

*NO COPY OF THIS TRANSCRIPT MAY BE MADE PRIOR TO JUNE 8, 2023

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *
UNITED STATES OF AMERICA
v.
IAN FREEMAN
* * * * *

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* 1:21-cr-41-JL
* December 8, 2022
* 9:11 a.m.
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TRANSCRIPT OF JURY TRIAL
DAY 3 - MORNING SESSION
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

Appearances:

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Seth R. Aframe, AUSA
John J. Kennedy, AUSA
United States Attorney's Office

For the Defendant: Mark L. Sisti, Esq.
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1 P R O C E E D I N G S

2 THE CLERK: Court is now in session and has before
3 it for consideration a motion hearing in criminal case
4 21-cr-41-01-JL, United States vs. Ian Freeman.

5 THE COURT: All right. Good morning, everyone.
6 We're in a -- we're in Courtroom 4 during the Freeman trial. I
7 was informed that Ms. Spinella, who was once a codefendant --
8 is a codefendant in the case but has been convicted and
9 sentenced, has been subpoenaed to be here today.

10 So, Ms. Spinella, you're -- you've been subpoenaed?

11 MS. SPINELLA: Yes.

12 THE COURT: All right. Let me just ask you, is it
13 your intention today to -- to testify in the trial or is it
14 your intention to assert your rights under the Fifth Amendment?

15 MS. SPINELLA: I would like to assert my Fifth
16 Amendment rights.

17 THE COURT: All right. I think I'd like to appoint
18 you a lawyer then, if that's okay with you --

19 MS. SPINELLA: That would be good, yes.

20 THE COURT: -- just to advise you and help you
21 navigate the process. All right? So we're going to do that.

22 Is there anything -- and without talking about any
23 of the facts in the case or anything like that, is there
24 anything else you want me to know about your situation?

25 MS. SPINELLA: I am curious to know what type of

1 immunity that I was supposedly granted.

2 THE COURT: I'm going to let your lawyer explain
3 that to you. But, generally, it's -- it's use immunity,
4 correct?

5 MR. AFRAME: (Nods head.)

6 THE COURT: Yeah. So there's a federal law that
7 says if the Attorney General believes that you would -- that
8 your testimony would be useful or important in a criminal
9 trial, but that -- but that you would -- it's your intention
10 not to testify and to assert your rights under the Fifth
11 Amendment, that the Attorney General has the power to ask the
12 Court to give you immunity.

13 And that would mean that nothing -- that would mean
14 that your testimony in the case could not be used against you
15 in any case against you and also that nothing derived from that
16 testimony, in other words, if you said something -- if you
17 provided some new information that wasn't already known to the
18 prosecutors and the agents, if you provided new information
19 that led to other information, that couldn't be used against
20 you either.

21 That's sort of the basics. In other words, you
22 couldn't be prosecuted using information that you provided in
23 the trial or information that they learned as a result of --
24 learned as a result of you providing that information. That's
25 the basic. But a lawyer can tell you in real detail. Do you

1 understand?

2 MS. SPINELLA: Yes. Would I be able to have a
3 couple days with my lawyer to discuss this or --

4 THE COURT: A couple days meaning probably today and
5 tomorrow, yeah.

6 MS. SPINELLA: (Nods head.)

7 THE COURT: But we're going to work hard to get
8 you a lawyer as fast as we can. In fact, if you want, if you
9 want -- now, well, if you want to stay in the courthouse for a
10 little while, we can probably try to get somebody down here for
11 you like today.

12 If you have other things to do and you can't be
13 here, we would just be in touch with you. We'd have to make
14 sure we have your cell phone number, a way to reach you, to put
15 you together with your lawyer, help you out. Understand.

16 MS. SPINELLA: Yes.

17 THE COURT: Now, here's the thing, though. Because
18 you're a witness in the case, you can't watch the case. You
19 can't listen to the others' testimony. It's a rule called
20 sequestration and it just means that witnesses can't listen to
21 the other witnesses. So -- because we want your testimony to
22 be from your memory, your experiences, your observations, not
23 on your observations of the trial. Do you understand what I'm
24 saying?

25 MS. SPINELLA: Yes.

1 THE COURT: Okay. Anything else you want to ask me?

2 MS. SPINELLA: I just need to retrieve my stuff out
3 of that room, if that's okay.

4 THE COURT: Oh, yeah. We'll give you time. So
5 we'll start that process now.

6 Will you be leaving or maybe spending a little time
7 here today?

8 MS. SPINELLA: I at least need to go pay for my
9 parking.

10 THE COURT: Yeah. Here's what we're going to do.
11 We're going to start the process downstairs of getting you a
12 lawyer. So after you go pay for your parking, come on back, go
13 to the clerk's office. It's on the first floor. You walk in
14 the courthouse, take a right, and you will be at the clerk's
15 office. And they're probably going to help you -- they're
16 going to at least tell you who your lawyer is, they'll be
17 working on it while you're gone, and whether or not that lawyer
18 can come down and meet with you here today. That would be the
19 best.

20 But if not, if either you're not available or the
21 lawyer's not available like the next few hours, at least you'll
22 be in touch with each other and you can make arrangements to
23 meet sometime today. All right?

24 MS. SPINELLA: Yes.

25 THE COURT: And I understand the government, you'd

1 like her back here tomorrow to testify?

2 MR. AFRAME: If that ends up being feasible based on
3 what happens. If not, obviously we can do it next week. We're
4 willing to take her out of order.

5 THE COURT: The lawyers here on both sides may also
6 be in touch with your lawyer because they may be curious about
7 what's going on between you and your lawyer. But this will
8 be -- this will be your lawyer. Your conversations will be
9 private and privileged between you and your lawyer, just like
10 it was before. Understand?

11 MS. SPINELLA: Yes.

12 THE COURT: All right. All right. So we'll get
13 that process underway now. So go pay for your parking, get
14 that straightened out. Come back to the clerk's office and
15 explain who you are. They'll already know you're coming. All
16 right?

17 MS. SPINELLA: (Nods head.)

18 THE COURT: All right. Kellie, you know what to do.

19 THE CLERK: Yes, your Honor. I'm going to get her
20 phone number and let Kathy downstairs know --

21 THE COURT: Yeah. We're going to get your
22 information so we can be in touch with you.

23 All right.

24 MR. AFRAME: Thank you.

25 MS. MACDONALD: Thanks.

1 MR. SISTI: Thank you.

2 (Recess taken from 9:17 a.m. until 9:20 a.m.)

3 THE CLERK: Court is now in session, has before it
4 for consideration day three of the jury trial in criminal case
5 21-cr-41-01-JL, United States vs. Ian Freeman.

6 All rise for the jury.

7 (With the jury present.)

8 THE CLERK: Please be seated.

9 THE COURT: All right, ladies and gentlemen of the
10 jury. Welcome back to court. A little bit of a late start
11 this morning because we had a little procedural issue arise.
12 We took care of it, though, so we'll get underway now.

13 Have any of you had any conversations with each
14 other or anybody else regarding this trial during the recess?

15 No.

16 Have any of you had any independent exposure to
17 information, research, investigation, anything at all,
18 regarding the trial during the recess?

19 There being no affirmative answers, we're going to
20 proceed now. We have a new witness. We're about to call a new
21 witness, right?

22 MS. MACDONALD: Your Honor, we would request a brief
23 redirect of Mr. Vlahakis. Just a few questions.

24 THE COURT: You may proceed.

25 MS. MACDONALD: Thank you.

1 THE COURT: Mr. Vlahakis is still under oath.

2 THE WITNESS: Thank you, your Honor.

3 THE COURT: Thank you.

4 REDIRECT EXAMINATION

5 BY MS. MACDONALD:

6 Q. Good morning, Mr. Vlahakis.

7 A. Good morning.

8 Q. I just have a few more questions for you.

9 Ms. Shedd, if you could please pull up Government's
10 Exhibit 201.

11 Mr. Vlahakis, I would ask you to read the title of
12 the attachment, please.

13 A. Sure. Shire Cryptocoin Bitcoin Kiosk Letter
14 071318.pdf.

15 Q. Okay. And is it your understanding that this letter
16 we read yesterday was directed specifically at the Bitcoin
17 kiosk operation?

18 A. Yes.

19 Q. Okay. And does FinCEN -- is FinCEN required to
20 notify businesses of their obligations to register and comply
21 with the Bank Secrecy Act?

22 A. No.

23 Q. Is it typical practice to send letters to all
24 businesses like this?

25 A. No.

1 Q. And why specifically was this letter sent, if you're
2 aware?

3 A. This was just part of a -- a general campaign that
4 the enforcement division and FinCEN undertook to identify or to
5 try to identify virtual currency exchangers that may not be in
6 compliance, in this case, may not be registered as a money
7 transmitter, which are a form -- they're a form of MSB, money
8 services business.

9 Q. Okay.

10 A. If -- even if we did not send a letter like that, if
11 a money services business engages in qualifying activity, the
12 registration requirements and all other requirements attach as
13 a financial institution, whether they're notified or not.

14 Q. Okay. And you don't typically notify businesses?

15 A. That's correct.

16 Q. And they're still required to comply with the law?

17 A. Yes.

18 MS. MACDONALD: Okay. Thank you.

19 THE WITNESS: Thank you.

20 THE COURT: You're good?

21 MR. SISTI: Thanks, Judge.

22 THE COURT: Yup.

23 RE-CROSS-EXAMINATION

24 BY MR. SISTI:

25 Q. So this jury shouldn't assume in any way, shape, or

1 form that Ian Freeman or any entity that he may have been
2 connected with was placed on any notice by the federal
3 government, correct?

4 A. Correct.

5 MR. SISTI: I have nothing further.

6 THE COURT: Sir, you're excused.

7 THE WITNESS: Thank you, your Honor.

8 (Witness excused.)

9 THE COURT: Please call your next witness.

10 MR. AFRAME: The United States calls Special Agent
11 Katie Thibault.

12 THE CLERK: Please raise your right hand.

13 **KATHRYN THIBAUT**, having been first duly sworn,
14 testified as follows:

15 THE CLERK: Please be seated.

16 For the record, please state your full name and
17 spell your last name.

18 THE WITNESS: Kathryn Thibault, T-h-i-b-a-u-l-t.

19 DIRECT EXAMINATION

20 BY MR. AFRAME:

21 Q. Good morning, Ms. Thibault. How are you?

22 A. Good morning.

23 Q. Could you tell the jury how you're employed?

24 A. I am an agent with the FBI.

25 Q. And how long have you been employed with the FBI?

1 A. 24 years.

2 Q. And prior to your 24 years with the FBI, did you
3 have previous law enforcement experience?

4 A. I did. I was a state trooper in Maryland.

5 Q. And what is your present assignment with the FBI?

6 A. I am a supervisor over the polygraph program for the
7 east region.

8 Q. And where are you presently stationed?

9 A. Knoxville, Tennessee.

10 Q. Can you just pull the microphone maybe a little
11 closer?

12 A. Yes. Sorry. Is that better?

13 Q. Yup. And can you -- so you said you've been in
14 Tennessee doing polygraph work?

15 A. Yes, sir.

16 Q. And how long have you been doing that?

17 A. Approximately two months.

18 Q. And prior to your assignment to Knoxville,
19 Tennessee, where were you stationed?

20 A. Here in Bedford, New Hampshire.

21 Q. And how long were you assigned to Bedford,
22 New Hampshire?

23 A. Seven years.

24 Q. What kind of cases did you work on when you were in
25 Bedford, New Hampshire?

1 A. I worked child exploitation and white-collar crime
2 investigations.

3 Q. Okay. I want to focus on white-collar crime
4 investigations.

5 What kinds of cases fall under the heading of
6 white-collar crime?

7 A. Bank fraud, money laundering, different types of
8 embezzlement, public corruption, romance scams.

9 Q. So let's focus for a minute on the last thing you
10 just said, which is romance scams. Can you just provide -- so
11 how many of those do you think you've investigated while you
12 were in New Hampshire, rough number?

13 A. Several.

14 Q. That's fine.

15 A. Okay.

16 Q. Can you just tell the jury from a sort of a
17 bird's-eye view what that term means, romance scam?

18 A. It's a situation where an individual will make
19 contact with someone from a social media platform. For
20 example, they'll go on a dating website like Match.com, Our
21 Time, it could be through Instagram, it could be through
22 Facebook. Sometimes it's even a random text on their cell
23 phone.

24 They start to engage with another person. I'm going
25 to refer to that person as a scammer. And that person will

1 develop a friendship relationship with them that they become
2 pretty involved with. It's communication that happens
3 throughout the day every day at which time the scammer will
4 then ask that person that they're involved with to provide them
5 money; they provide some type of elaborate story where they're
6 in desperate need of funds. And the intentions are that they
7 will then deplete that person of any financial assets that they
8 have over a period of time.

9 Q. And understanding that all cases are different,
10 based on your experience, was there sort of a typical
11 demographic of the victim in those cases?

12 A. Yes, sir. Typically elderly senior citizens and a
13 widow.

14 Q. And what -- you talked about the -- that the victim
15 would move money to the scammer at the scammer's request. How,
16 in your experience -- what are the different kinds of ways
17 you've seen money move in your romance scam investigations?

18 A. There are a lot of different ways. Some will
19 require people to purchase gift cards through Amazon or they'll
20 send them to Walmart or various stores like CVS and Walgreens
21 and have them buy monetary gift cards kind of like the
22 MasterCards and Visas that you can buy. And they'll send those
23 through -- however their means of communication is on the cell
24 phone with three -- with a picture.

25 Some will do cash transactions and deposit into

1 different accounts. Some will buy virtual currency. Some will
2 wire money. A lot of different ways, personal checks, you name
3 it.

4 Q. And in your investigation, are you familiar with the
5 term money mule?

6 A. Yes, sir.

7 Q. And what does that term mean in the way -- in your
8 investigations?

9 A. A money mule is a person who is moving assets from
10 other parties that they don't know into different bank accounts
11 and making wire transfers and so forth, cash deposits from
12 people they don't know, per an instruction from another person.

13 Q. So in these romance scam cases, how have you
14 typically seen the money mule figure into what you're
15 investigating?

16 A. The scammer, once they've depleted the funds from
17 the person who's deemed the victim, they will then try to
18 recruit them and groom them into becoming the mule. So they
19 will then instruct them to create bank accounts and they will
20 then have money deposited into those accounts from people that
21 they don't know and they'll move that money for the scammer.

22 Q. And in your experience, have these romance scam
23 cases been easy or difficult to resolve?

24 A. They're very difficult.

25 Q. What has been, in your investigations, the biggest

1 hurdle that you've run into as you've tried to resolve them?

2 A. A lot of the financial transactions are eventually
3 sent overseas as well as the actual scammers being overseas.
4 So it's very difficult to identify, locate, and find where
5 everything is ending up.

6 Q. Okay. So let me turn from that sort of general
7 discussion, just so we're -- we understand all the terms that
8 we're talking about, to your participation in this case.

9 So were you part of the Ian -- investigation into
10 Ian Freeman?

11 A. Yes, sir.

12 Q. And when did you start your -- when did that
13 investigation start, or at least your participation?

14 A. 2017.

15 Q. And what was your role in 2017?

16 A. I was the lead case agent.

17 Q. And how long did you hold that role?

18 A. Till approximately 2020 when my job changed.

19 Q. Okay. And as part of that case, did you do -- end
20 up doing a lot of interviews?

21 A. Yes, sir.

22 Q. Now, I'll represent to you yesterday we looked at a
23 lot of records from localbitcoins.com, including a whole series
24 of chats. Were those available to you when you were sort of
25 working on this investigation?

