Virginia.
13 And that was two night vision devices and one night vision
14 compatible weapon sight.

15 MR. MANZO: Ms. Rohde, can you pull up 6923, slide
16 100, which has already been admitted into evidence.

17 BY MR. MANZO:

18 Q And can you just remind the jury what 6923, slide
19 100 says?

20 A This is a text message from Ed Vallejo to
21 Stewart Rhodes on January 4th, 2021, at 6:30 p.m. Would you
22 like me to read?

23 Q Yes?

24 A "Sir, Ed Vallejo of Arizona, in Tennessee with
25 cadre requesting coordinates to allied encampment outside

1 D.C. boundaries to rendezvous. Please respond ASAP. For
2 the republic."

3 Q Where did Ed Vallejo stay when he got into the
4 D.C. area?

5 A At the Comfort Inn in Ballston, Virginia.

6 Q Who did he stay with?

7 A Ton Kandarlis and another individual, Kelly Carter,
8 who traveled with him.

9 Q Did you become aware at some point in the
10 investigation about a podcast that Mr. Kandarlis and
11 Mr. Vallejo participated in on the morning of January 6th?

12 A Yes.

13 Q Was that with a host, or I guess it was called a
14 "Declare Your Independence" podcast?

15 A Yes.

16 MR. MANZO: And at this point, we'd seek to move
17 into evidence pursuant to a stipulation, which I can read
18 into the record, as well as -- actually, just pursuant to a
19 stipulation that the parties have reached regarding the
20 authenticity of that podcast.

21 On January 6th, 2021, Ernest Hancock hosted one
22 episode of the podcast, "Declare Your Independence."

23 Ed Vallejo and Todd Kandarlis, among others,
24 appeared and spoke on the podcast with Ernest Hancock. The
25 podcast was broadcast publicly and recorded.

1 Government's Exhibit 1052.1 to 1052.9 are true and
2 authentic copies of the portions of the audio recording that
3 captured the January 6th, 2021, episode of Ernest Hancock's
4 "Declare Your Independence" podcast.

5 And we would seek to move into evidence now 1052.1
6 through 1052.9.

7 THE COURT: Okay. 1052.1 through -09 will be
8 admitted.

9 (Government's Exhibit 1052.1 through 1052.9
received into evidence.)
10 MR. MANZO: We'd seek to play these with the
11 transcripts subject to the same limiting instruction that
12 Your Honor has previously provided.

13 THE COURT: All right. Just again a reminder,
14 ladies and gentlemen, that with respect to audio, the
15 transcript that's being provided is just to assist you in
16 understanding the audio, it's the actual audio that is the
17 evidence. If you notice any difference between the audio
18 and the transcripts or any ambiguity between the audio and
19 the transcripts, it is the audio that controls.

20 MR. WOODWARD: Your Honor, we do object to the
21 exhibits because they are not just transcripts, there's also
22 an image in the exhibits that we object to being displayed
23 while the audio is playing.

24 THE COURT: Okay.

25 (Bench conference)

1 MR. WOODWARD: Your Honor, the government has
2 taken screenshots from the hotel security footage and put
3 who they allege is Mr. Vallejo and put that in the exhibit
4 so the tape is going to play, there's a transcript that
5 appears in and around Mr. Vallejo, and we just don't think
6 that's necessary. They can play the tape, they're getting
7 the transcript for purposes of their presentation. We don't
8 need to also embellish it with pictures of people they
9 allege were at the hotel.

10 MR. MANZO: The picture's already in evidence,
11 it's not unduly prejudicial. It's simply a picture of
12 Mr. Vallejo and Mr. Kandarlis. They're not connected in any
13 way. They're just pictures from CCTV from the very location
14 that the podcast was given.

15 MR. WOODWARD: I don't believe that foundation has
16 been laid.

17 THE COURT: Which foundation? Where the podcast
18 was -- where did the podcast happen? Where was it broadcast
19 from?

20 MR. MANZO: At the Comfort Inn.

21 THE COURT: Can this witness testify to that?

22 MR. MANZO: Yes.

23 THE COURT: Still the same objection,
24 Mr. Woodward?

25 MR. WOODWARD: I won't have a strong objection,

1 but I'd like to lay the foundation -- you've heard my
2 argument, it's not going to change but you can rule based on
3 that.

4 THE COURT: Lay the foundation and then I'll hear
5 the further objection if there's an objection, okay.

6 (Open court)

7 BY MR. MANZO:

8 Q Based on your review of hotel records, cell sites,
9 text messages, Signal messages, and the transcript of this
10 podcast, are you aware of where this podcast took place?

11 A Yes.

12 Q Where?

13 A And this is actually primarily based on the CCTV
14 footage that I reviewed, but Mr. Vallejo and Mr. Kandarlis
15 were at the Comfort Inn in Ballston.

16 MR. MANZO: So at this point, I'd seek to play
17 1052.1 and publish it to the jury.

18 THE COURT: Okay. We'll admit those over
19 objection.

20 (Government's Exhibit 1052.1
received into evidence.)

21 BY MR. MANZO:

22 Q And before we play it, who is Todd Kandarlis again?

23 A Todd Kandarlis is an individual that traveled out
24 here with Ed Vallejo from Arizona. We reviewed
25 communications that he had with Mr. Rhodes beginning on

1 December 30th, 2020, in my testimony on Friday. And he is
2 under the Quick Reaction Force part of the big board.

3 Q I'm just showing you 1350 again where you're
4 attempting to point. Is this -- briefly here.

5 Where is he?

6 A Mr. Kandaris is in the third row down on the left
7 under Quick Reaction Force.

8 Q Thank you.

9 MR. MANZO: Can be play 15 -- 1052.1?

10 (Audio played).