1 A. No, sir.

2 Q. And we saw photos and driver's licenses. Did you
3 have those?

4 A. No, sir.

5 Q. We also -- I'll represent to you later in the trial
6 we will see Mr. Freeman's computer that will have more driver's
7 licenses and photographs. Did you have access to that?

8 A. No, sir.

9 Q. So how -- given that you didn't have that
10 information, what kind of people did you interview?

11 A. They were individuals who were doing monetary
12 transactions and wire transfers for Mr. Freeman.

13 Q. And how did you figure out who was sending money to
14 Mr. Freeman if you didn't have any of those tools that I just
15 suggested?

16 A. I utilized what's called a suspicious activity
17 report, which is called a SAR.

18 Q. And how would you yourself get access or who would
19 give those to you?

20 A. The -- I had a financial analyst that was working
21 with me on the investigation as well as some other support
22 staff that would be able to access those and provide them to
23 me.

24 Q. And as you -- did you read them?

25 A. Yes.

1 Q. And what did they have in them? What's in them?

2 A. It would provide the banking institution, the name
3 of the person who was doing the financial transaction, the
4 amount, and where it was being sent to, dates and times and so
5 forth.

6 Q. And about -- if you were to estimate in your
7 investigation of this case, about how many SARs do you think
8 you reviewed?

9 A. A tremendous amount.

10 Q. More or less than a hundred, do you think?

11 A. More than a hundred.

12 Q. And were you able to interview all hundred people?

13 A. No, sir.

14 Q. How did you go about then taking those SARs and
15 figuring out who to interview?

16 A. Well, because I work in New Hampshire, we looked to
17 see if there was anyone within the local area; for one, for
18 identification, but each person that I could physically see a
19 name, any type of identification, we would try to figure out
20 who they were, at which point then we would find them and try
21 to -- and I would call them and interview them with my
22 coworkers.

23 Q. How many were in New Hampshire ultimately?

24 A. There was a few, but a very small handful.

25 Q. And did you then, using the SAR information, try to

1 make contact with people who had sent money to Mr. Freeman?

2 A. Yes, sir.

3 Q. And did you end up conducting a whole bunch of
4 interviews?

5 A. I did.

6 Q. And as you spoke to people, did you find another
7 source of information?

8 A. Yes, sir.

9 Q. And what was that?

10 A. When I would speak with some of these individuals,
11 they would explain that they had reported --

12 MR. SISTI: I'm going to have to object with regard
13 to that with hearsay, Judge, any statements attributed to
14 anybody else.

15 THE COURT: Depends what they're offered for, so --

16 MR. AFRAME: Yeah. I guess I'm just asking for the
17 kind of information she had. I'm not going to ask for anyone's
18 statements.

19 MR. SISTI: Well --

20 THE COURT: But if it's relied from hearsay -- well,
21 yeah, look, it's -- I'm going to allow it to explain the basis
22 for her proceeding, but you can't assume anything she heard was
23 true. You're only getting it to explain why she proceeded with
24 an investigation.

25 You may proceed.

1 Q. Did you get information from local police
2 departments around the country?

3 A. Yes, I did.

4 Q. Did you find out whether other offices of the FBI
5 had any open cases relating to any of the people you
6 interviewed?

7 A. Yes, I did.

8 Q. And you're familiar with the witness list here,
9 right?

10 A. Yes, sir.

11 Q. Were there some FBI reports or interviews related to
12 people that are going to testify later in the trial?

13 A. Yes, there were two.

14 Q. Okay. And are they from New Hampshire?

15 A. No, sir. Kansas City and Knoxville.

16 Q. Okay. So as you went out and did your interviews of
17 all these people, without telling me anything that they said,
18 where were they located?

19 A. All over the country.

20 Q. And just as a demographic description, what was --
21 how would you describe the demographic of the people that you
22 were generally interviewing?

23 A. Over the age of 65, retired, and widowed.

24 Q. Now, let me -- so was that a large share of what you
25 did on the -- on the investigation?

1 A. Yes.

2 Q. And did that relate to the sending of money to
3 banks -- from banks -- through the banking system to
4 Mr. Freeman?

5 A. Yes.

6 Q. Was there another part of the case that you
7 investigated as well?

8 A. Yes, sir.

9 Q. And what was that?

10 A. The Bitcoin kiosks that were being run by
11 Mr. Freeman here.

12 Q. And how did -- how did you -- what action did you
13 take to investigate them? What thing did you do?

14 A. We looked up to see if there were any devices in the
15 area that were owned by him through just open source search
16 coin ATM radar. You can Google -- there's a lot of different
17 options out there. It'll identify by city and state where ATMs
18 or the kiosks are available and then I would verify with our
19 anti-money laundering unit in Washington DC with the FBI if
20 they were, in fact, his devices.

21 Q. And there'll be more evidence about that later in
22 the trial, but did that have you identify some that at least
23 you believed were operated by Mr. Freeman?

24 A. Yes, sir.

25 Q. And then what did you do?

1 A. Then I personally went and made buys at those
2 devices.

3 Q. And when you say buys, what does the -- what does
4 that mean?

5 A. Made a purchase of Bitcoin from the device.

6 Q. And were you using your own money?

7 A. No, sir, the government's.

8 Q. And what was the purpose of doing that?

9 A. Two reasons, really. One, to see how the device
10 operated, what the stages were to actually make a purchase; and
11 then, two, to understand where the Bitcoin that I was
12 purchasing was coming from, meaning the wallet.

13 Q. Okay. And, again, there'll be more about that later
14 in the trial.

15 So let me focus more on the first thing you said
16 which is sort of what you did and how they worked.

17 So I'm going to show you now what's been marked and
18 agreed to as Government's Exhibit 301.

19 That should be on everyone's screen. A little nod
20 to say everything's working? Okay.

21 Could you -- and, actually, for some it's not
22 centered on the screen. There we go.

23 Special Agent Thibault, do you recognize that?

24 A. Yes, sir. That's one of the devices Mr. Freeman
25 owned.

1 Q. And, tell me, and I'm not sure if I asked you this.
2 If I did, I'll ask it again. Where did you make your purchases
3 as your -- as you were doing this investigation?

4 A. One was at Murphy's Taproom, which is located in
5 Manchester, New Hampshire. Another one was Route 101 Local
6 Goods which was in Keene, New Hampshire.

7 Q. Okay. Looking -- did you take this picture?

8 A. Yes, sir.

9 Q. And just walk us through how you do a Bitcoin
10 transaction on a machine like this.

11 A. So the machine is actually on. You just have to do
12 a touchscreen to activate it, at which time you can request
13 what you'd like to purchase, what type of currency. This one,
14 I purchased Bitcoin. And then you identify how much you'd like
15 to, meaning how much U.S. currency I'm going to put into the
16 device.

17 At that point you scan -- in the top left corner
18 you'll see where there's a hand with a QR code. Your cell
19 phone is used because that's going to offer the barcode to scan
20 for your Bitcoin wallet. A QR code is like if you think about
21 with the pandemic when you would go to a restaurant to eat, we
22 would scan their menus and that's the link to the menu. So
23 it's the same thing. It would be -- the QR code on my phone
24 would be the link to my Bitcoin wallet.

25 I would then enter the U.S. currency in the top

1 right corner, just feed the -- the bills in and it would tally
2 an amount and then it would -- I would allow for a purchase to
3 be made. And the larger screen, you just simply push the
4 button and it would transfer the money -- or, I'm sorry, it
5 would transfer the Bitcoin to the wallet.

6 Q. And how long did that whole process take?

7 A. Not very long. It's just how much money you're
8 going to put into the device. It's just physically feeding the
9 bills in.

10 Q. So did you -- in doing this transaction, did you
11 have to provide your name?

12 A. No, sir.

13 Q. Did you have to provide your driver's license?

14 A. No, sir.

15 Q. Did it have any functionality to take your photo?

16 A. No, sir.

17 Q. Did you provide your phone number?

18 A. No, sir.

19 Q. Did you have to speak to any employee of either
20 Murphy's Taproom or Route 101 Local Goods?

21 A. No, sir.

22 Q. Did you have to do anything at all to identify
23 yourself as making this transaction?

24 A. No, sir.

25 Q. And as a point of contrast, did you ever try to buy

1 Bitcoin on a machine that you did not believe was -- or learned
2 to be owned by Mr. Freeman?

3 A. Yes.

4 Q. And can you just tell us what the difference in the
5 experience was.

6 A. Very different. It would require an ID be presented
7 and shown for scanning purposes. And it wasn't a -- it would
8 be a state ID, for example, your driver's license. I couldn't
9 show a Sam's Club, you know, membership card that had my
10 picture.

11 It required a phone number with a legitimate phone
12 service, not something that was a prepay, and then there would
13 be my name would have to be identified and there would be a
14 communication with the -- device's owner or operator to verify
15 about my purchases.

16 Q. Okay. And if I look at this machine, do you see
17 the -- the Bitcoin symbol down in -- the white and yellow
18 Bitcoin symbol?

19 A. Yes, sir.

20 Q. There's something next to that. Do you know what
21 that is?

22 A. That's a finger scan.

23 Q. And to operate the machines when you purchased from
24 Mr. Freeman, was that finger scan required?

25 A. No, sir.

1 Q. Was it operational?

2 A. Not to my knowledge.

3 MR. AFRAME: Okay. So let's look at 302. These are
4 admitted.

5 Q. Are you familiar with this, Special Agent?

6 A. Yes, sir.

7 Q. And I'll just read the very top: Cryptocurrency
8 vending machine rules, updated August 2018.

9 Where did this photo come from?

10 A. One of Mr. Freeman's devices.

11 Q. Did you take it?

12 A. Yes, sir.

13 Q. Was this stationed near one of the machines?

14 A. Yes, sir.

15 Q. So number 1 says: You must use a QR code from a
16 wallet you control.

17 And you just already described that to us, right,
18 when you showed us the photo of 301 a second ago?

19 A. Yes.

20 Q. Number 2 says: Your cryptocurrency is your
21 responsibility to keep safe and spend safely.

22 Right?

23 A. Yes, sir.

24 Q. And 3: All sales are final.

25 A. Yes, sir.

1 Q. And then number 4 is one I really want to focus on
2 which says: Do not tell our staff why you want to buy
3 cryptocurrency.

4 Did I read that right?

5 A. Yes, sir.

6 Q. And is that how it worked out? Did you have to tell
7 anyone why you were buying cryptocurrency?

8 A. No, sir.

9 Q. Did anyone ask?

10 A. No.

11 Q. Looking down now, at the bottom there's some more
12 directions, but I think you sort of already described that. I
13 want to focus on the bottom.

14 And it says: If you believe something went wrong,
15 please contact customer service ASAP at keenecrypto@gmail.com
16 or call 603-513-2449.

17 Did I read that right?

18 A. Yes, sir.

19 Q. And let's look briefly back at Government's
20 Exhibit 201.

21 I'll represent to you that this is the letter,
22 email, that we just spent some time talking about from a
23 representative of FinCEN. The jury's familiar with this email
24 and letter, but can I just ask you to look below where it says
25 via electronic delivery. Do you see that?

1 A. Yes, sir.

2 Q. And there's a series of emails?

3 A. Yes, sir.

4 Q. Can you read the second email?

5 A. keenecrypto@gmail.com.

6 Q. And going back to 302, is that the same email we see

7 there?

8 A. Yes, sir, keenecrypto@gmail.com.

9 Q. And let's go forward to Government's Exhibit 303

10 that has been agreed to. Do you see an email?

11 A. I do.

12 Q. And what is the date of the email?

13 A. December 30th of 2018.

14 Q. And according to the "from," who is it from?

15 A. It's from Ian Freeman.

16 Q. And I just want to ask you, were search warrants to

17 get email done in this case?

18 A. Yes, sir.

19 Q. Were you part of that process?

20 A. Yes, sir.

21 Q. Is this where these emails came from?

22 A. Yes, sir.

23 Q. And who signed -- so it's from Ian Freeman. Who

24 signed the email?

25 A. Ian.

1 Q. And it's to someone named K. Quinlan, right?

2 A. Yes, sir.

3 Q. Which is not really important for our purposes.

4 So what is important is for you to read to me the
5 first sentence of that email.

6 A. I've sent you two emails from another email address,
7 keenecrypto@gmail.com, but haven't heard back from you.

8 Q. That --

9 A. Oh, sorry.

10 Q. And that's an emailed signed by Mr. Freeman, right?

11 A. Yes.

12 Q. And if we go back to 302, that's the same -- is that
13 the same email that's on the vending machine -- the kiosk rules
14 or vending machine rules?

15 A. Yes, sir.

16 Q. And is that the same email that's on the letter from
17 FinCEN?

18 A. Yes, sir.

19 Q. Thank you.

20 And, again, looking at 302 now, there's a phone
21 number, too, right?

22 A. Yes, sir.

23 Q. And that phone number is 603-513-2449?

24 A. That's correct.

25 Q. And yesterday we spent a long time looking at

1 records from localbitcoins.com. And I'm going to ask to turn
2 to Government's Exhibit 1202. This was represented yesterday
3 to be information about user accounts on localbitcoins.com that
4 pertained to that site and that's already been admitted and
5 explained to the jury. But can you just tell me the user name
6 for this account?

7 A. ftl_Ian.

8 Q. And the real name?

9 A. Ian B. Freeman.

10 Q. And if you go down to old phone numbers, what is the
11 first old phone number listed on this document?

12 A. Area code 603, 513-2449.

13 Q. And if we go back to 302, do we see that telephone
14 number here?

15 A. Yes, sir.

16 Q. Thank you.

17 So what -- how did this investigation eventually
18 come to a conclusion?

19 A. I obtained a search warrant for Mr. Freeman's
20 residence.

21 Q. And when was that search conducted?

22 A. March 16th of 2021.

23 Q. And where was that search conducted?

24 A. The residence of 73-75 Leverett Street in Keene,
25 New Hampshire.

1 Q. And what was your role in conducting that search?

2 A. I was the on-scene case agent.

3 Q. And I'd like to show you what's been marked as
4 Government's Exhibit 304. It's been agreed to already.

5 Do you recognize that photo?

6 A. Yes, sir. That's Mr. Freeman's residence.

7 Q. And you described it as a duplex, right?

8 A. Yes.

9 Q. So -- and you said 73-75?

10 A. Yes, sir.

11 Q. So looking at the photo, which side is 73?

12 A. It is not -- the right-hand side of the photograph.

13 Q. Is it the side with the stairs?

14 A. Yes.

15 Q. And who lived on the 73 side of the building?

16 A. On 73, Mr. Freeman.

17 Q. And the other side is 75?

18 A. An individual by the name of Nobody.

19 Q. Okay. And can you just describe for me the outer
20 part of the house, what we see there?

21 A. It's a white structure. It was a duplex, a wooden
22 front porch, green in color, and then it had two entrances.

23 The right-hand side, if you go up the stairs, the
24 doorway was right there and then on the left side it was on the
25 other side.

1 MR. AFRAME: Okay. And before I talk about what's
2 inside the house, there's an exhibit that I know there's an
3 objection to, your Honor, so I -- I think we need to deal with
4 that.

5 THE COURT: All right. Does it require a sidebar or
6 something I can rule from the bench?

7 MR. AFRAME: Probably a sidebar, I guess.

8 THE COURT: Okay. Please approach. We'll use the
9 sidebar.

10 AT SIDEBAR

11 MR. AFRAME: There's a video that was found on the
12 Internet that shows Mr. Freeman being interviewed on the porch
13 of the house and as part of the video, there's a sign -- a stop
14 sign with a sticker on it that says stop paying taxes. And we
15 want to introduce that. So it just shows Mr. Freeman -- from
16 Freeman and the stop sign, we stripped out the audio because
17 the audio was from someone else, the person doing the
18 interview. I thought that was hearsay. But we just want to
19 show the presence of the sign and Mr. Freeman and it goes to
20 our tax evasion charge.

21 THE COURT: What's the -- I mean, what's the --
22 what's the nexus between him and the sticker on the stop sign?

23 MR. AFRAME: It's on his porch at his house.

24 THE COURT: Oh, it's not a real stop sign.

25 MR. AFRAME: It was taken and then put a sticker on

1 it. So it's a --

2 THE COURT: So on his porch there's a stop sign.

3 MR. AFRAME: Yes.

4 THE COURT: Okay. And it has a sticker on it that
5 says paying taxes.

6 MR. AFRAME: It says stop.

7 THE COURT: I get it.

8 MR. AFRAME: I'm sorry.

9 THE COURT: It's on his porch.

10 Okay. Go ahead, Mr. Sisti.

11 MR. SISTI: Yeah. We don't know who put the
12 so-called sticker on there. It's more prejudicial than
13 probative. It doesn't really go to what we're talking about
14 here. I mean, it's speculative. I mean, a lot of this is
15 speculative. Let's stop paying taxes. I mean, that porch was
16 used, and they know it, by a myriad of people. Tons of people
17 were on that porch.

18 THE COURT: Sure.

19 MR. SISTI: And, you know, who put it there, who
20 slapped the sticker on it, they don't know. They don't know if
21 Freeman did anything with regard to that. And to assert that
22 it -- it was a directly connected item that somehow drove his
23 mentality to avoid taxes, I mean, that -- I don't know. I
24 mean, people say don't pay taxes every day, they don't want to
25 pay taxes. I mean, do you want to pay taxes?

1 THE COURT: No, I don't, but this is -- look, okay.

2 MR. SISTI: We have --

3 THE COURT: I understand your arguments. It is
4 relevant. It is -- it makes a fact of consequence more likely
5 than it would be without the evidence, so it fits the
6 definition. I don't think it's more prejudicial than
7 probative. It's on a piece of residential property that he
8 owns and controls. All the points you just made in opposition
9 to the exhibit can be made on cross-examination to great
10 effect, but I think it's -- I think it's permissible. I'm
11 going to allow it.

12 MR. SISTI: I don't know what the -- I'm sorry.
13 Just one more thing.

14 I don't know what the time nexus is, though. I
15 don't know when this so-called --

16 THE COURT: That's a good point.

17 MR. AFRAME: I'll get a little bit of evidence on
18 that.

19 MR. SISTI: No, I --

20 MR. AFRAME: I'll elicit some evidence which will be
21 that she watched the whole video and from the audio and the
22 things Mr. Freeman said, it is obvious because of what he's
23 talking about that it came after the search of the house on
24 March 16, 2021.

25 MR. SISTI: It came after the search of the house?

1 MR. AFRAME: After.

2 MR. SISTI: Well, you know -- well, I think it makes
3 it even more ridiculous. I mean, it would be prior to when the
4 active charges came into effect if it doesn't have anything to
5 do with the present charges.

6 THE COURT: The question for me, is it within like a
7 year or so of the conduct involved in the case, and it is.
8 It's just -- it just shows a prohibit -- it shows activity and
9 I think it's permissible. But your objection is noted.

10 MR. AFRAME: Thank you.

11 CONCLUSION OF SIDEBAR

12 Q. Special Agent Thibault, were you able to identify a
13 video that was -- a video that's relevant to this picture I'm
14 showing you, a video from the Internet?

15 A. Yes.

16 MR. SISTI: Object.

17 THE WITNESS: I'm waiting on the picture.

18 MR. AFRAME: Sorry. Do you -- oh, sorry. 304, I'm
19 sorry. 304.

20 THE CLERK: Counsel, is the jury supposed to see
21 this part yet?

22 MR. AFRAME: This is something we've already shown
23 right now.

24 THE COURT: Yeah.

25 MR. AFRAME: This is okay.

1 THE CLERK: Okay.

2 Q. This is 304, right?

3 A. Okay. Yes. Yes.

4 Q. Did you find a video related to this, what we're --
5 this front porch?

6 A. Yes, I did.

7 Q. And who was in the video?

8 A. Ian Freeman.

9 Q. And where did you find the video?

10 A. On odyssey.com.

11 Q. And was it an interview?

12 A. It was.

13 Q. And did you listen to the whole interview?

14 A. Yes.

15 Q. And who -- based on what was said, without telling
16 me really what was said, could you identify in time using the
17 time of the search of this house when the interview occurred?

18 A. After.

19 Q. Okay. And based on you having been at this location
20 and watching the video, were you able to identify where the --
21 where the interview took place?

22 A. It was on the front porch of that residence.

23 Q. Okay. And there was -- we made a clip, a very, very
24 short clip, of that video, right?

25 A. Yes.

1 Q. And did you -- and you watched the whole video?

2 A. Yes.

3 Q. And you watched the clip?

4 A. Yes.

5 Q. Was -- is the clip an accurate depiction of what's
6 in the full video?

7 A. Yes.

8 Q. And when you watched the full video -- and was there
9 audio?

10 A. The full video had audio. It did.

11 Q. And did we remove the audio from the clip?

12 A. Yes.

13 Q. And in the audio part of the clip, was it
14 Mr. Freeman speaking or someone else?

15 A. In the audio it was Mr. Freeman and there was
16 another person as well.

17 Q. Okay. So let me show you now what -- the clip,
18 which is Government's Exhibit 305, 305A. This is just the
19 clip. It's very, very short.

20 (Video recording played.)

21 MR. AFRAME: And if we just stop there.

22 So in the background of that, do you see the
23 railing?

24 A. I do.

25 Q. And what color are the spindles below the railing?

1 A. Green.

2 Q. And in front of the railing, what do you see?

3 A. It's a stop sign.

4 Q. And what do you see under the stop sign?

5 A. There's a sticker and a lighter.

6 Q. And what does it say?

7 A. Paying taxes.

8 Q. So if you read all the words, what would it say?

9 A. Stop paying taxes.

10 MR. AFRAME: And if you just play the video to the
11 end.

12 (Video recording played.)

13 MR. AFRAME: Stop there.

14 Q. Again, based on your experience, do you know where
15 this is?

16 A. That is the front porch of Mr. Freeman's residence.

17 Q. Is that the same place we just looked at in 304?

18 A. It is.

19 MR. AFRAME: And if you could just play the video to
20 the end.

21 (Video recording played.)

22 Q. And who is that?

23 A. That is Mr. Freeman.

24 Q. Thank you.

25 All right. Let's talk a little bit about -- now

1 let's move off the porch and let's go inside the house.

2 A. Okay.

3 Q. So let's talk about 75, the 75 side. That's
4 where -- who lived there again?

5 A. A gentleman by the name of Nobody.

6 Q. And tell me what you -- what -- how that was set up?
7 What was on the 75 side of the building?

8 A. You entered the home and there was a living room
9 area, a kitchen area. There were bedrooms upstairs.

10 Q. And as far as that side of the building, did you see
11 anything that at least appeared to you to be a shrine?

12 A. No.

13 Q. How about a chapel?

14 A. No.

15 Q. How about even a meeting room for some kind of small
16 congregation?

17 A. No.

18 Q. And let me focus now on 73 Leverett. That's where
19 Mr. Freeman lived?

20 A. Yes, sir.

21 Q. Were other people living there, too?

22 A. There were.

23 Q. Okay. And tell me about that side of the house.

24 A. It was basically a mirror image of the number 75.

25 And the living room was not a traditional living room. It was

1 a radio station that he owns.

2 Q. Okay. And let me ask you the same brief series of
3 questions.

4 Did anything in that side of the house appear to be
5 a shrine?

6 A. No.

7 Q. A chapel?

8 A. No.

9 Q. A meeting room other than this room for a radio
10 show?

11 A. No.

12 Q. So let's now look at that radio station room, and
13 I'd ask to show you what's been marked as Government's
14 Exhibit 306. 306 is agreed to.

15 A. This is Mr. Freeman's radio room.

16 Q. And just, again, looking to the -- to the left for a
17 second, what do you see in the sort of left-hand side of the
18 picture?

19 A. A lot of radio equipment. You move over and there's
20 a desk with a chair and a lot of -- just different equipment
21 and documents and folders.

22 Q. And in the foreground, it looks like there's a black
23 and red chair?

24 A. Yes, sir.

25 Q. And what's behind that?

1 A. Behind it is the desk.

2 Q. Yup. Okay. And let's now -- and did you go in this
3 room?

4 A. I did.

5 Q. And is this what it looked like --

6 A. Yes, sir.

7 Q. -- on the day of the search?

8 A. Yes, sir.

9 Q. And, tell me, before we go any further, just sort of
10 a little bit on how this search of this room took place. What
11 was the procedure?

12 A. Standard procedure that when we execute a search
13 warrant, we photograph the property before we actually enter to
14 make sure we can document the state of the residence or
15 building, whatever we're entering.

16 At that point then we have teams that go in.
17 They're assigned to different areas of whatever property,
18 specifically with this house, each room and they are briefed on
19 what they're looking for. They have to read the warrant, they
20 read the attachments, they understand the case. I would
21 explain it to them and what I'm looking for or we as a team.

22 And once everything is photographed, the search
23 starts. And if they find something that is of value that we
24 are looking for, they will mark it and then that's photographed
25 again.

1 Q. Okay. And what was your -- how did people -- so
2 when you do a search like this, are there a lot of people
3 involved?

4 A. A lot of people.

5 Q. And are they all sort of -- you told us you're the
6 case agent and you -- sounds like you spent from 2017 to 2020
7 pretty deeply enmeshed in all of this?

8 A. Yes, sir.

9 Q. Are all these other agents like that or are they --

10 A. No. I had a team that worked with me, but for the
11 most part everyone had volunteered to come and help. So we
12 briefed them on specifics. If they have a question, then they
13 can ask me or other parties that were on my team.

14 Q. And do those -- some of those people make the first
15 identification of what might be relevant?

16 A. Yes, sir.

17 Q. And as the lead person on the scene, what's your
18 role?

19 A. If they have a question, I come and look at the --
20 the documentation or the device that they've found, verify
21 whether or not we do need to take it. But I'm there just to
22 oversee and make sure everything runs smoothly.

23 Q. Okay. And so let's look at Government's
24 Exhibit 307.

25 This has been agreed to.

1 A. That's a picture of the desk, the same desk that we
2 just saw, but this is how we would mark it during the search.

3 Q. Okay. So the chair -- the red chair's not in the
4 picture anymore?

5 A. That's correct.

6 Q. Okay. And, obviously, if we went back to that
7 picture we wouldn't see those yellow -- I'll call them tents,
8 but the yellow markers with numbers.

9 A. Correct.

10 Q. So who put those there?

11 A. The search team.

12 Q. And what do they indicate?

13 A. They identify pieces of documentation that we would
14 collect as evidence.

15 Q. Okay. And so there's two I want to really zoom in
16 on and the first one is Government's Exhibit 308, which has
17 been agreed to.

18 And what's that?

19 A. It's a stack of manila folders.

20 Q. Ad if we went back to Exhibit 307 for a second, just
21 to make sure we see where that is on the desk, where is that on
22 the desk?

23 A. Top left corner.

24 MR. AFRAME: Okay. And if we could just zoom in on
25 the folders -- can we go in further?

1 No, I'm sorry, the next -- the next exhibit. Can we
2 zoom in on the folders?

3 Q. So can you just read to me the -- three of the
4 folder titles are visible, right?

5 A. Yes, sir.

6 Q. Can you read me the one in the near ground?

7 A. Bar Harbor, then you have FBI Crypto --

8 Q. And then what's the one in the back?

9 A. IRS Bullshit.

10 Q. Okay. Thank you.

11 And now if we go back to 307, do you see the tent
12 with the 30 on it?

13 A. Yes, sir.

14 Q. In that photo, what's the condition of that folder?

15 A. It is closed. It's a manila folder.

16 Q. Okay. And if we turn to Government Exhibit 309, are
17 we still looking at the same desk?

18 A. Yes, but now the folder's open with the documents.

19 Q. Okay. And if we could just zoom in on the documents
20 a little bit, a little closer, the document that's most readily
21 visible, what does that say at the top? It says State of
22 New Hampshire and then under that?

23 A. Application for Registration of Trade Name.

24 Q. And what's the business name?

25 A. Crypto Church of New Hampshire.

1 Q. And there's an address?

2 A. Yes, sir. 63 Emerald Street, number 506, in Keene,
3 New Hampshire.

4 Q. And what's the brief description of that business?

5 A. Religious.

6 MR. AFRAME: Okay. And if we could zoom back out.

7 Q. And the names that are -- do you -- actually, if we
8 look now, can we focus in on the -- on the page that we only
9 see half of? If we -- yup.

10 So I -- what do you see at the top, where it's -- do
11 you see filer information?

12 A. Yes, sir. It has the name Ian B. Freeman.

13 Q. And then there's a payment of -- yup.

14 And then there's a payment of how much? If you
15 could zoom back in where we just were.

16 A. \$50.

17 Q. And what is the reference information there?

18 A. Crypto Church of New Hampshire.

19 MR. AFRAME: Okay. Thank you.

20 And then there's one more exhibit, Judge, but we
21 need to show it to you briefly.

22 AT SIDEBAR

23 THE COURT: I've been shown Exhibit Number 310 for
24 identification. It looks like a safe or a refrigerator. I'm
25 not sure --

1 MR. AFRAME: Safe.

2 THE COURT: It's a safe. It's open with some wads
3 of cash inside and you're offering this to show what?

4 MR. AFRAME: We use -- sorry. It's some evidence of
5 tax evasion. My experience is people hide -- when they don't
6 want to pay taxes, they hide money in their bedroom, in their
7 closet, and that's what this is.

8 THE COURT: All right.

9 MR. SISTI: I don't know what your experience is,
10 but my experience is that legitimate cash can be kept in your
11 own house in a safe and it just -- all that does is point to a
12 negative inference without any supporting evidence. Why is
13 that -- why is that illegal?

14 THE COURT: It's not. It -- it perhaps shows the
15 existence of income with respect to which the defendant may
16 have evaded taxes, but, I mean, are you going to make any kind
17 of showing that this is connected up with --

18 MR. AFRAME: He never paid taxes and he's -- he's
19 already showed evidence that he has a stop paying taxes and an
20 IRS Bullshit folder. So I think they all linked together. And
21 then he hides \$179,000 in his bedroom. That's our position.