11 MR. MANZO: Can we play 1052.2?

12 (Audio played)

13 BY MR. MANZO:

14 Q Who's speaking in 1052.2?

15 A Still Todd Kandaris.

16 MR. MANZO: Can we play 1052.3?

17 (Audio played)

18 BY MR. MANZO:

19 Q Who's speaking in 1052.3?

20 A Todd Kandaris and Ernest Hancock who is the host.

21 (Audio played)

22 MR. MANZO: Can we go to 1052.4.

23 BY MR. MANZO:

24 Q Who's speaking in 1052.4?

25 A Still Todd Kandaris.

1 (Audio played)

2 MR. MANZO: Can we play 1052.5.

3 BY MR. MANZO:

4 Q Who's speaking in 1052.5?

5 A Still Mr. Todd Kandarlis.

6 (Audio played)

7 MR. MANZO: Can we go to 1052.6 now.

8 BY MR. MANZO:

9 Q Who's speaking in 1052.6?

10 A Ed Vallejo and Todd Kandarlis.

11 (Audio played)

12 BY MR. MANZO:

13 Q What was the approximate time that this podcast
14 took place?

15 A I know that it was in the morning hours of
16 January 6th, 2021.

17 Q What was happening in the afternoon hours of
18 January 6th, 2021?

19 A The certification of the election.

20 MR. MANZO: Can we go to 1052.7.

21 BY MR. MANZO:

22 Q Who's speaking in 1052.7.

23 A Ed Vallejo.

24 (Audio played)

25 MR. MANZO: Can we go to 1052.8.

1 BY MR. MANZO:

2 Q Who is speaking in 1052.7 for the record?

3 A Ed Vallejo.

4 Q Who's speaking in 1052.8?

5 A Mr. Hancock, Todd Kandarlis and Ed Vallejo.

6 Q And Mr. Hancock is the host?

7 A He is.

8 MR. MANZO: Can you play it forward?

9 (Audio played)

10 MR. MANZO: Can we go to 1052.9.

11 BY MR. MANZO:

12 Q When's speaking in 1052.9?

13 A Ed Vallejo and briefly Ernest Hancock.

14 MR. MANZO: Can we play it?

15 (Audio played)

16 MR. MANZO: No further questions, Your Honor.

17 THE COURT: Mr. Fischer, cross-examination.

18 - - -

19 CROSS-EXAMINATION

20 BY MR. FISCHER:

21 Q Good morning, Agent. How are you doing today?

22 A Good morning. I'm good. Thank you.

23 Q So I've got some questions for you.

24 First of all, the QRF hotel, we also call that,
25 that's the Comfort Inn Ballston; is that correct?

1 A That's correct.

2 Q That's in a section of Arlington, correct?

3 A Correct.

4 Q That's what Ballston is, a section of Arlington,
5 correct?

6 A Yes.

7 Q And let's be clear, that's the name the FBI has
8 given to the hotel, the QRF hotel. Mr. Caldwell never gave
9 that name?

10 A I'm not sure if Mr. Caldwell did, but I do know
11 that members called it the QRF hotel.

12 Q Okay.

13 But to be clear, you have no evidence Mr. Caldwell
14 ever called it the QRF hotel?

15 A I'm not sure.

16 Q Okay. Fair enough.

17 And you can confirm Mr. Caldwell booked one room;
18 is that correct?

19 A Correct, there was one room under his name.

20 Q Okay. And I'm going to show you right now what's
21 been marked as Caldwell 115.

22 And this is for the witness only, please.

23 If we could zoom in on that a little bit.

24 So up in the top left, would you -- would you
25 agree this looks like a reservation for the Comfort Inn

1 Ballston in Arlington?

2 A Yes.

3 Q Okay.

4 And there appears to be an email address,
5 voicesinmyhead1954@gmail.com.

6 Do you see that at the top left?

7 A I do.

8 Q And you'd agree that's connected to Mr. Caldwell;
9 is that correct?

10 A It is.

11 Q Okay.

12 And in the reservation, it appears -- and in the
13 reservation, it appears that Mr. Caldwell was checking in on
14 January 5th and checking out on the 7th; is that right?

15 A That's what it says, yes.

16 Q And I'm going to show you page 2.

17 And it appears that the number of occupants for
18 his room was two?

19 A That's what it says here.

20 Q Okay. And so you'd agree that fairly and
21 accurately looks like a confirmation for a reservation for
22 the Ballston Inn; is that fair?

23 A It does, yes.

24 MR. FISCHER: Your Honor, at this time, we move in
25 Defense Exhibit No. 115 for Mr. Caldwell.

1 MR. MANZO: No objection, Your Honor.

2 THE COURT: Caldwell 115 will be admitted.

3 (Defendant Caldwell's Exhibit 115
4 received into evidence.)

5 BY MR. FISCHER:

6 Q And I understand eight days later, on
7 December 30th, Mr. Stamey booked three rooms;
8 is that correct?

9 A Mr. Stamey booked one room.

10 Q Well, I think he -- isn't it true he originally
11 booked three rooms?

12 A He originally booked one room.

13 Q Okay.

14 A Based on his call records, he called the
15 Comfort Inn on December 30th, confirmed with Mr. Caldwell
16 that he booked Room 252. Then he made an additional call to
17 the Comfort Inn on January 2nd, 2021, which is when I
18 believe the second two rooms were reserved.