22 THE COURT: The years he didn't pay taxes allegedly
23 were what?

24 MR. AFRAME: The years?

25 THE COURT: Yeah.

1 MR. AFRAME: Through 2019. So I --

2 THE COURT: 2016 through 2019.

3 MR. AFRAME: And that would be after that.

4 THE COURT: I think that's more prejudicial than
5 probative.

6 MR. AFRAME: Okay. That's fine.

7 MR. SISTI: Thank you.

8 CONCLUSION OF SIDEBAR

9 THE COURT: Sustained.

10 MR. SISTI: Thank you.

11 MR. AFRAME: Well, I messed up my binder, but other
12 than that, I'm done.

13 THE COURT: Okay. All right then.

14 Cross-examination.

15 MR. AFRAME: I'm going to get in trouble for this.

16 MR. SISTI: If I could have just a moment, Judge.

17 THE COURT: You may.

18 MR. SISTI: Thank you, Judge.

19 THE COURT: Thank you.

20 MR. SISTI: It's a whole new era with the IT stuff.

21 CROSS-EXAMINATION

22 BY MR. SISTI:

23 Q. Good morning.

24 A. Good morning.

25 Q. How do you like your new position?

1 A. I enjoy it.

2 Q. Yeah. I mean, you were in Bedford a long time.

3 A. A long time.

4 Q. Yeah. Let me go back to a few things that were
5 mentioned.

6 There were a few people in New Hampshire you
7 interviewed with regard to SAR reports?

8 A. Yes, sir.

9 Q. And do you recall who those people were?

10 A. I do.

11 Q. Could you just tell the jury.

12 A. One individual was by the name of Andrew Spinella
13 and another was Renee LeBlanc.

14 Q. Okay. So that's two people?

15 A. Yes.

16 Q. Right? Okay. And then -- let's see. There were
17 people from other parts of the country?

18 A. Yes, sir.

19 Q. Okay. During the course of your investigation, were
20 you able to specifically link a scammer, a scammer, with Ian
21 Freeman?

22 A. No.

23 Q. And the reason I ask that is that a lot of times
24 what happens is that these scammers team up with somebody in
25 order to perpetuate their business, correct?

1 A. Well, I never caught one in this case, so I couldn't
2 exactly state a truthful answer for that.

3 Q. All right. But certainly nothing like that showed
4 its face during your examination with regard to Freeman?

5 A. With the finances going to locations we couldn't
6 identify, I was never able to identify someone.

7 Q. Right. Well, I mean, you are aware that some people
8 actually -- Freeman actually made some of these people that
9 were making these deals show actual national identification
10 cards. Do you know that?

11 A. No, sir.

12 Q. All right. Nobody ever told you that, huh?

13 A. No, sir.

14 Q. Right up till the time of the raid.

15 A. No, sir.

16 Q. Okay. And let me ask you a little bit about these
17 buys you made at these machines.

18 How many -- just so the jury understands how many of
19 these vending machines there are, how many are there in just
20 New Hampshire?

21 A. In New Hampshire alone? Oh, I couldn't tell you.

22 Q. Well, I mean, you did --

23 A. There are a lot of devices throughout the state.
24 They're everywhere.

25 Q. Like over a hundred?

1 A. I wouldn't be able to tell you unless I looked
2 online.

3 Q. Oh, well, I mean, I thought you did say that you
4 were actually scoping out those machines.

5 A. Back in 2018, 2017 time frame, yes. But as for
6 today, I looked specifically for Keene, New Hampshire, and then
7 sought assistance through Washington, our anti-money laundering
8 unit, to identify which ones were his.

9 Q. Right. So you looked at --

10 A. But I wouldn't be able to say how many devices from
11 the state.

12 Q. Yeah. Well, you'd agree with me they pop up all
13 over the place, right?

14 A. Well, they are everywhere, yes, sir.

15 Q. Yeah. Do they all have requirements that you have
16 to put your driver's license in or your phone number or
17 anything like that?

18 A. I couldn't answer if all of them do, but they're
19 supposed to. I've used several that do require that.

20 Q. There are several that do; there are several that
21 don't?

22 A. Well, the only ones I encountered were
23 Mr. Freeman's. That was my focus since this was my
24 investigation.

25 Q. Well, then, I guess I don't understand why you just

1 said what you said.

2 Let's say there's a hundred of these machines out
3 there.

4 A. Uh-huh.

5 Q. And I know that's lowballing it. How many have you
6 literally looked at?

7 A. I only focused on Mr. Freeman's devices and then I
8 sought out another one to see how they actually operated if he
9 didn't own it.

10 Q. So you looked at Freeman's devices. How many did
11 you look at?

12 A. I think there were six at one point in time.

13 Q. So you look at six devices and then you randomly
14 look at one other?

15 A. Yes.

16 Q. And you make a comparison between Freeman's six and
17 one other, right?

18 A. Well, that and the use of YouTube. For example, if
19 you Google how to buy Bitcoin, it will give you instructions
20 and I used that as well.

21 Q. Well, I'm not --

22 A. That's as a standard procedure.

23 Q. I have to say something, Agent. YouTube isn't,
24 like, you know, the go-to for an FBI investigation, is it?

25 A. It was instruction advice on how to buy Bitcoin

1 because it was pretty new back in 2017.

2 Q. Well, I'm asking -- you're making a generalization
3 that Freeman's operation was different in kind than the
4 hundreds of other kiosks that were out there. You kind of said
5 that to the jury, right?

6 A. No, I can't -- I can't state to the hundreds of
7 other kiosks. I didn't use them.

8 Q. All right. So that when Mr. Aframe said, oh, you
9 don't have to put your finger on the fingerprint identification
10 thing, right --

11 A. Uh-huh.

12 Q. -- yeah, well, that may be true with 200 of those
13 kiosks in this state, right?

14 A. I don't know.

15 Q. Right. You don't know.

16 A. I don't know.

17 Q. Or you don't have to put in your telephone number;
18 that may be true for 200 of those kiosks in this state.

19 A. I couldn't state that.

20 Q. I know. So we should never, ever come to the
21 conclusion, ever, that Mr. Freeman's operation is different
22 in kind than the majority of the operations in the state of
23 New Hampshire, right?

24 A. His device did not ask for the information.

25 Q. That's not my question.

1 A. I can't attest -- I didn't buy from the other
2 kiosks, so I can't attest to that.

3 Q. Right. So this jury shouldn't take a negative
4 inference from that, should they?

5 MR. AFRAME: Objection.

6 Q. That was what it was offered for.

7 A. I'm just stating what the device requirements were
8 in order to purchase Bitcoin.

9 Q. Okay.

10 A. And they did not ask for any information.

11 Q. And I understand that testimony --

12 A. Uh-huh.

13 Q. -- but you can't say that that's rare or unusual,
14 correct?

15 A. It was not, in my experience, what I experienced
16 from the other device that I purchased from.

17 Q. The one other device.

18 A. Correct.

19 Q. So we shouldn't draw a generalization from that,
20 should we?

21 A. Well, I think that's an individual's choice. I'm
22 just stating the facts.

23 Q. You're stating a fact --

24 A. Uh-huh.

25 Q. -- that one other device was different than

1 Mr. Freeman's. That's the fact, right?

2 A. From the one device that I did purchase from,
3 correct.

4 Q. All right. We'll keep that in mind.

5 Now, with regard to Murphy's Taproom, do you know
6 how long that kiosk was in existence in Murphy's Taproom?

7 A. No, sir.

8 Q. Do you know if any complaints were ever made by
9 anybody that operated, utilized, that particular machine at
10 Murphy's Taproom?

11 A. No, sir.

12 Q. Do you know if the owner and operator of Murphy's
13 Taproom had any complaints about Mr. Freeman with regard to how
14 he operated that kiosk?

15 A. I'm not aware.

16 Q. Do you know if the Liquor Commission that oversees
17 Murphy's Taproom and the operation that goes on in Murphy's
18 Taproom ever filed a complaint against Mr. Freeman with regard
19 to that kiosk?

20 A. I'm not aware.

21 Q. Okay. Did you check into any of that?

22 A. No, sir.

23 Q. Why not?

24 A. It wasn't relevant to what I was looking for.

25 Q. Well, what if somebody at Murphy's Taproom said I

1 used Freeman's machine and I got screwed a hundred times; that
2 would be relevant, right?

3 A. The only way I think that would come out it is if
4 they emailed that address provided on the device.

5 Q. Or if they complained to the owner of the bar?

6 A. Potentially, I guess.

7 Q. Did you -- did you make any inquiry of the owner of
8 the bar?

9 A. No, sir.

10 Q. Did you make any inquiry of any of the staff at the
11 bar?

12 A. No, sir.

13 Q. The sign that's placed that was shown to you and
14 placed near the Bitcoin machine --

15 A. Yes, sir.

16 Q. -- all right, it said don't talk to the staff about
17 why you are purchasing Bitcoin.

18 A. Correct.

19 Q. All right. And have you seen any signs like that
20 before?

21 A. No.

22 Q. But you only looked at one other machine, right?

23 A. Correct.

24 Q. The Route 101 Goods machine --

25 A. Yes, sir.

1 Q. -- you went there. Did you operate that machine as
2 well?

3 A. Yes, sir.

4 Q. Did we see a picture of that?

5 A. Today, no.

6 Q. Okay. Can you explain what that one looked like to
7 the jury?

8 A. It looked more like a traditional ATM. It was a
9 stand-alone device. It wasn't mounted to the wall. Pretty
10 large in scale.

11 Q. Okay. During the course of your investigation, did
12 you hear from the owner of Route 101 Goods?

13 A. During the investigation?

14 Q. Yeah.

15 A. No, sir.

16 Q. Was it ever voiced to you from anybody that may have
17 done business at the kiosk at Route 101 Goods that they were
18 scammed or screwed or in any way taken advantage of with regard
19 to that kiosk?

20 A. No, sir.

21 Q. With regard to your purchase at Murphy's Taproom,
22 part of the process is to agree to the terms of service, right?

23 A. To -- to -- for using that Bitcoin machine?

24 Q. Yeah.

25 A. Yes. You simply turn it on. There really wasn't

1 any agreement. It was just the request to purchase the
2 Bitcoin.

3 Q. Right. And with regard to that, there was the sign,
4 right?

5 A. Yes.

6 Q. Okay. And that if you had any complaints, you could
7 call a phone number or email something, right?

8 A. Yes.

9 Q. Okay. There was some comparison, some
10 back-and-forth, with documents like a FinCEN letter and an
11 email and that sort of thing that you were asked to take a look
12 at --

13 A. Yes, sir.

14 Q. -- and compare -- compare email address with a --
15 I guess an email address and a phone number, right?

16 A. Yes, sir.

17 Q. Okay. We heard from the representative from the
18 FinCEN yesterday and a little bit today, okay, just so you
19 know. He was unable to verify that that letter ever got to
20 that email address. Are you able to verify that that letter
21 ever got to the email address?

22 A. Honestly, I cannot recall specifically. With all
23 the email returns, I'm not able to answer that.

24 Q. Okay. So this jury wouldn't know if Mr. Freeman
25 ever got that FinCEN letter?

1 A. Well, as of sitting here right now, I wouldn't be
2 able to answer it, but I'm sure I could do some research and
3 see.

4 Q. Well, I mean, today's the day of the trial, you
5 know.

6 A. Uh-huh.

7 Q. Okay. You talked about the search in Keene and that
8 you -- you were the on-site agent?

9 A. Yes, sir.

10 Q. And, again, what does that mean? Did you coordinate
11 this particular search?

12 A. Yes, sir.

13 Q. Would you say it was done in a very gentle, knowing,
14 nonviolent fashion?

15 MR. AFRAME: Objection, relevance.

16 THE COURT: Overruled.

17 MR. SISTI: Thank you.

18 A. It was conducted as it needed to be in regards to
19 officer safety and what we were facing.

20 Q. Well, were you facing somebody that was known to be
21 violent and armed?

22 A. No.

23 Q. You knew that before you started that search, right?

24 A. Based on observations, there were significant
25 officer safety issues, which is why I utilized assistance in

1 regards to approaching the residence.

2 Q. Well, let me tell you this. With regard to Freeman,
3 okay, does he espouse like any kind of violent overthrow of the
4 nation or anything like that?

5 A. I didn't utilize that. I was referencing video and
6 surveillance that we had of the residence where people were
7 displaying weapons and I was concerned for the agents and FBI
8 employees for the search of the house. We wanted to make sure
9 it was secure.

10 Q. Actually, you observed -- you had him under
11 observation, that house under observation. Why don't you tell
12 the jury, for how long.

13 A. A significant amount of time.

14 Q. Significant.

15 A. Uh-huh.

16 Q. That's -- that's like a real wide range. If I said
17 significant, I don't want you to look at my house for more than
18 24 hours, that -- is that significant?

19 A. It was definitely more than 24 hours.

20 Q. I know.

21 A. It was a very difficult location to surveil and so
22 we had concern because there were a lot of occupants going in
23 and out of the residence that had weapons.

24 Q. There were a lot of people that had no weapons, too,
25 right?

1 A. There were people there, but I couldn't tell you. I
2 could only see the ones that were displayed openly.

3 Q. Openly displayed?

4 A. Uh-huh.

5 Q. Did you know if they were even there the day of the
6 search?

7 A. There were weapons there.

8 Q. I didn't ask whether there were weapons there. Were
9 there people there that were displaying weapons?

10 A. No, sir.

11 Q. All right. And how many days did you have that
12 residence under observation?

13 A. Specific number of days, I couldn't tell you, but it
14 was several months.

15 Q. Several months --

16 A. Yes, sir.

17 Q. -- that you had cameras fixed on his home, right?

18 A. Yes, sir.

19 Q. You saw everybody that came and everybody that left,
20 right?

21 A. Yes, sir.

22 Q. All right. You saw him walk his dog in the morning,
23 all right? Right?

24 A. I didn't, but --

25 Q. Well, you observed --

1 A. -- it was surveilled, yes.

2 Q. It was surveilled, right. You saw every -- you saw
3 his wife now going in and out of the house, right?

4 A. Not at the time. I don't believe she was there
5 then.

6 Q. She wasn't there.

7 A. I don't know. I don't know. We had a difficult
8 time identifying a lot of people. That's what the point of
9 the -- of watching, was to see who was in the residence.

10 Q. Perfectly innocent people that had nothing to do
11 with anything you were checking in on, right?

12 A. We were watching the residence, yes.

13 Q. You were watching the residences, you were capturing
14 license plates and running them through New York and
15 Pennsylvania, right?

16 A. I couldn't recall which states but, yes, we were
17 checking vehicle tags.

18 Q. So, I mean, if I -- if I drove up to say hi to Ian
19 Freeman and, you know, offer him a birthday gift, you would
20 have checked my license plate?

21 A. If we were surveilling that day, yes, sir.

22 Q. And that day was several months?

23 A. Yes, sir.

24 Q. And after several months of observation, you decided
25 that there was a specific day that you were going to execute a

1 search warrant?

2 A. Yes, sir.

3 Q. Why that specific day?

4 A. It was just a lot of coordination with a tremendous
5 amount of people. So that worked best after having the search
6 warrant signed.

7 Q. Well, when you finally got into the house -- and we
8 saw a couple of things -- you were asked whether there was a
9 shrine or a chapel or a meeting room. Does that -- does that
10 mean that if there isn't a shrine or a chapel or a meeting room
11 that a building cannot be used as a church?

12 A. Well, it wasn't what I recognized to be a church,
13 so ...

14 Q. Well --

15 A. I -- I didn't recognize -- I didn't see any of those
16 things and he kept saying that that was a church, so I'm just
17 answering the questions.

18 Q. I know, but do you need like some kind of symbol in
19 order for you to come to a conclusion that it's a church?

20 A. Me personally?

21 Q. Yeah.

22 A. I -- I don't believe so.

23 Q. Right. And you know people that run churches
24 sometimes have parsonages, too, right, there's no meeting rooms
25 in those, no shrines?

1 A. I couldn't answer that.

2 Q. And then there was a shot of the radio station area
3 and the question came up again, was there any kind of shrine in
4 that area or chapel or anything. You've heard of like radio
5 ministries, right?

6 A. Yes, sir.

7 Q. Nothing uncommon about that, is there?

8 A. I've heard of them. I don't know how common they
9 are.

10 Q. And the jury got to see a Secretary of State
11 application, right?

12 A. Yes, sir.

13 Q. A \$50 fee by Ian Freeman, right?

14 A. Yes, sir.

15 Q. To utilize that space for religious purposes.

16 A. I believe it had a different address on there. It
17 was a -- the P.O. box that he was using on that application.

18 Q. All right. It may have been a P.O. box --

19 A. Uh-huh.

20 Q. -- but, I mean, there was a purpose, right?

21 A. He filed the form.

22 Q. Right. The purpose was for religious purposes,
23 right?

24 A. That's what it stated, yes.

25 Q. Okay. And that was -- that was -- was that a

1 legitimate -- I mean, was that a real Secretary of State State
2 of New Hampshire application and fee that was taken?

3 A. I believe it was a legitimate application. I
4 couldn't verify if the fee was actually taken.

5 Q. Okay. Now, how long did the whole search take
6 place?

7 A. How long?

8 Q. Yeah.

9 A. We were there for the majority of the day.

10 Q. For a full day. Can you describe in your words how
11 you searched that place. How did you enter that place?

12 A. I utilized what we call our SWAT team. Based on the
13 intelligence that we'd collected regarding the weapons that
14 we'd seen displayed outside the residence, they -- it's a
15 tactical team. So I can't speak to specifics, but they go and
16 they give the occupants of the building an opportunity to exit
17 on their own, at which time they didn't. So they did breach
18 the property with what we call a BearCat, which is a type of
19 law enforcement armored vehicle.

20 THE COURT: I need you to speak up a little bit. I
21 want to make sure the jury hears you.

22 THE WITNESS: Okay. We -- I utilized SWAT, which is
23 a tactical team based on the intelligence I'd collected for
24 officer safety because there was significant high-powered
25 weapons observed outside the residence during the surveillance.

1 SWAT gave an opportunity for the occupants to exit.
2 They do what we call -- refer to -- I guess you would say it
3 was a call-out. And they didn't exit the building or the
4 house, so they used what's -- an armored vehicle that we call
5 BearCat. And it actually will open the residence like through
6 a window, for example, in order to see if anyone is inside for
7 our safety because we're obviously not going to enter the
8 residence, especially with what we had observed. At that point
9 the occupants did, after a period of time, come outside.

10 The residence was then cleared by this tactical team
11 and that's when we deemed the scene to be safe and we entered
12 into the property to start the search.

13 Q. Well, what do you mean by a call-out?

14 A. They physically ask the occupants to exit the
15 property safely.

16 Q. What time of day did this take place?

17 A. 6:00 a.m.

18 Q. 6:00 a.m.?

19 A. Yes, sir.

20 Q. Was it dark out?

21 A. It was, I believe, yes.

22 Q. Are people generally sleeping at that time?

23 A. I think some are.

24 MR. SISTI: Yeah.

25 Your Honor, I just need one second. I've just got

1 to check on something here.

2 THE COURT: Yes.

3 MR. SISTI: Thank you.

4 Thank you, Judge.

5 Q. Before you began your search, in doing your due
6 diligence in order to make sure that there was officer safety
7 and having -- and knowing who was coming and going and staying
8 at that residence, did you run criminal record checks with
9 regard to the residents of that home?

10 A. We didn't actually know everyone that was inside
11 that residence. We had an idea of possible occupants, but we
12 didn't because the property was owned by Mr. Freeman. There
13 weren't other occupants listed. So I really couldn't say who
14 we thought was inside, but we did do some checks on people to
15 make sure we knew who, if we did encounter, that we could
16 identify them when they did exit.

17 Q. Okay. I'm kind of zeroing in on something that I
18 think maybe we're crossing on.

19 A. Okay.

20 Q. Officer safety is something you were discussing with
21 the jury, right?

22 A. Yes.

23 Q. So if there's nonviolent people inside a home that
24 legitimately have no record and legitimately have the right to
25 carry a firearm, all right, got it?

1 A. Yes, sir.

2 Q. You would want to know that, right?

3 A. Certainly.

4 Q. Okay. So who did you know was regularly in that
5 house?

6 A. Mr. Freeman.

7 Q. Okay. Stop there. Now, does he have any kind of
8 felony record?

9 A. No, sir.

10 Q. Okay. Did you know him to have a firearm?

11 A. No, sir.

12 Q. Okay. Go on down the list. Who else?

13 A. A gentleman by the name of Matt Roach.

14 Q. Okay. Matt Roach. Does he have a felony record?

15 A. No, sir. I don't believe so.

16 Q. Okay. Any record of being a violent felon or a
17 violent person?

18 A. No, sir.

19 Q. Okay. Who else?

20 A. I believe the other gentleman who lived in 75,
21 Mr. Nobody.

22 Q. Okay. Mr. Nobody, any record of him having any
23 violent record?

24 A. He did have a criminal record, but I couldn't speak
25 to it specifically.

1 Q. All right.

2 A. I do recall a record, though.

3 Q. Do you know if he purchased, carried, displayed a
4 firearm?

5 A. That day, no.

6 Q. No. Okay. So that's three that we know of. Who
7 else, anybody else?

8 A. To my knowledge, I believe that was -- those were
9 the only individuals that we actually knew would be inside the
10 residence. But there were always a lot of people frequenting
11 the area.

12 Q. Yeah. Well, right before you went in to do the
13 search, I'm sure you guys were more than -- more than on top of
14 who was coming and going in that house, right?

15 A. Well, there's only so much we can do.

16 Q. Yeah, but you had --

17 A. It's all observation.

18 Q. I know. You have 24-hour observation, right?

19 A. Not at that point, no, sir. No, we did not. No.
20 That was only the beginning of the case.

21 Q. So that was only for several months?

22 A. Yes, sir.

23 MR. SISTI: All right. I'm going to ask the Court's
24 permission -- this is marked for ID now, so we will need a
25 sidebar for a moment.

1 MR. AFRAME: Mark, we don't object.

2 MR. SISTI: You don't object?

3 MR. AFRAME: Based on everything that's already
4 happened.

5 MR. SISTI: All right.

6 Q. You described the search, you described the reasons,
7 and you talked about a call-out. Do you know if Mr. Freeman's
8 home had the ability to record what went on that night?

9 A. No, sir. I believe there were cameras, but I don't
10 recall.

11 Q. You believe there were cameras that, in fact, your
12 agents tried to destroy?

13 A. I couldn't answer that.

14 Q. Well, you were there, weren't you?

15 A. I was there, yes.

16 MR. SISTI: I'm going to ask that Defendant's G at
17 this time be played for the jury. It has been stipulated to as
18 a full exhibit.

19 THE COURT: Defendant's G?

20 MR. SISTI: Thank you.

21 (Video recording played.)

22 MR. SISTI: Okay. Can we stop it right there?

23 Q. What's pulling up there? What's going on?

24 A. I believe that's one of our vehicles, a tactical
25 vehicle, but that's really all I can tell you.

1 MR. SISTI: All right. Well, keep running.

2 Let's stop there.

3 Q. What is that thing?

4 A. That is the vehicle I was discussing. That's what
5 we refer to as the BearCat.

6 Q. That's a BearCat. Why don't we hold it for a
7 second.

8 Describe -- describe for the jury what a BearCat is.

9 A. It's an armored vehicle that law enforcement uses
10 for tactical purposes.

11 Q. An armored vehicle that law enforcement uses for
12 tactical purposes.

13 I just want to make sure. This is the 16th of March
14 2021?

15 A. Yes, sir.

16 Q. Is there any snow on the ground?

17 A. I can't recall. I don't know if that is snow from
18 the -- I've never seen this video before.

19 Q. No? How about do you know if --

20 A. I can't recall. It was cold that morning. I
21 remember that.

22 Q. It was very cold, right?

23 A. Uh-huh. Yes, sir.

24 MR. SISTI: Okay. Why don't we keep running.

25 Q. Who are all these vehicles? Who's that?

1 A. This is all part of the SWAT team.

2 MR. SISTI: Okay. Why don't we stop right there.

3 Q. How many people from the SWAT team were asked to be
4 there on the 16th of March 2021, for this search?

5 A. I don't know how many were there. I am not part of
6 the team. The commander is in charge of that, who runs that
7 operation. So they deem whatever amount of people are
8 necessary.

9 MR. SISTI: Okay. Keep running it, please.

10 Q. What would that activity be?

11 If you'll stop for a second.

12 A. I don't know. I wasn't at the scene because we had
13 to stay away for officer safety until they secured the
14 residence for us.

15 Q. Seems like there's a disturbance going on, though,
16 right?

17 A. I don't know.

18 Q. Okay. We'll keep going.

19 Hold on one second, though. Is there anything that
20 indicates anybody did a, quote, call-out?

21 A. I wouldn't be able to tell you that.

22 Q. What is a -- again, how would you do a call-out at I
23 think it would be 5:14 in the morning on the 21st of March?

24 A. They physically -- the way I understand it,
25 because I couldn't hear it because we're not near the --

1 we're around -- away from the scene for protection, is that
2 they asked the occupants to come out of the residence.

3 Q. That's what you were told happened, right?

4 A. That's the way it was understood that it occurred --
5 that I understood it to have occurred.

6 Q. Yeah, but you don't know if it occurred that way, do
7 you?

8 A. Well, eventually the occupants did come out because
9 once it was secured, I was asked to come up to the scene.

10 Q. Eventually they came out?

11 A. Uh-huh.

12 Q. That's after they used a battering ram, but we'll go
13 through.

14 Continue, please.

15 Okay. What's that all about? Why don't we stop
16 right there.

17 A. That's part of our tactical team.

18 Q. Can you describe what your tactical team uses to be
19 so tactical? I mean, it seems to be they're fairly
20 well-equipped.

21 A. Yes.

22 Q. What are they equipped with for this search of Ian
23 Freeman's home?

24 A. It appears to be a shield and their assigned
25 firearms.

1 Q. Seems like a shield, that's just two people, and an
2 automatic weapon, right?

3 A. Yes.

4 Q. Okay. Do you see any of them calling out anything?

5 A. I wouldn't be able to tell from the video. There's
6 no audio.

7 MR. SISTI: Why don't we keep going.

8 Q. Wow. How many have we got here?

9 Hold on. Can we back that up a bit? Okay. Stop.
10 What have you got in the frame right now? Can you
11 count them?

12 A. One, two, three, four, maybe five or six agents.

13 Q. Okay. All with firearms?

14 A. Yes.

15 MR. SISTI: Why don't we continue.

16 Wait a minute. Why don't we stop there.

17 Q. Do you see what that agent just did?

18 A. Removed the flag.

19 Q. What flag was that? What did he rip down from the
20 porch?

21 A. That's definitely done for visual officer safety
22 purposes.

23 Q. What flag did he rip down?

24 A. I don't know what it was.

25 MR. SISTI: Why don't we continue.

1 Can you stop for a second?

2 Q. Does it look like anybody's making an effort to call
3 out or knock on a door or anything?

4 A. I wouldn't be able to say. I don't know what they
5 were specifically doing.

6 Q. Right.

7 A. And there's no audio, so I couldn't answer that.

8 MR. SISTI: All right. Why don't we continue.

9 Can we stop for a second?

10 Q. Was there any indication by any of the members of
11 that team that there was any verbal resistance coming from the
12 house at that time?

13 A. I was not on their line of communication during this
14 part.

15 Q. You got to talk to these guys afterwards, didn't
16 you?

17 A. No. After the SWAT team, after we -- once we
18 started the search, I did not speak with them, no.

19 Q. Was there ever a report that there were threats
20 coming from within the home or anything like that?

21 A. Not -- I -- I've never read anything like that. Not
22 to my knowledge. I didn't focus on that. Once the entry is
23 made, that -- their team is totally separate.

24 Q. I understand.

25 A. Uh-huh.

1 Q. I'm just asking so the jury understands what we're
2 watching.
3 Was anybody threatening those fully armed agents?
4 A. I don't know. I wasn't there.
5 MR. SISTI: Okay. Why don't we continue.
6 Here we go. Can we stop?
7 Q. Who is that?
8 A. That's the gentleman Mr. Nobody.
9 Q. Can you tell the jury if you see him with any
10 firearms, weapons, anything of the sort?
11 A. It doesn't appear in that frame.
12 MR. SISTI: Why don't we continue.
13 And if we can stop.
14 Q. Do you know who that is?
15 A. I didn't see his face.
16 MR. SISTI: Okay. Why don't we back up a second.
17 Okay. Why don't we go again.
18 Q. Do you know who that gentleman is?
19 A. I don't.
20 Q. Okay. What's his attire?
21 A. A T-shirt and like sweatpants.
22 Q. Any shoes?
23 A. No, sir.
24 Q. Did he come out with any weapons that you saw?
25 A. Doesn't appear to be any in his hands.

1 Q. Does it appear as though he's resisting any way,
2 shape, or form?

3 A. No.

4 MR. SISTI: Why don't we continue.

5 Okay. Why don't we stop.

6 Q. Do you recognize that individual?

7 A. That's Mr. Freeman.

8 Q. And how is he attired?

9 A. I think it's a robe.

10 Q. Is there any indication from you that he was
11 resisting any kind of arrest or contact with your agents?

12 A. Not at this point, no.

13 Q. And who's he got with him?

14 A. A dog.

15 MR. SISTI: Yeah. Why don't we continue.

16 Okay. Why don't we stop there.

17 Q. Who would that be?

18 A. I believe that's Bonnie.

19 Q. The one that you weren't sure was there?

20 A. Correct.

21 Q. That is definitely her, right?

22 A. I believe it is. I didn't know who she was before
23 the day of the arrest.

24 Q. How is she attired?

25 A. It looks like a robe.

1 Q. Do you know if she's got anything on her feet?

2 A. I can't see in this frame.

3 MR. SISTI: Why don't we keep going.

4 Q. As we've seen these so far, is there any indication
5 of any resistance at all?

6 A. No, sir.

7 Q. Okay. Now, your members of your SWAT team are now
8 entering the home, correct?

9 A. Yes.

10 (Video recording played.)

11 Q. What's going on there?

12 Can we stop? Can we stop? Can you back that up a
13 second, please?

14 Okay. What's this man doing?

15 A. He's obviously disabling that camera.

16 Q. Is that standard operating procedure to you?

17 A. I don't know. I'm not on the SWAT team, so I don't
18 know.

19 Q. I mean, is it general SWAT team or FBI policy to
20 destroy other people's property?

21 A. I wouldn't be able -- I wouldn't call it destroying.
22 I think it's for officer safety purposes that they remove or
23 disable the cameras. But I'm not on the SWAT team, so I
24 couldn't tell you.

25 Q. Yeah. So you're just guessing why he destroyed

1 that?

2 A. Well, from my viewpoint, it would be to make sure
3 that that's not being, you know, monitored from across the
4 street or a remote access where it would possibly cause us
5 harm.

6 MR. SISTI: Just keep going, please.

7 Q. Might be -- can we stop?

8 Might be they don't want people to see what they're
9 doing, too, right?

10 A. For safety purposes, yes.

11 Q. Might be they don't want people like a jury seeing
12 what they're doing, too, right?

13 A. No --

14 MR. AFRAME: Objection.

15 THE COURT: Is there a -- you can answer.

16 THE WITNESS: I would disagree. I think it's for
17 tactical purposes so, you know, these types of recordings
18 aren't put out on some platform of social media that would
19 cause us harm in future arrest.