19 Q So fair enough. So at some point over that time
20 period, he booked a total of three rooms, correct?

21 A Yes.

22 Q And at some point, he must have transferred them
23 or subletted them to Mr. Meggs for Mr. Meggs to pay for
24 those rooms; is that correct?

25 A I believe that was in between a GoToMeeting call

1 on the night of the 1st and when Mr. Meggs said he would get
2 with North Carolina QRF to determine the location of the
3 hotel.

4 Q Okay.

5 And so just to be clear, the three rooms that
6 Mr. Stamey booked, of those three rooms, Mr. Meggs,
7 I believe you indicated, booked two rooms -- or I'm sorry,
8 paid for two rooms?

9 A Correct.

10 Q Mr. Stamey paid for one of those rooms, correct?

11 A Correct.

12 Q And Mr. Caldwell paid for zero of those rooms?

13 A Of those three rooms. Correct.

14 Q Okay.

15 And I understand that Mr. Caldwell and his wife
16 stayed in room 320 on the third floor of the Inn;
17 is that correct?

18 A Correct.

19 Q And it appears that with the exception, I believe,
20 of Mr. and Ms. Parker, all the Oath Keepers stayed on the
21 second floor.

22 Does that sound right?

23 A Based on the hotels records, yes.

24 Q Mr. and Mrs. Parker, that's Mr. Bennie Parker and
25 Mrs. Sandra Parker; is that correct?

1 A Correct.

2 Q And they're the elderly couple from Ohio;
3 is that correct?

4 A They're from Ohio.

5 Q Well, certainly you'd agree with me Mr. Parker is
6 over the age of 70?

7 A I believe he's in his 60s, 70s --

8 Q Somewhere --

9 A -- perhaps, yes.

10 Q And, well, they're older people; would you agree
11 with that?

12 A Well, that's my parents' age, and I don't think
13 they like to be called that. So --

14 Q Well, also through your investigation, you also
15 determined that Mr. Parker had breathing issues?

16 A I don't know that.

17 Q You know -- through your investigation, you know
18 he wore hearing aids?

19 A I don't know that either.

20 Q And, Agent, Jessica Watkins, I believe she stayed
21 in room 206 is that right?

22 A Correct.

23 Q There were five Oath Keepers from the state of
24 South Carolina that stayed on the second floor, is that
25 correct?

1 A Correct.

2 Q So the bottom line is that Mr. and Mrs. Caldwell
3 were on the third floor; and with the exception of the
4 parkers, everybody else was on the second floor that you've
5 investigated in this case, is that right?

6 A Correct.

7 Q And you and your team have reviewed, you said,
8 80 to 90 hours, I think you spent, reviewing videos; is that
9 right?

10 A Yes, I did.

11 Q And you would agree that that video showed no
12 contact between Mr. Caldwell and Ed Vallejo.

13 A No, that's not correct.

14 Mr. Vallejo was going through the lobby while
15 Mr. Caldwell was checking in.

16 Q Well, Agent, he may have been -- first of all,
17 there were a lot of people that were checking into the
18 hotel.

19 A Well, that group in particular was all
20 Oath Keepers.

21 Q Okay.

22 Well, let's be clear. You showed a video before.
23 Mr. and Mrs. Caldwell came into the hotel, and there was
24 nobody with them, correct?

25 A Correct.

1 Q Okay.

2 And at no time on this video did you ever see
3 Mr. Caldwell having a conversation with Mr. Vallejo; isn't
4 that true?

5 A I did not see any conversations; that is true.

6 Q So, therefore, it would be fair to say that
7 Mr. Caldwell and Mr. Vallejo -- that's guy with the cowboy
8 hat -- they had no contact, from your view of the video?

9 A I'm not going to say they didn't have any contact.

10 Q Well, you'd agree I'm not having contact with the
11 gentleman over here in the right even though we're in the
12 same room. We're not exactly having contact, are we?

13 A I saw Mr. Caldwell go in the direction of the
14 rooms where Mr. Vallejo was staying. And there's no video
15 down there, so I am not sure.

16 Q In other words, you have no evidence that
17 Mr. Caldwell ever had contact with the guy with the cowboy
18 hat, Mr. Vallejo, correct?

19 A In the video that I was able to watch.

20 Q Fair enough.

21 And he had no contact with Todd Kandarlis, correct?

22 A Same answer.

23 Q Okay.

24 And you've interviewed Todd Kandarlis; isn't that
25 true?

1 A I have.

2 Q In fact, I think you had some trouble
3 interviewing, because he had recently suffered a stroke;
4 isn't that true?

5 A That is what he told us during the second
6 interview.

7 Q Well, did you ever follow up with his doctors to
8 try to find out if that was true?

9 A We did not.

10 Q And, also, there was no contact between
11 Mr. Caldwell and the five Oath Keepers from South Carolina,
12 correct?

13 A I did not see any of evidence of that.

14 Q And there was no contact between Mr. Caldwell or
15 any of the Florida Oath Keepers, correct?

16 A Again, I'm not sure. They were staying in an area
17 of the hotel that I could not see.

18 Q Well, let me just make sure for the record so
19 there's no misunderstanding.

20 In the video that you watched, there was no
21 contact between Mr. Caldwell and members of the Florida
22 Oath Keepers, correct?