20 Q. I think you're speculating. Okay?

21 How do you know that --

22 THE COURT: Well -- well, don't testify.

23 MR. SISTI: I'm sorry.

24 Q. How do you know it wasn't for some just vindictive,
25 nasty, destructive reason?

1 A. I don't work with people like that. We're very
2 professional. We're extremely professional.

3 (Laughter in audience.)

4 MR. SISTI: Let's continue, please.

5 THE COURT: Excuse me.

6 MR. SISTI: I'm sorry, Judge.

7 THE COURT: No outbursts. This isn't for your
8 entertainment. This man's in here accused of a crime and his
9 lawyer's defending him. Any more outbursts, it'll be the last
10 one.

11 Please proceed.

12 MR. SISTI: Thank you, Judge. I appreciate that.

13 Please continue.

14 (Video recording played.)

15 Q. What is that?

16 A. That looks like the arm of the BearCat with the
17 windowpane.

18 Q. Well, weren't your officers already in the house?

19 A. That I couldn't tell you.

20 Q. Hold it. I mean, we're -- this has time stamps on
21 it.

22 A. I -- again, I wasn't there, so I can't tell you each
23 specific stage of what took place.

24 Q. We already saw individuals walking out of that house
25 with their hands up, barefoot, in the snow, going out through

1 the porch, right?

2 A. Yes, but I've never seen this video before and I --
3 I wouldn't be able to attest that this was the sequence or if
4 it was manipulated or cut or anything.

5 MR. SISTI: All right. Why don't we just continue.

6 Q. So that's actually going through a window?

7 A. It went through a window, obviously.

8 Q. And yanking it out?

9 A. Yes.

10 Q. Okay. What else?

11 Keep going. Thank you.

12 You remember that day, right?

13 A. Yes, sir.

14 MR. SISTI: I have no further questions.

15 THE COURT: It's time for the morning break, so
16 we'll continue with redirect after the break. 15 minutes.

17 THE CLERK: All rise.

18 (Jury excused.)

19 THE COURT: Please be seated.

20 The agent, you never saw this tape before --

21 THE WITNESS: No, sir.

22 THE COURT: -- today? All right.

23 Anything for the Court? No? All right.

24 MR. SISTI: Can we approach for one second?

25 THE COURT: Sure.

1 MR. SISTI: Something just came --

2 THE COURT: Do you need a record?

3 MR. SISTI: No. Actually --

4 THE COURT: Okay. We're off the record.

5 (Off-the-record discussion.)

6 (Recess taken from 10:54 a.m. until 11:12 p.m.)

7 THE CLERK: All rise for the jury.

8 Please be seated.

9 THE COURT: All right. The agent is still under
10 oath.

11 REDIRECT EXAMINATION

12 BY MR. AFRAME:

13 Q. Since it was most of the subject of the cross-exam,
14 I'll just focus for a couple minutes on the search. Okay?

15 A. Okay.

16 Q. All right. So on that day, was this the only search
17 conducted relevant to the Freeman case?

18 A. No, sir.

19 Q. Where were the other searches conducted?

20 A. There were several other sites located throughout
21 the area in the state.

22 Q. And at any of any of those other sites was the SWAT
23 used?

24 A. Yes, sir. No, I stand corrected. No. It was just
25 this location.

1 Q. And why -- why was SWAT decided to be used at this
2 location?

3 A. Based on what we had observed from surveillance of
4 the property, there were individuals that would be in front of
5 the residence with very high-powered rifles.

6 Q. And that wasn't Mr. Freeman, right? I don't want to
7 overstate this --

8 A. No.

9 Q. -- that was not Mr. Freeman, right?

10 A. No, it was not.

11 Q. And when you're doing a search, is that the concern,
12 Mr. Freeman and Mr. Freeman alone?

13 A. No.

14 Q. Why not? What -- when you're thinking about a
15 search, what -- what are the considerations that are going
16 into -- into the -- your -- your thinking?

17 A. Well, the actual search is just the organization and
18 making sure that we take only what's needed for the execution
19 of the search warrant. But to enter the property is a serious
20 concern for officer safety.

21 Based on the type of weaponry that we had seen, I
22 had even observed another individual on the front porch of his
23 residence that had a full-size umbrella. He unscrewed the base
24 of the umbrella and pulled out a full-size sword.

25 So there were indications to where it would be --

1 you know, I want to make sure we stay safe. I don't want
2 anybody being hurt.

3 Four weeks prior to the execution of the search
4 warrant, there were two FBI agents murdered --

5 MR. SISTI: I'm going to object.

6 THE COURT: Yup. Yeah. Was what -- was the event
7 you're about to describe connected with this case in any way?

8 THE WITNESS: No, sir.

9 THE COURT: Why don't you stop there.

10 MR. SISTI: Thank you.

11 THE COURT: Go ahead.

12 Q. Let me ask you maybe what I think is the most --

13 THE COURT: It's okay to say that there had been
14 events -- you know, there had been events in the country that
15 raised your awareness. That's fine. But let's not get into
16 specifics.

17 A. Okay. There were --

18 Q. Which, I guess, I mean, that's the point.

19 Everyone's heard that point. We don't need to make it again.

20 A. Okay.

21 THE COURT: Well, if it's the case.

22 MR. AFRAME: Yeah.

23 THE COURT: I'm not testifying.

24 MR. AFRAME: No.

25 Q. I mean, is that the case?

1 A. It is the case. There were some events that had
2 occurred.

3 THE COURT: That's fine.

4 Q. But the most important thing to me is was anyone
5 hurt in this event?

6 A. No.

7 Q. Okay. Let me ask you about -- Mr. Sisti kept
8 talking about the call-out and said, well, where was the
9 call-out, where was the call-out.

10 You've been an FBI agent for 24 years, right?

11 A. Yes, sir.

12 Q. You're familiar with the search warrant in this
13 particular case, right?

14 A. Yes, sir.

15 Q. Did it require knock-and-announce?

16 A. No. Well, it did in the sense that, yes, we notify
17 them to come out. It just wasn't -- they didn't cooperate.

18 Q. Right. But the law required you to do that?

19 A. Yes.

20 Q. And people did come out?

21 A. They did.

22 Q. I saw them.

23 A. They did.

24 Q. And the video itself had a 5:00-something time stamp
25 on it. Did you see that as you watched it, that it was --

1 A. You saw that there was -- yeah, it was marked with
2 time.

3 Q. And this is not from the government, this video,
4 right?

5 A. No.

6 Q. You hadn't seen this video till today?

7 A. No, sir.

8 Q. What was the time on which the search could
9 commence, according to the search warrant?

10 A. 6:00 a.m.

11 Q. And did you follow that?

12 A. Yes.

13 MR. AFRAME: Okay. Let me -- well, let's approach
14 for a second.

15 AT SIDEBAR

16 THE COURT: Okay. I've been handed two exhibits
17 marked for identification, 311 and 312. They appear to depict
18 the interior, looks like a bedroom.

19 Go ahead.

20 MR. AFRAME: And I'm focusing on the various guns
21 that are in that photo.

22 THE COURT: Sure. And you want to introduce these?

23 MR. AFRAME: Yes. In light of Mr. Sisti's everyone
24 is peaceful, nonviolent, there was no risk here -- in light of
25 the argument -- the questioning which suggests that everything

1 was peaceful and nonviolent and there was no risk here and this
2 was an FBI overreaction, the fact that a bedroom in the house
3 was filled with these weapons is now relevant.

4 MR. SISTI: Okay. Let me address that because, one,
5 it's not Freeman's room. In fact, it's the room of an
6 individual with the last name Roach that they knew lived there.
7 He has got no record whatsoever. They did a complete
8 background on him. There was no reason for them not to. It's
9 separate and apart from Freeman's room. There have been no
10 threats against any agents or federal authorities. Period.

11 Those firearms are all legal. Those firearms were
12 known and not used in any way, shape, or form for threats or
13 anything else. It's an overamplification of things outside of
14 the realm of Ian Freeman. He can't even walk in that room.

15 THE COURT: Why not?

16 MR. SISTI: Because it's leased separately by
17 Mr. Roach. It is not his.

18 THE COURT: All right. And you're saying that was
19 known to the investigators --

20 MR. SISTI: Roach --

21 THE COURT: -- that he had a lessee?

22 MR. SISTI: Oh, yeah. They know Roach. They said
23 that's who he was. She testified to it.

24 THE COURT: Okay.

25 MR. AFRAME: Can I say something further?

1 THE COURT: Of course.

2 MR. AFRAME: This isn't a question of whether
3 Mr. Freeman's guilty or innocent. It's strictly a question of
4 safety. Whoever's these guns were, they're in the house, they
5 could be accessed, and the FBI is coming. That there's a
6 lessee relationship seems to have nothing to do with what we're
7 talking about. This is -- Mr. Sisti has made a huge point
8 about peacefulness, nonviolence, no weapons, and that suggests
9 that is not so and I think I have every right to try to present
10 that now.

11 MR. SISTI: I'm going to tell you, I mean, I've
12 lived in this state now since 1976. I -- I would say that more
13 than 50 percent of the individuals that live in this state have
14 a firearm or more in their house. And if that was a
15 rationalization to be doing what they did, they'd be doing it
16 in every search.

17 THE COURT: I'm just trying to get a better look at
18 these -- at these firearms.

19 MR. SISTI: They were examined even afterwards, by
20 the way.

21 THE COURT: Yeah.

22 MR. SISTI: There's nothing. Nothing.

23 THE COURT: What's the story on Roach?

24 MR. SISTI: He's clean.

25 MR. AFRAME: He lives -- I don't know. I don't -- I

1 don't believe he has a criminal record, but he lives there with
2 Freeman. He's part of Freeman's group of people.

3 THE COURT: That's what I'm asking, is he known to
4 be an associate for any of these antigovernment --

5 MR. AFRAME: Yes. Right? Yes. He's signed on some
6 of those documents. He's one of the names that we read off as
7 do people know him, because he signed on these church
8 documents. He's part of the crew.

9 THE COURT: Okay.

10 MR. SISTI: He's also got no record whatsoever of
11 violence, no record of handling unlawful firearms, no reckless
12 conduct in his background. The guy sells pet insurance for a
13 living.

14 THE COURT: Sure. Okay.

15 MR. SISTI: I needed him the other day.

16 THE COURT: Here's the thing. Okay? Look. I do
17 think in light of the cross-examination it's just -- it's
18 admissible evidence to demonstrate that there are threats to
19 any investigating officer in someone's prior residence. Even
20 in a pro-gun state like New Hampshire where a lot of people
21 have guns at home, I think it's permissible on redirect and I'm
22 sure you'll explore it on recross.

23 Yeah, I'm going to allow it. I don't think -- and I
24 certainly don't think the prejudice outweighs the probativity
25 in light of the cross. I didn't think there was anything wrong

1 with the cross. I think the cross was completely permissible
2 and acceptable. But it -- I think it makes this -- it makes
3 this worth considering.

4 MR. SISTI: Can I see that one more time?

5 THE COURT: Okay. Overruled.

6 CONCLUSION OF SIDEBAR

7 (Government's Exhibits 311 and 312 were admitted.)

8 THE COURT: Folks, understand I'm addressing you
9 right now. That's so she can hear when we're at sidebar. Do
10 you understand? Thanks.

11 Q. Okay. Only one last point on the -- the search.

12 So when you ultimately -- so let me ask this
13 question.

14 Once we watched that part that we watched, the
15 video, does the -- once the residence is secured and it's
16 determined that all people are out of the house, what happens
17 to the SWAT team?

18 A. They depart the area.

19 Q. Okay. And then -- then what happens?

20 A. Then my team will move in and we start the search --

21 Q. Okay.

22 A. -- of the actual residence.

23 Q. And I imagine -- how are you dressed?

24 A. I had on cargo pants and stuff that we could work,
25 you know, a traditional shirt. Not a suit.

1 Q. Okay. And did you search all the rooms of the
2 house?

3 A. My teams did, yes.

4 Q. Yes. And was there -- in the 73 Leverett side, was
5 there more than one bedroom?

6 A. Yes, sir.

7 Q. And were you able to identify who was in which
8 bedroom based on what you found in them?

9 A. Yes, sir.

10 Q. And where was Mr. Freeman's bedroom?

11 A. It was on the second floor in the rear of the
12 residence.

13 Q. And was there another bedroom?

14 A. Yes, sir.

15 Q. And did you figure out, based on what was in there,
16 whose bedroom was that?

17 A. A gentleman by the name of Matt Roach.

18 Q. And were you familiar with Mr. Roach, just based on
19 the surveillance that had been done leading up to the --

20 A. Yes, sir.

21 Q. -- search?

22 And did you know him to associate with Mr. Freeman?

23 A. Yes.

24 Q. And how far was Mr. Roach's bedroom from
25 Mr. Freeman's bedroom?

1 A. Not very far. It was pretty much across the hall
2 with a stairwell in between. I would say no further than here
3 to the second table in the courtroom.

4 Q. Okay. And did you search Mr. Roach's room?

5 A. My team did.

6 Q. Okay. Are you familiar with what was found in
7 there?

8 A. I'm sorry. What?

9 Q. Are you familiar with what was found in there?

10 A. Yes, sir.

11 Q. Okay. So let me show you now what's been marked
12 for -- as Government's Exhibit 311 first.

13 THE CLERK: Is this for ID or no?

14 MR. AFRAME: No, the objection's been --

15 THE COURT: It's been admitted, 311 and 312.

16 Q. This is Government's Exhibit 311. It's slightly
17 blurry, but are you familiar with this?

18 A. Yes, sir.

19 Q. And whose bedroom was this?

20 A. Mr. Roach's.

21 Q. And that's the one down the hall from Mr. Freeman's?

22 A. Yes, across the hall.

23 Q. And is there a fireplace on sort of the side wall
24 here, some -- there's a -- there's a white wall with blue
25 circles?

1 A. Yes. I don't recall it -- I don't remember if it
2 was a fireplace. It's hard to see.

3 Q. That's fine.

4 A. I do remember what is located there specifically.

5 Q. Okay. So what's leaning against that wall?

6 A. Weapons.

7 Q. Okay.

8 A. Firearms.

9 Q. And I'll see if 312 can show it just a little closer
10 up.

11 And do you see a whole bunch of different types of
12 weapons there?

13 A. Yes, sir.

14 Q. And those were there the day of the search?

15 A. Yes, sir.

16 Q. And no one got hurt in the search, right?

17 A. No, sir.

18 MR. AFRAME: No further questions.

19 RE-CROSS-EXAMINATION

20 BY MR. SISTI:

21 Q. Let's talk about Mr. Roach for a second. Okay?

22 A. Okay.

23 Q. Because you knew about Matt Roach well before there
24 was any kind of a search that was executed, correct?

25 A. I did know of him before the search warrant, yes,

1 sir.

2 Q. And, again, I'm going to go back to the beginning.
3 For officer safety, certainly you would have checked his
4 background?

5 A. Yes, sir.

6 Q. And for officer safety, you knew he had no violent
7 criminal record, right?

8 A. That's correct.

9 Q. That he was not a convicted felon, right?

10 A. That's correct.

11 Q. That he had the right to procure, own, and secure
12 weapons, correct?

13 A. Yes, sir.

14 Q. All right. There was no restrictions with regard to
15 Mr. Roach having those weapons, right?

16 A. No, sir.

17 Q. That room was separate and apart from Ian Freeman's
18 room, right?

19 A. Yes, sir.

20 Q. No question about that?

21 A. No question.

22 Q. Roach never threatened any of your officers at the
23 scene?

24 A. Not that I'm aware of.

25 Q. Right. Well, you would know that, wouldn't you?

1 A. I would know that, yes, if --

2 Q. Yeah.

3 A. It did not happen in my presence. I'm not aware of
4 any.

5 Q. Well, a lot of things didn't happen in your
6 presence; because it was referred to again by the U.S.
7 Attorney's Office that there was this call-out thing, that
8 there was this knock-before-you-enter situation, right?