23 A Correct.

24 Q You didn't see Stewart Rhodes on the video,
25 did you?

1 A I did not.

2 Q Okay.

3 And, also, through your investigation, the FBI has
4 gone through, I think, as you indicated, numerous Signal
5 messages, text messages, emails, voicemails, phone records;
6 is that fair to say?

7 A Fair to say.

8 Q More than you'd ever want to do again in your
9 entire life, right?

10 A Absolutely.

11 Q You'd agree this is one of the most intensive
12 investigations the FBI has ever undertaken; would you agree
13 with that?

14 A It is one of the most intensive investigations
15 I've worked on.

16 Q Fair enough.

17 And through those communications, the FBI has
18 uncovered zero evidence that Mr. Caldwell ever had any
19 digital communications with Ed Vallejo, Todd Kandarlis, the
20 five Oath Keepers from South Carolina, or any of the Florida
21 Oath Keepers?

22 A I do think that's accurate, yes.

23 Q Okay.

24 And the bottom line is, the FBI has zero evidence
25 that Mr. Caldwell paid for anybody's room at the Comfort Inn

1 Ballston, except his own, correct?

2 A Correct.

3 Q And he was there with his wife, correct?

4 A Correct.

5 Q And the only Oath Keepers that Mr. Caldwell seemed
6 to be associating with or consulting with while at the
7 Comfort Inn were Paul Stamey and Randy Livengood and
8 Randy Earp.

9 Do those names sound familiar?

10 A Yes, sir.

11 Q They're all from North Carolina, correct?

12 A Correct.

13 Q My understanding is from last week,
14 North Carolina, they're the good guys as far as the
15 Oath Keepers. They're the ones that split off from
16 Stewart Rhodes; isn't that right?

17 MR. MANZO: Objection; calls for an opinion.

18 THE COURT: Rephrase the question, please.

19 MR. FISCHER: Okay.

20 BY MR. FISCHER:

21 Q Well, you would agree that the North Carolina
22 Oath Keepers are the group that split off from
23 Stewart Rhodes after the Million MAGA March on
24 November 14th?

25 A I have been told that. The messages I have seen

1 subsequent to the Million MAGA March would suggest
2 otherwise.

3 Q Well, you understand there was a witness last week
4 named John Zimmerman who testified here, right?

5 A I do.

6 Q That was the government's witness; that wasn't the
7 defense witness, correct?

8 A Yep.

9 Q And I was under the impression that -- would you
10 agree through your investigation, North Carolina went
11 independent after the Million MAGA March because of a
12 dispute with Stewart Rhodes?

13 A I do not agree with that.

14 Q Okay.

15 A I can give you some examples of messages if you
16 want.

17 Q That's not my question, but I appreciate that.

18 You also had -- Mr. Caldwell had contacted
19 Jessica Watkins and Donovan Cowl at this hotel, correct?

20 A Correct.

21 Q And I also believe Mr. and Mrs. Caldwell didn't
22 check out until January 7th; is that right?

23 A The morning of the 7th, I believe.

24 Q And that's the same for Jessica Watkins and
25 Donovan Cowl; is that correct?

1 A Correct.

2 Q And, of course, obviously the events of
3 January 6th, it does not appear --

4 MR. FISCHER: Well, actually, I'm going to
5 withdraw that, Your Honor. I apologize.

6 I have a message -- this is for the witness only.

7 BY MR. FISCHER:

8 Q I'm going show you what's marked as Defense 116.

9 A I believe you provided me with a hard copy of that
10 also, sir.

11 Q Okay. Do you see that in front of you?

12 A Yes.

13 Q I just want to make sure. The light is not on
14 there.

15 So you had a chance to review the exhibit, what's
16 been marked as 116, correct?

17 A Correct.

18 Q It appears to be a four-page exhibit; is that
19 right?

20 A It is.

21 Q And you would agree this appears to be text
22 messages between Jessica Watkins -- or from Jessica Watkins'
23 cell phone that was recovered by the FBI; is that correct?

24 A Yes, I believe I've seen these before.

25 MR. FISCHER: Your Honor, we move in at this time

1 Caldwell 116.

2 MR. MANZO: No objection.

3 (Defendant Caldwell's Exhibit 116
4 received into evidence.)

5 BY MR. FISCHER:

6 Q If we could publish that, please.

7 All right. So, Agent, this appears in
8 chronological order. It appears to go from the top to the
9 bottom. And so would you read on the top right, this
10 appears, first of all, to be a message to Tom Commander, who
11 I guess you would agree is Tom Caldwell?

12 A Correct.

13 Q There's the top left message. Could you read that
14 for the jury.

15 A "Looks like we are green light to come to D.C. on
16 the 6th. The rally point still at your place?"

17 Q Okay.

18 And you would agree, through your investigation,
19 that the rally point appears they're referring to, I think,
20 goes back to a meeting or on Mr. Caldwell's farm in
21 mid-November when Oath Keepers stayed on his farm;
22 is that fair to say?

23 A Sure.

24 Q So it appears that as of December 30th, 2020, that
25 that appears to be the first time that Ms. Watkins, because

1 this is Jessica Watkins' text messages, where she's
2 suggesting that she is going to D.C. on the 6th.

3 Does that ring true?

4 A I believe there were also Facebook messages
5 between the two regarding the 6th. I'm not sure
6 chronologically where that falls.

7 Q Fair enough.

8 And then skipping down a little bit because we
9 have two messages between Ben and Ben right here.

10 But going down to the next message, can you read
11 the next series of messages out to the jury, please?

12 A Sure.

13 "Not that I am aware. Have been contacted by no
14 one. Typical Stewie."

15 Q Let's stop right there. If we go to the top, the
16 message reads, quote, "Looks like we are green light to come
17 to D.C. on the 6th. The rally point is still at your
18 place?"

19 And then next it looks like Mr. Caldwell replies,
20 "Not that I am aware. Have been contacted by no one.
21 Typical Stewie," right?

22 A Right.

23 Q Okay.

24 So wouldn't you agree that that right there is
25 Mr. Caldwell is saying, he hasn't been contacted by

1 Stewart Rhodes?

2 A As of December 30th.

3 Q As of December 30th, correct?

4 Okay. In fact, he says, he's been contacted by no
5 one as of December 30th, right?

6 A I'm not sure who he's referring to there. I do
7 know he was having communications with Paul Stamey and
8 Doug Smith prior to.

9 Q I understand that. But if you could continue
10 reading where it says "here's the rub."

11 A "Here's the rub. Sharon and I will be in a hotel
12 within striking distance of the city starting on the 4th so
13 we won't even be here. There will be some stuff going on
14 during the 5th and we want to be a part of that with
15 whenever it shakes out."

16 Q Let me stop you right there. You would agree that
17 through your investigation, that there were at least 25 or
18 30 speakers that were scheduled to speak in events
19 surrounding the protest in Washington, D.C. on January 5th?

20 A I'm not sure on the number but I do know that
21 there were speakers scheduled.

22 Q Okay.

23 And then if you could go where it says "3 out of
24 3," it says, "Also," begin there.

25 A "Also, we want to be in D.C. very early on the

1 6th. Hence closer, virtually no commute time."

2 Q And then it looks like Mr. Caldwell again then
3 sends another -- or, I apologize, this is, looks like
4 Ms. Watkins, No. 374. Can you then read the message that
5 Ms. Watkins replies to Mr. Caldwell?

6 A Of course.

7 "Makes sense. Disappointing, but makes sense. We
8 planned on arriving on the 5th. We want to be in D.C. by
9 9:00 a.m. on the 6th. I will reach out to Doug and see if
10 NC boys are coming."

11 Q Let me stop you right there. Right there,
12 wouldn't you agree that Ms. Watkins, she's saying she's
13 going to reach out to Doug and see if the NC boys are
14 coming, right?

15 A Yep.

16 Q Doug is Ranger Doug of North Carolina
17 Oath Keepers, presumably?

18 A Yes.

19 Q So right there, this is December 30th, 2020, it
20 appears that the North Carolina Oath Keepers, nobody even
21 knows if this group is even coming to D.C., correct?

22 A Well, apparently Jessica doesn't know. I have
23 seen communications between Caldwell that would suggest he
24 knew.

25 Q Okay. Well, fair enough. Continue reading where

1 it says, "if Stewie."

2 A "If Stewie isn't making plans, I'll take charge
3 myself and get the ball rolling."

4 Q Let's stop right there.

5 So basically Ms. Watkins is saying that
6 Stewart Rhodes, she has no idea if Stewart Rhodes is even
7 making plans. And she says she'll take charge herself,
8 right?

9 A Yes, that's what it says.

10 Q Okay.

11 So you would agree if this message is to -- taken
12 at face value then on December 30th of 2020, Ms. Watkins had
13 heard of absolutely no plan by Stewart Rhodes to do anything
14 on January 6th?

15 A That's what she says.

16 Q Okay.

17 And then continue reading after it says, "I think
18 the metro."

19 A "I think the metro was smarter than convoy parking
20 issues. Do you want us to stage ourselves vehicles
21 elsewhere? Seeing how you're going to be gone. We can go
22 to a KOA campground or something." She continues,
23 "Regardless of plans, I would love to see ya there."

24 Q And, again, at the end there, she said,
25 "Regardless of plans," correct?

1 A Correct.

2 Q So that doesn't sound like there's a plan between
3 Mr. Caldwell and Ms. Watkins or a plan between
4 Stewart Rhodes and anybody. Is that fair to say?

5 A I think it means regardless of what the plans turn
6 out to be.

7 Q Well, we'll go to the next. And I understand this
8 is a fairly lengthy text message. And this message --
9 so this appears to be a message --

10 The message we just read out or you just read out,
11 that was time-stamped on 12/30/2020 at 2:18 p.m. And this
12 one, this message appears time stamp, it looks like, 1438
13 military time. So 2:38 p.m., just a little bit after the
14 last message. And this appears to be a message from
15 Mr. Caldwell to Oath Keeper Jessica Watkins;
16 is that correct?

17 A Correct.

18 Q Okay.

19 Could you start reading the text out for us,
20 please.

21 A Sure. Is it okay if I read off the hard copy?

22 Q Sure.

23 A "I have a call-in to Paul who met with Doug the
24 other day. Last I heard, they were looking at hiring
25 commercial buses and leaving at an ungodly hour like 1:00

1 a.m. and driving straight through. Then they could sleep on
2 the bus, et cetera. Buses will probably not be denied
3 access to D.C. as quickly as cars will."

4 Q Let me stop you right there.

5 So from Mr. Caldwell is saying to Jessica Watkins,
6 if I'm understanding him correctly, that apparently that
7 Paul and Doug, the North Carolina guys, were looking at
8 hiring commercial buses and driving straight thru. Does
9 that sound right?