9 A. Yes, sir.

10 Q. This call-out, right?

11 A. Yes, sir.

12 MR. SISTI: Okay. If you could start G again,
13 please.

14 (Video recording played.)

15 Q. Do you know what that is?

16 A. No, sir.

17 MR. SISTI: Can you stop for a second?

18 Q. Why is all that disturbing? Why is that dust or
19 flakes or snow or whatever happening, do you know?

20 A. No, sir.

21 MR. SISTI: Why don't you continue.

22 Stop. You can stop.

23 Q. Do you know what that is?

24 A. No, sir.

25 Q. Did you ever hear in your 24 years of experience a

1 call-out called a flash bang grenade?

2 A. I've heard of a flash bang, yes.

3 Q. Do you know what that is?

4 A. I really couldn't define it. I just know that it's
5 used by the SWAT team.

6 Q. Do you think it was used in the early morning
7 hours --

8 A. I don't know.

9 Q. -- of the 16th of March?

10 A. I don't know.

11 Q. What are you watching? What are you seeing?

12 A. It's a video with some debris in front of the
13 camera. I couldn't tell you specifically.

14 Q. Does it -- have you seen a flash bang before?

15 A. I have in a training purpose.

16 Q. Yeah. You may have just seen one for real.

17 Thank you.

18 MR. AFRAME: Nothing further.

19 THE COURT: Thank you. You're excused.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 THE COURT: Please call your next witness.

23 MS. MACDONALD: Kevin McCusker.

24 THE CLERK: Please remain standing and raise your
25 right hand.

1 gather evidence and information and speak to witnesses about
2 allegations or information that would be indicative of
3 violations of federal law. I try to develop an investigation
4 in a case and present to a -- the appropriate prosecuting
5 office.

6 Q. Okay. And sometimes do you serve as the main case
7 agent on those cases?

8 A. Most times I do, yes.

9 Q. But do you otherwise help in other people's
10 investigations?

11 A. Yes, I do.

12 Q. And let me direct you to March 16th of 2021. Did
13 you participate in a search that day?

14 A. I did. A search warrant, yes.

15 Q. And was this a case that was your investigation or
16 someone else's that you were helping on?

17 A. This was another -- another agent, another team of
18 agents' investigation --

19 Q. Okay.

20 A. -- out of the -- out of the New Hampshire resident
21 agency offices.

22 Q. And how did it become to -- come to be that you
23 participated in the search that day?

24 A. I believe it was a canvass to our office, the
25 entirety of the office, for availability. It sounded like they

1 needed -- they needed manpower for the search and I volunteered
2 for that.

3 Q. Okay. And prior to helping out in the search, were
4 you given any sort of background or briefing about the case?

5 A. I was. I had been briefed that it had to do
6 with cryptocurrency. I had been given materials about
7 cryptocurrency, what to -- what would be -- what to look for,
8 what it -- what it seems like, what it -- what it looks like,
9 and as well as a brief about the nature of the case the morning
10 of the search and then -- so yes.

11 Q. Okay. And are you informed that a search warrant
12 has been received?

13 A. Yes.

14 Q. And are you instructed on specific things that that
15 search warrant authorizes you to search for?

16 A. Yes. During the brief it would have -- it would
17 have been briefed.

18 Q. Okay. And on the morning of March 16th, 2021, I'll
19 represent we've heard some testimony that there was a SWAT team
20 that made an initial entry. Were you a member of that SWAT
21 team?

22 A. Not at the time, no.

23 Q. Okay. And so you weren't a part of that initial
24 entry?

25 A. No, I was not.

1 Q. Okay. What was your role that day?

2 A. I assisted during the searching of the residence.

3 Q. Okay. And I'm going to pull up what has been
4 admitted as Exhibit 401.

5 Do you recognize this photo?

6 A. I -- I recognize the room in the photo, yes.

7 Q. Okay. And where is this room?

8 A. This room is in the residence or the structure at
9 Leverett Street in Keene, New Hampshire. It was on the first
10 floor, one of the -- the room that I mostly spent time in doing
11 the search.

12 Q. Okay. And is this -- is there something -- do you
13 see sort of -- well, actually, let me just take you to
14 Government's Exhibit 402.

15 Do you recognize this?

16 A. Yes. So that's the -- a file cabinet that's
17 underneath a printer that's located in that same room. You can
18 see --

19 Q. Okay.

20 A. In the prior picture you can see it off in the
21 corner.

22 Q. And let's do that. Let's go back to 401 and I'll
23 have you describe where in that room that file cabinet is.

24 A. So you can see it kind of to the middle of the
25 picture in the back. You see the printer and then underneath

1 the printer is that cabinet.

2 Q. Okay. And is that a location that you searched?

3 A. Yes.

4 Q. Okay. And did you find something that you believed
5 to be responsive to the search warrant?

6 A. Yes.

7 Q. Okay. And let me direct you to Government's
8 Exhibit 403.

9 What are we looking at here?

10 A. So that's a manila folder that was in that file
11 cabinet containing the documents.

12 Q. Okay. And what is that manila folder titled?

13 A. It has the word crypto written at the top.

14 Q. Okay. And you determined that to be responsive to
15 the search warrant?

16 A. Yes.

17 Q. Okay. And after you found that, what did you do
18 with it?

19 A. I had -- well, we had arranged it the way it looked
20 in the photo so that it could be photographed and assigned a
21 number. And then it -- I don't remember if it was I who
22 packaged it, but it was identified and photographed for
23 packaging and seizure.

24 Q. Okay. And after participating in a search that day,
25 did you have any further investigation -- participation in this

1 case?

2 A. No.

3 MS. MACDONALD: Okay. Thank you.

4 THE COURT: Cross.

5 MR. SISTI: Thank you, Judge.

6 CROSS-EXAMINATION

7 BY MR. SISTI:

8 Q. Good morning.

9 A. Good morning, sir.

10 Q. I won't keep you long, Agent, but how long were you
11 at that particular residence?

12 A. Probably a couple hours.

13 Q. And can you tell the jury when you arrived?

14 A. Probably -- probably arrived at the -- in the
15 residence approximately seven o'clock maybe.

16 Q. Okay. So that would have been well after the
17 initial entry?

18 A. Correct.

19 Q. And well after the individuals inside had been
20 cleared?

21 A. Correct. I mean, we were in the general vicinity of
22 the residence, but not at the scene.

23 Q. Were you able to observe the scene?

24 A. No.

25 Q. Okay. So you wouldn't have been able to see what,

1 in fact, took place with regard to the SWAT team?

2 A. I wouldn't have seen it.

3 Q. Did you hear anything?

4 A. I don't have a memory of hearing anything. I know
5 that there was a tactical team involved in the -- in the -- in
6 the initial approach of the house.

7 Q. Okay. I mean, I just want to make sure because I
8 don't want to miss anything.

9 Did you hear a call-out, something like, hey,
10 Freeman, you know, it's the FBI, it's time to come out,
11 anything like that?

12 A. I don't remember.

13 Q. Did you hear a flash bang grenade?

14 A. I don't remember.

15 Q. You don't remember?

16 A. No.

17 Q. How far away from this residence were you?

18 A. It might have been -- I don't remember it. It might
19 have been a block and a half, two blocks.

20 Q. You don't remember. Okay. But you don't remember
21 anything; you don't remember any hearing, right?

22 A. I -- no, I don't.

23 Q. And you don't remember seeing anything?

24 A. I don't -- I don't remember seeing the entry of the
25 house, no.

1 Q. All right. How many agents were there? When you
2 first came on the scene.

3 A. There were a number of agents. In that particular
4 room, when I first went into that room, there weren't that
5 many -- I probably was the -- one of the agents out of -- I
6 probably was the one agent in there for a little while until
7 the search -- until more agents came in.

8 Q. Okay. Let me make my question a little bit more
9 clear, okay, because maybe we're misunderstanding each other.

10 How many total agents were at that scene?

11 A. I don't -- I don't know. 15 or 20.

12 Q. 15 or 20 agents at that one residence, right?

13 A. I -- I don't have the exact number, sir. I'm sorry.

14 Q. But that excludes the SWAT team, right?

15 A. Correct.

16 Q. So there's 15 or 20 agents, plus the six or seven
17 SWAT members, right?

18 A. The -- I don't believe the SWAT members were there
19 when I was there.

20 Q. No. They were there before you, right?

21 A. Correct.

22 Q. And you've worked on a SWAT team before, haven't
23 you?

24 A. I have.

25 Q. Can you tell the jury whether there's a certain

1 number of you folks that would be put together for something
2 like this operation?

3 A. I mean, that's a decision that's made by the
4 leadership of the team.

5 Q. Okay. All right. But if I said there were six or
6 seven SWAT agents at the scene, that would not be unusual,
7 right?

8 A. No.

9 Q. And there would be a BearCat there, too, so there'd
10 be an operator for the BearCat, right?

11 A. There -- if they used a BearCat, there would be an
12 operator for the BearCat.

13 Q. Okay. So maybe we're up to seven or eight SWAT team
14 and 15 to 20 regular special agents?

15 A. Agents or other personnel involved in the search.

16 Q. Any other person --

17 A. Again, that would have been -- one would have come
18 after the other.

19 Q. All right. There were a lot of people there, right?
20 Right?

21 A. There's an amount that's determined to be
22 appropriate based on the needs of the search.

23 Q. Okay. I just -- you were in the -- what I guess was
24 like the radio station office kind of area?

25 A. Yes, sir.

1 Q. And you pointed out in Exhibit 401 a filing cabinet,
2 right?

3 A. Yes, sir.

4 Q. But you were in the vicinity of that room and I
5 think the picture's going to show -- could we put up 401,
6 please?

7 There's a window to the right?

8 A. Yes, sir.

9 Q. Can you tell the jury what that window looks like?

10 A. I mean, it's -- I believe that's the window that was
11 broken.

12 Q. Yeah. It's -- it's been broken, right?

13 A. Yes.

14 Q. Do you know how that window was broken?

15 A. No, I don't.

16 Q. Okay. Did anybody explain while you're sitting in a
17 radio station room in a house why that window is smashed?

18 A. No, not specifically.

19 MR. SISTI: I have no further questions.

20 THE COURT: Redirect?

21 MS. MACDONALD: No, your Honor. Thank you.

22 THE COURT: Thank you. You're excused.

23 THE WITNESS: Thank you, sir.

24 (Witness excused.)

25 MS. MACDONALD: Manchester Police Detective Derek

1 Feather.

2 THE CLERK: Please remain standing and raise your
3 right hand.

4 **DEREK FEATHER**, having been first duly sworn,
5 testified as follows:

6 THE CLERK: Please be seated.

7 For the record, please state your name and spell
8 your last name.

9 THE WITNESS: Derek Feather, F-e-a-t-h-e-r.

10 DIRECT EXAMINATION

11 BY MS. MACDONALD:

12 Q. Good morning, Sergeant Feather. Where are you
13 currently employed?

14 A. City of Manchester Police Department.

15 Q. And what is your current assignment?

16 A. Patrol supervisor, sergeant.

17 Q. Okay. And in March of 2021, did you have a
18 different assignment?

19 A. Yes, I was. I was part of the task force for the
20 FBI.

21 Q. Tell me what task force you're referring to.

22 A. With the Safe Streets Task Force.

23 Q. And what is the Safe Streets Task Force?

24 A. We focused on drug offenders and violent crime.

25 Q. Okay. And what does it mean to be a task force

1 officer with the FBI?

2 A. I basically have the same access, arrest powers, and
3 everything that an agent would have.

4 Q. Okay. Now, you testified that you were on a task
5 force that dealt with drugs and violent crime. Did you
6 sometimes help other groups in your office?

7 A. Yes, we did.

8 Q. And on March 16th of 2021, were you helping out a
9 different part of your office?

10 A. Yes.

11 Q. Okay. And who was -- who were you helping out that
12 day?

13 A. Katie.

14 Q. Okay. Is Katie another agent in your office?

15 A. Yeah, I'm sorry. Her last name is striking me at
16 the moment, but yeah.

17 Q. Okay. And what were you asked to help out with that
18 day?

19 A. There was several search warrants that were about to
20 take place and we were -- we were assigned to one specifically.

21 Q. Okay. And where was that search warrant that you
22 participated in?

23 A. 142 Chester Road in Derry.

24 Q. Okay. In Derry, New Hampshire?

25 A. Derry, New Hampshire.

1 Q. And, generally, who were the targets of Katie's
2 investigation, if you know?

3 A. I was just familiar with the one, Ian Freeman.

4 Q. Okay. And were you involved in the investigation
5 prior to participating in the search that day?

6 A. No.

7 Q. Okay. Now, prior to participating in the search at
8 142 Chester Street in Derry, were you briefed on the case?

9 A. I wouldn't call it a -- we call it a brief, but --
10 we meet the morning of, but there's minimal information given.

11 Q. Are you given information about what you are
12 supposed to search for?

13 A. The contents of the search warrant, absolutely, yes.

14 Q. Okay. And did that happen that day?

15 A. Yes.

16 Q. Okay. Let me show you Government's Exhibit 1801.
17 This has been admitted.

18 Do you recognize this photo?

19 A. That's the address 142 Chester Road --

20 Q. Okay.

21 A. -- Derry.

22 Q. Is that where you participated in the search warrant
23 on March 16th of 2021?

24 A. Yes.

25 Q. And did that search involve the SWAT team?

1 A. No.

2 Q. Okay. Just a team of agents to search the
3 residence?

4 A. Correct.

5 Q. Okay. And let me direct you to Government's
6 Exhibit 1802.

7 Do you recognize this photo?

8 A. Yes.

9 Q. And what's depicted in this photo?

10 A. That's the living room. That slider to your left
11 actually faces the front of the road.

12 Q. Okay. And 1803.

13 A. Same thing. The stairs to the left go up to the
14 upstairs, obviously, and that door that's open to your
15 right-hand side, that's your main entrance.

16 Q. And do you see things in this photo that you
17 determined were responsive to the search warrant?

18 A. Yeah. We were -- we were specifically looking for
19 electronic devices.

20 Q. Okay. And what does electronic devices include?

21 A. Cell phone, laptop, tablet, like anything in that
22 era.

23 Q. Okay. And can -- and in this photo were there
24 certain electronic devices that you identified?

25 A. I did. There's a -- next to that blue pillow on the

1 right-hand side of the couch there's a phone face down.

2 Q. Okay. And, actually, let's look at 1804.

3 A. Face up. Sorry.

4 Q. Okay. And is this the --

5 A. Yeah, that's the -- yeah.

6 Q. Is this the phone?

7 A. Yeah.

8 Q. Okay. And let's back up again to 1803.

9 Is there something else depicted in this photo that
10 you identified?

11 A. On the left-hand side by the stairs, there's another
12 phone by that remote.

13 Q. Okay. And let's go to 1805.

14 What is this a picture of?

15 A. That's a cell phone.

16 Q. Okay. And you were the person to identify these two
17 cell phones?

18 A. Yes.

19 Q. Okay. And we see a little yellow tents next to
20 them. What are those there for?

21 A. Those are numbered just to keep track of the
22 evidence. And it's the way they just -- the way the FBI tracks
23 their evidence.

24 Q. Okay. And after participating in the search at
25 142 Chester Street in Derry, did you have any further

1 involvement in this case?