10 A That's what it says.

11 Q It also says, then "they could sleep on the bus,"
12 right?

13 A Correct.

14 Q Okay.

15 So you can continue on where you left off, please.

16 A "I actually went with a bus group last MAGA event
17 just so I could see for myself the good, bad, and ugly,
18 where the cops make them go, et cetera.

19 "Right now, no one is" --

20 Q Fessing, I believe.

21 A "fessing up to bringing firearms, so no worries
22 there."

23 Q So let me stop you right there.

24 No one is -- Mr. Caldwell is saying, "No one is
25 fessing up to bringing firearms." You would agree that

1 means nobody has told him that anybody is bringing a gun?

2 A I believe he's referring to the other side.

3 Q To the North Carolina. Nobody is fessing up to
4 bringing guns; in other words, the North Carolina
5 Oath Keepers, nobody is saying they're bringing guns?

6 A I think fessing up refers to Mr. Caldwell's
7 perceived adversaries.

8 Q I'm sorry, his perceived adversaries?

9 A The Antifa/BLM, others that he anticipated might
10 be there that day.

11 Q Okay.

12 After that where it says, it says, "How many are
13 coming with you from Ohio and Donovan says he has relatives
14 in Winchester, Virginia, about 10 miles"; is that right?

15 A Yep.

16 Q So, in other words, Mr. Caldwell is suggesting
17 to -- or he's indicating that Donovan -- and that means
18 Donovan Crowl just to be clear for the jury, right?

19 A I believe so, yes.

20 Q So Donovan Crowl is from Ohio as is
21 Jessica Watkins from Ohio, correct?

22 A Correct.

23 Q Those are the two in the hotel room, I think we
24 saw a video of them walking together?

25 A That's right.

1 Q So then it reads, "Is that a place you can rack
2 out at?" Right?

3 A Correct.

4 Q So, in other words, Mr. Caldwell, who you guys
5 have basically characterized as the leader of the QRF hotel,
6 is telling Jessica Watkins, is suggesting to her that she
7 can rack out or stay at Donovan Crawl's relatives in
8 Winchester, Virginia. That's a far reading, isn't it?

9 A That's what he's saying.

10 Q And then the next line says, "Don't know if you
11 can afford a motel room or a few, depending on how many are
12 coming, even sleeping on the floor on a carpet in a heated
13 room is a good thing. I am expecting it to be cold. That's
14 January around here. Anyhow, even if you get a motel, say
15 Manassas, Virginia, off of Interstate 66, it's cheaper by
16 far than D.C. and an okay drive to parking lots serving the
17 metro subways." Right? That's what it says?

18 A That's what it says.

19 Q I'm giving you a break reading.

20 A Thank you.

21 Q So, Agent, he seems to be clearly suggesting to
22 Jessica Watkins that she and Mr. Crawl could stay in a hotel
23 in Manassas, right?

24 A Sure.

25 Q Okay.

1 Well, you work in Manassas, right, if I'm not
2 mistaken?

3 A I did, yes.

4 Q You'd agree Manassas is a solid 50 minutes, hour
5 and 10, depending on the traffic, at least to downtown
6 Washington, right?

7 A Yeah, I would guess maybe 30 to 45 minutes.

8 Q Yeah, that would be unbelievable traffic, but
9 you'd certainly agree it's a fairly significant distance
10 from downtown to the Capitol area, right?

11 A It is about 30 to 40 miles, I believe.

12 Q Okay.

13 And, also, you would agree that the metro, if one
14 wanted to attack the Capitol via the Metro, they'd have to
15 make two stops on the train?

16 A From Ballston?

17 Q From Manassas.

18 A I'm sorry. Can you repeat the question.

19 Q Well, he's indicating here that he's saying
20 that -- he's suggesting that if they stay in Manassas, that
21 Ms. Watkins and Mr. Crowl can use the metro to come into
22 D.C. I believe that's what he's saying here.

23 A Yes, I think he is saying that they should drive
24 in and then park somewhere nearby.

25 Q Near the Metro station?

1 A Near the -- yeah, metro stops.

2 Q So, in other words, if you want to attack the
3 Capitol via the metro, you'd have to switch trains twice to
4 get to the Capitol area.

5 Well, I'll go ahead and withdraw it.

6 So the bottom line, Agent, the suggestion that
7 Mr. Caldwell is somehow consolidating a QRF hotel, this text
8 message would seem to cut against that, wouldn't it?

9 A Ms. Watkins didn't fall under the
10 Quick Reaction Force part of this plan.

11 Q Part of which plan?

12 A The plan to stop Biden from becoming president.

13 Q Okay.

14 And I'm glad you brought that up because what if I
15 were to tell you that about -- when this trial first
16 started, Agent Palian said there were two plans?

17 Do you know which plan we're talking about today?

18 THE COURT: Hang on. That objection is sustained.

19 BY MR. FISCHER:

20 Q We'll go to the third page. The Court's
21 indulgence.

22 BY MR. FISCHER:

23 Q If we continue reading, it looks like we have a
24 message, Mr. Caldwell -- to Mr. Caldwell from Watkins. You
25 can go ahead and read this message out here.

1 A I'm sorry. Do you want -- I believe there's one
2 message to Donovan. That one first?

3 Q No. Number 371.

4 A Got you. Okay.

5 Q Thank you.

6 A Okay.

7 "Okay. Just let me know what he says so we can
8 sort out logistics. I'll reach out to them as well. I had
9 another Oath Keeper tell me that Stewart is still sorting
10 out his 'call to action' email. I don't need Oath Keepers.
11 I have my own unit. So we can definitely help. As it
12 currently stands, we are bringing 5 people. Me, Montana,
13 Donovan, and our new recruits, and Ben and his wife."

14 Q Again, this is on December 30th of 2020?

15 A Correct.

16 Q And it appears -- you know, I understand this is
17 fairly close to the other ones. But she's clearly
18 indicating that she has no plans with Stewart Rhodes at that
19 time, right?

20 A Correct.

21 Q And she's got five people, including herself,
22 Montana, Donovan, and Ben and sandy -- or Ben and his wife,
23 crew, correct?

24 A Yeah. That is what she says. Yes.

25 Q So Montana, I believe, was her boyfriend.

1 A That is what I understand, yes.

2 Q Okay. We have heard about Donovan Crawl.

3 And would you agree that Donovan Crawl, when he
4 turned himself in to authorities, he appeared to be
5 intoxicated?

6 A I have no idea.

7 Q Fair enough.

8 And then Ben and Sandy are the older couple we
9 were talking about very early on during your testimony,
10 correct?

11 A I believe so, yes.

12 Q Okay.

13 And if you skip down to No. 368, if you go ahead
14 and read that, those are messages from Mr. Caldwell, where
15 it says "one-third" or "one out thee."

16 A "Yeah. I think Stewie is a too much of a
17 last-second kind of guy. Should have promulgated his plan
18 nationally long ago. It's harder to get accommodations or
19 staging areas last minute. NC is fed up with Stew, but I'll
20 let them tell you that. They really want me in their group,
21 but I am so damned far from them, though we talk a couple
22 times a week."

23 Q Okay. And I'm most interested in that last part
24 because it appears that Mr. Caldwell was very clear in this
25 message that he's not joining North Carolina Oath Keepers.

1 A Because he is far from them.

2 Q Correct.

3 And my understanding is -- it appears that he's
4 also saying that his understanding is that North Carolina
5 was fed up with Stew.

6 That's Stewart Rhodes, right?

7 A Yes.

8 MR. FISCHER: The Court's indulgence.

9 THE COURT: Mr. Fischer, I'm hoping we can break
10 in five minutes, just for your own timing purposes.

11 MR. FISCHER: Thank you, Your Honor.

12 I'm going to show you what is going to be marked
13 Defense 117. We'll do this just before lunch.

14 This is for the witness only, please.

15 BY MR. FISCHER:

16 Q And, Agent, I'm going to show -- I think you have
17 a hard copy of this.

18 But do you recognize this document?

19 A Yes, I do.

20 Q So you'd agree this is a Signal message between
21 Oath Keeper Paul Stamey and Mr. Caldwell; is that correct?

22 A Correct.

23 MR. FISCHER: And it's two pages. And at this
24 time, I move in Caldwell Exhibit 117, please.

25 MR. MANZO: No objection.

1 THE COURT: All right. Caldwell 117 will be
2 admitted.

3 (Defendant Caldwell's Exhibit 117
4 received into evidence.)

5 BY MR. FISCHER:

6 Q Agent, you'd agree -- now, this appears to be --
7 the message on the right here, I think this was in evidence
8 yesterday. That's a message that Mr. Caldwell sent,
9 is that correct, about the Navy angle?

10 A Correct.

11 Q All right. And so above this, it appears that
12 Mr. Stamey sent a list of events to Mr. Caldwell regarding
13 January 6th, correct?

14 It looks like on January 2nd, 9:09 p.m.

15 A I think it's for January 5th.

16 Q For January 5th. My apologies.

17 But it appears that Virginia Women for Trump,
18 there were multiple speakers and events that were set for
19 that time; is that right?

20 A Yep, that's what this says.

21 Q Okay.

22 And I'm going to go to page 2 of the exhibit.

23 And I know we already -- this part up here has
24 already been read out, so we'll start right here. Can you
25 read that? That's what Mr. Caldwell had to say.

1 A "Did you hear anything from Jessica?"

2 Q You can keep reading Mr. Stamey's response.

3 A "No joy on Jess. Popeye, the Sailor Man, is
4 disappointed that he is riding bus. I told him you and I
5 will be sitting in bar drinking shine."

6 THE COURT: Hang on. Can we do that again,
7 because I don't think the jury could see the bottom portion
8 of it, Mr. Fischer.

9 MR. FISCHER: I apologize.

10 BY MR. FISCHER:

11 Q Could you read starting right there, on down.

12 A Sure.

13 "No joy on Jess. Popeye, the Sailor Man, is
14 disappointed that he is riding bus. I told him you and I
15 will be sitting in bar drinking shine.

16 MR. FISCHER: Okay. Your Honor, that would be a
17 good stopping point if the Court would like.

18 THE COURT: Okay.

19 All right. Folks, let's take our lunch break. It
20 is almost 12:30. We'll resume at 1:30. We look forward to
21 seeing you then. Just same reminders I've been continuing
22 to give you. Thank you very much.

23 COURTROOM DEPUTY: All rise.

24 (Jury exited the courtroom.)

25 THE COURT: All right. Agent Hilgeman, you can

1 step down. Just remind you not to discuss your testimony
2 with anyone during the break. Thank you.

3 THE WITNESS: Yes, sir.

4 THE COURT: All right, everyone. Back, get
5 started again at 1:30. Thank you, all. Have a nice break.

6 (Recess from 12:28 p.m. to 1:30 p.m.)
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C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Date: October 17, 2022



William P. Zaremba, RMR, CRR

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BY MR. FISCHER: [10] 3609/20 3612/5 3619/20 3621/7 3622/5 3632/19 3632/22 3635/15 3636/5 3637/10 BY MR. MANZO: [113] 3514/8 3514/14 3516/13 3518/23 3519/3 3520/1 3521/12 3521/20 3524/16 3526/14 3528/7 3528/17 3529/9 3530/9 3530/21 3531/9 3531/14 3532/6 3532/20 3533/2 3534/19 3537/23 3538/7 3538/16 3539/18 3540/7 3541/4 3542/12 3543/3 3543/13 3543/25 3544/10 3544/23 3545/21 3546/2 3546/17 3547/8 3547/19 3548/3 3548/23 3549/10 3550/7 3550/23 3551/25 3552/23 3554/1 3554/16 3555/4 3555/25 3556/8 3557/4 3557/10 3558/2 3558/20 3559/5 3559/16 3559/22 3560/4 3560/10 3561/1 3561/8 3561/16 3562/5 3562/21 3563/10 3563/17 3564/21 3565/11 3565/22 3566/18 3567/3 3567/14 3568/1 3568/9 3568/20 3569/8 3569/24 3570/6 3570/23 3572/6 3572/21 3573/5 3573/16 3573/25 3575/10 3581/1 3584/16 3585/17 3588/13 3589/9 3592/5 3592/21 3594/3 3594/21 3595/3 3596/11 3596/17 3599/2 3599/22 3601/8 3602/1 3602/17 3606/7 3606/21 3607/13 3607/18 3607/23 3608/3 3608/8 3608/12 3608/21 3609/1 3609/11 COURTROOM DEPUTY: [7] 3511/2 3511/5 3512/24 3576/7 3579/17 3580/20 3637/23 MR. BRIGHT: [3] 3512/21 3519/15 3570/17 MR. FISCHER: [11]	3611/24 3619/19 3621/4 3621/25 3635/8 3635/11 3635/23 3637/9 3637/16 MR. LINDER: [1] 3512/18 MR. MANZO: [154] MR. NESTLER: [2] 3512/3 3512/10 MR. WOODWARD: [27] 3519/18 3519/22 3521/7 3521/9 3524/13 3558/16 3563/2 3563/5 3576/13 3576/17 3577/4 3578/6 3578/9 3578/25 3579/14 3580/18 3582/12 3582/14 3582/16 3583/23 3584/1 3592/14 3599/16 3604/20 3605/1 3605/15 3605/25 THE COURT: [58] 3511/4 3511/23 3512/9 3512/16 3512/20 3512/22 3513/1 3516/9 3516/11 3519/23 3521/8 3521/10 3524/14 3540/15 3540/17 3541/2 3558/17 3563/4 3563/7 3570/19 3576/2 3576/9 3576/12 3576/16 3576/25 3578/4 3578/7 3578/10 3579/7 3579/15 3579/20 3580/19 3580/22 3582/15 3583/9 3583/25 3584/4 3584/10 3592/15 3599/18 3604/7 3604/13 3604/24 3605/17 3605/21 3605/23 3606/4 3606/18 3609/17 3612/2 3619/18 3632/18 3635/9 3636/1 3637/6 3637/18 3637/25 3638/4 THE WITNESS: [11] 3537/22 3538/15 3539/15 3547/16 3553/24 3561/7 3568/19 3569/5 3569/19 3576/11 3638/3 \$ \$1,003 [1] 3594/7 \$1,400 [1] 3596/1 \$1,900 [3] 3600/9 3600/25 3601/12 \$101,000 [1] 3598/1 \$113,000 [2] 3593/13 3593/20 \$133,000 [1] 3597/25 \$156,000 [1] 3593/15	\$20,200 [1] 3596/25 \$21,000 [1] 3596/24 \$3,000 [1] 3595/15 \$4,521.54 [1] 3602/4 \$403 [2] 3594/25 3595/11 \$5,737.02 [1] 3601/15 \$500 [1] 3597/9 \$503 [2] 3597/7 3597/8 \$6,800 [1] 3593/17 \$7,273.64 [1] 3602/10 \$7,300 [1] 3598/7 . 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720-7777 [1] 3506/9 7277 [1] 3505/18 7310 [1] 3507/17 7447 [1] 3507/4 75219 [2] 3506/4 3506/8 7777 [1] 3506/9 787-0826 [1] 3507/18 7:10 [1] 3574/20 7:17 [1] 3591/23 7:26 [1] 3575/2 7:56 [2] 3575/11 3575/12 7th [8] 3527/12 3537/1 3549/3 3549/24 3549/25 3611/14 3620/22 3620/23</p> <p>8</p> <p>8 seconds [1] 3537/12 80 [1] 3548/15 819 [1] 3506/11 856 [1] 3507/13 8:02 [1] 3575/8 8:30 [1] 3585/9 8:37 [1] 3517/19</p> <p>9</p> <p>90 [2] 3534/7 3548/15 900 [1] 3507/8 902 [2] 3521/5 3592/13 9410 [1] 3585/20 9900 [1] 3506/5 996-7447 [1] 3507/4 9:00 [1] 3625/9 9:09 [1] 3636/14 9:30 [1] 3505/6</p> <p>A</p> <p>a.m [9] 3505/6 3520/5</p>
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