2 A. I did not.

3 MS. MACDONALD: Okay. Thank you.

4 THE COURT: Cross?

5 MR. SISTI: I have no questions.

6 THE COURT: No questions.

7 You're excused. Thank you.

8 (Witness excused.)

9 MS. MACDONALD: Next we call FBI Special Agent Scott
10 O'Donnell.

11 THE CLERK: Please remain standing and raise your
12 right hand.

13 **SCOTT O'DONNELL**, having been first duly sworn,
14 testified as follows:

15 THE CLERK: Please be seated.

16 For the record, please state your full name and
17 spell your last name.

18 THE WITNESS: William Scott O'Donnell,
19 O-D-o-n-n-e-l-l.

20 DIRECT EXAMINATION

21 BY MS. MACDONALD:

22 Q. Agent O'Donnell, where are you employed?

23 A. At the FBI.

24 Q. And what is your position with the FBI?

25 A. I'm a special agent.

1 Q. What office are you assigned to?

2 A. I'm assigned to the Bedford residential agency.

3 Q. Okay. And what are your primary duties in the
4 Bedford resident agency?

5 A. Criminal investigation informant development.

6 Q. And how long have you been with the FBI?

7 A. Excuse me? I'm sorry.

8 Q. I'm sorry. How long have you been with the FBI?

9 A. Approximately 27 years.

10 Q. Okay. And I'm going to direct you to March 16th of
11 2021. Were you involved in a search warrant executed that day?

12 A. Yes.

13 Q. And was your participation in that case as a sort of
14 member of the case team or as somebody helping out that day
15 with the search?

16 A. Helping out that day of the search.

17 Q. Okay. And had you had any significant prior
18 involvement in the case prior to that day?

19 A. No.

20 Q. Prior to participating in a search like that, are
21 you given some background about the case and the search
22 warrant?

23 A. Yeah, a general overview.

24 Q. Okay. And do you get a briefing about the things
25 that you are authorized to search for and seize in the warrant?

1 A. Yes, correct.

2 Q. And did you receive that that day on March 16th?

3 A. The day before, yes.

4 Q. Okay. And what location were you involved in
5 searching that day?

6 A. 659 Marlborough Street in Keene.

7 Q. Okay. And let me show you what's been marked and
8 admitted as Government's 1701.

9 Do you recognize this photo?

10 A. Yes. That's the residence.

11 Q. Okay. And do you know who lived at this residence?

12 A. Aria DiMezzo.

13 Q. And let me direct you to Government Exhibit 1702.
14 What are we looking at here?

15 A. We are looking at Aria DiMezzo's bedroom.

16 Q. Okay. And did you determine it was her bedroom
17 based on things found in the room that day?

18 A. Yes.

19 Q. And did you identify something responsive to the
20 search warrant in that room?

21 A. Yes.

22 Q. Okay. Let me show you Government's Exhibit 1703.
23 And can you tell us what's depicted here?

24 A. That's a cellular telephone.

25 Q. Okay. And where in this photo is the cellular

1 telephone?

2 A. On the bed.

3 Q. Okay. And what's next to it?

4 A. A charger.

5 Q. I'm talking -- did you add anything to that, did you
6 put something there?

7 A. Oh, I'm sorry. So in conducting a search we put tag
8 number 1, it's a yellow marker, so that we could document the
9 evidence appropriately.

10 Q. Okay. And so you placed that next to the cellular
11 telephone?

12 A. The photographer did.

13 Q. Okay. But you were the one to locate it?

14 A. Yes.

15 Q. Okay. After participating in the search that day,
16 did you have any further involvement in this case?

17 A. I interviewed Aria DiMezzo --

18 Q. Okay.

19 A. -- briefly.

20 Q. But other than that, after that day --

21 A. No.

22 Q. -- did you have any other involvement?

23 A. No.

24 MS. MACDONALD: Okay. No further questions. Thank
25 you.

1 MR. SISTI: No questions.

2 THE COURT: You're excused, Agent. Thank you.

3 (Witness excused.)

4 THE COURT: What was? I didn't follow that. What's
5 going on?

6 MS. MACDONALD: I'm sorry. I think maybe he went to
7 the men's room or is back in our office and is coming over.

8 THE COURT: If he's back in your office, we should
9 take a recess.

10 MS. MACDONALD: She said one minute, so I'm not
11 sure --

12 THE COURT: She might have said that as a figure of
13 speech.

14 MS. MACDONALD: Do you want me to find out?

15 THE COURT: Yeah.

16 MR. AFRAME: We'll find out.

17 MS. MACDONALD: Apologies, your Honor. He was in
18 our office. So he's running over, so --

19 THE COURT: Let's let the jury take a little break
20 in the break room.

21 THE CLERK: All rise.

22 (Jury excused.)

23 THE COURT: Okay. Anything for the Court?

24 MR. SISTI: All set.

25 THE COURT: We'll resume again when the witness

1 arrives. Thanks.

2 MS. MACDONALD: Your Honor, he just arrived.

3 MR. KENNEDY: Judge --

4 THE CLERK: Hold on.

5 (Recess taken from 11:55 a.m. until 12:00 p.m.)

6 THE CLERK: All rise for the jury.

7 Please be seated.

8 MS. MACDONALD: Detective Yu Kajita.

9 THE CLERK: Please remain standing and raise your
10 right hand.

11 **YU KAJITA**, having been first duly sworn, testified
12 as follows:

13 THE CLERK: Please be seated.

14 THE WITNESS: Thank you.

15 THE CLERK: For the record, please state your name
16 and spell your last name.

17 THE WITNESS: Sure. My name is Yu Kajita, last name
18 spelled K-a-j-i-t-a.

19 DIRECT EXAMINATION

20 BY MS. MACDONALD:

21 Q. Detective Kajita, where are you employed?

22 A. I'm employed by the Brookline Police Department in
23 Massachusetts.

24 Q. And for how long have you been employed by the
25 Brookline Police Department?

1 A. Approximately 16 years.

2 Q. And for how long have you been in the position of
3 detective?

4 A. Since 2015.

5 Q. And what did you do before becoming a detective?

6 A. I was a patrol officer.

7 Q. Okay. Now, in your past nine years as a detective,
8 have you developed any special skills?

9 A. I have.

10 Q. Tell me about that.

11 A. I am certified as a forensic examiner through the
12 FBI's New England Regional Computer Forensics Laboratory.

13 Q. Okay. And are you currently -- do you currently
14 have a special assignment?

15 A. I do.

16 Q. What's that?

17 A. I'm currently assigned to that FBI's New England
18 Regional Computer Forensics Laboratory, also known as NERCFL.

19 Q. Okay. And prior to your assignment with the FBI,
20 did you educate yourself about digital forensics?

21 A. I did.

22 Q. And tell me about what -- whether you did work with
23 digital forensics while with the Brookline Police Department.

24 A. As my role with the detective in the Brookline
25 Police Department, I specialize in cell phone forensics

1 analysis as well as call data record analysis.

2 Q. Okay. And let's talk about the training that you
3 received once joining the FBI.

4 A. Yes.

5 Q. Do you get any sort of special training or
6 certifications?

7 A. Yes. I've attended approximately a twelve-week
8 course hosted by the FBI that specialized in advanced forensic
9 analysis and acquisition methods. I am certified through their
10 curriculum and as well as outside the FBI I'm certified through
11 private vendors who specialize in digital forensics.

12 Q. Okay. And let's take those one by one.

13 What about -- what sort of things do you learn in
14 the twelve-week FBI certification?

15 A. It's broken up to two-week programs spread out all
16 throughout the year and they specialize in different types of
17 acquisition of digital forensics such as how to -- how to
18 acquire digital data from a cell phone, to a laptop, a desktop,
19 as well as how to process them to be able to understand and
20 read those data.

21 Q. Okay. And after receiving your initial
22 certification with the FBI, do you have to do any sort of
23 continuing education?

24 A. I do.

25 Q. And tell me about that, please.

1 A. So with the FBI, I have to maintain my certification
2 level by completing examination of digital data as well as
3 taking an annual competency test to make sure that I'm still
4 qualified under the FBI's guideline.

5 Q. Okay. And are you so qualified?

6 A. I am.

7 Q. And tell me about the certifications that you
8 referenced with respect to specific tools.

9 A. I'm certified through Cellebrite CCPA, CCO,
10 certified cell phone operator and certified Cellebrite --
11 excuse me, Certified Cellebrite Operator and Certified
12 Cellebrite Physical Analyst.

13 Q. Okay.

14 A. As well as XRY basic and advanced forensic analysis
15 and magnet's -- Magnet -- AXIOM's magnet certified forensic
16 examiner's certification.

17 Q. Okay. And tell me about what sort of your
18 day-to-day responsibilities are.

19 A. It's -- my role as a task force officer with the
20 FBI is to provide technical assistance, from doing a -- the
21 forensics extracting, analyzing, preserving as well as provide
22 technical support on the field and at the lab.

23 Q. Okay. And when you say on the field, what does that
24 mean?

25 A. Assist on search -- search warrants.

1 Q. Okay. And what kind of assistance do you provide on
2 search warrants?

3 A. To identify any digital media devices. Depending on
4 the search warrant, if it's -- the search warrant is requesting
5 to locate any digital devices, my role is to identify,
6 preserve, and take appropriate, necessary actions to be able to
7 do a future analysis.

8 Q. Okay. And what about the work that you do in the
9 lab?

10 A. The same role. Any device that comes into our lab,
11 we go through a whole procedure of taking necessary measures to
12 preserve that data and then analyze and make it available for
13 the case agent or the local detectives to review for their
14 investigation.

15 Q. And are there -- is there any type of digital device
16 that you specialize in?

17 A. Not specifically, but just pretty much I specialize
18 in general forensics, general digital forensics. So not just
19 cell phones, but also, like I stated, laptops, desktops, as
20 well as DVR units, infotainment systems in vehicles.

21 Q. And these days, what is the most common type of
22 device that you're analyzing?

23 A. Most common device would be cell phone.

24 Q. Okay. How many cell phones would you say you have
25 analyzed in your career?

1 A. I would say, ballpark, close to or over a thousand
2 phones.

3 Q. Okay. And what is -- you mentioned you have a
4 certification in Cellebrite.

5 A. Yes.

6 Q. Is that a tool that is used with cell phones?

7 A. Yes.

8 Q. And could you tell us a bit about that tool and how
9 it works?

10 A. So the tool is an acquisition tool as well as a
11 processing tool. What I mean is when we get a cell phone, we
12 connect the phone to the Cellebrite program to pull the
13 necessary data to keep the integrity of that data.

14 Once I acquire that data, I will have to use their
15 tool again to process that data to make it human-readable and
16 it spits -- it spits that data out in a categorized manner. So
17 every -- all the data that's coming back is categorized into
18 tables such as media, pictures, videos, call logs, web history,
19 et cetera.

20 Q. Okay. So let's break that down a little bit.

21 You described a -- one type of tool that sort of
22 makes the copy. Is that an accurate --

23 A. Correct.

24 Q. -- description? Okay. And then once you made that
25 copy, sort of what does that copy look like?

1 Q. I'm showing you what's been marked as Government's
2 Exhibit 1401 and I'll actually let you take out what's inside
3 there.

4 A. It is a portable hard drive.

5 Q. And do you recognize this hard drive?

6 A. Yes.

7 Q. And did you review it prior to your testimony today?

8 A. I did.

9 Q. And what is contained on this hard drive?

10 A. It contains three Cellebrite reports that I
11 generated, evidence -- the three phones are item as evidence
12 1B15, 1B16 and 1B61.

13 Q. Okay. Thank you. You can put that back. Thank
14 you.

15 Did you analyze all three of the devices you just
16 listed, 1B15, 1B16 and 1B61?

17 A. I did.

18 Q. Okay. And was the process for analyzing each of
19 those three devices similar?

20 A. Yes.

21 Q. So let's talk about that. And if there's any
22 differences between them, please feel free --

23 A. Sure.

24 Q. -- to stop me, but to save time we'll discuss the
25 process for all three together.

1 A. Sure.

2 Q. Okay? All right.

3 What is the first step that you take when you
4 analyze -- I should back up.

5 Are these three -- what types of devices are these
6 three?

7 A. They're -- all three are a Samsung Galaxy S9. Two
8 of them are S9+ and one of them was S9.

9 Q. Okay. And those are all cellular telephones?

10 A. Yes.

11 Q. Okay. So what's the first step that you take when
12 conducting an analysis of a cellular telephone?

13 A. I first do a physical examination on the device,
14 take a photograph and assign a unique identifier to identify
15 that phone within our lab.

16 Q. And that brings up a good question I should have
17 asked you. Where did you conduct the analysis of these three
18 phones?

19 A. Back in Chelsea, Massachusetts, at the forensics
20 laboratory.

21 Q. Okay. And so you were provided the three physical
22 phones in your laboratory in Chelsea, Massachusetts?

23 A. Yes.

24 Q. Okay. So what -- what do you do after you conduct
25 that first step of labeling and photographing?

1 A. Then I make sure that the device is in a forensics
2 manner, meaning making sure that the phone is not connected to
3 the network.

4 In order to do this, I have to place the phone in
5 airplane mode. If not, I have to take the SIM card out to
6 disconnect from the network.

7 Q. Why is it important to disconnect a cell phone from
8 the network?

9 A. It's important because it's constantly connecting to
10 the network and communicating with the cell phone provider.
11 And so if -- if we maintain the phone in a network capacity and
12 we forget to remove from the network, it can remotely wipe from
13 the user.

14 Q. Okay. And so once you've made sure that the device
15 is not connected to the network, what do you do next?

16 A. Then I go through the whole process of taking notes
17 of the device and then use the appropriate tool to extract the
18 data from each device.

19 Q. Okay. And what tool did you use in this case?

20 A. In this case, I used a tool called Cellebrite
21 Premium.

22 Q. Okay. And so this is sort of the first of the two
23 Cellebrite tools we've previously discussed?

24 A. Yes.

25 Q. Okay. And for all three of these devices, did you

1 use Cellebrite Premium to make a copy?

2 A. I did.

3 Q. Okay. And tell me about how you determine that
4 you've made an accurate copy of the devices.

5 A. So what I do is I calculate the hash. A hash is a
6 process using a mathematical algorithm against that data file
7 and then create a -- an alphanumeric value that represents that
8 data. So in short term, it's another way to say it's a digital
9 fingerprint to that data that I just extracted.

10 Q. Okay. So let's break that down a little bit.

11 What is the -- what do you mean by a digital
12 fingerprint? What does that actually look like?

13 A. It's alphanumeric. It can range from 15 characters
14 to, gee, I don't know exactly how big the span can be, but I
15 know it can start from 15.

16 Q. Okay. So a long string of numbers and letters?

17 A. Yes.

18 Q. And the -- the Cellebrite device that you -- or
19 program that you use assigns that to the specific cell phone?

20 A. Correct.

21 Q. Okay. And how do you use that long string of
22 numbers and letters to know that you've made an accurate copy?

23 A. I verify that hash number by checking that
24 extraction hash that was presented and then I manually just
25 make sure that those matches -- those values are a complete

1 match because it's important to keep the integrity of that data
2 as how it was pulled.

3 Q. Okay. And what if, you know, you made a copy of --
4 you had a copy of the device and, like, one new text message
5 came in on the copy or on the original device. What would the
6 hash values show?

7 A. It would not match. It'll be a complete different
8 value. Therefore, the initial extraction hash value and the
9 new extraction value will be completely different, meaning it's
10 been -- the data has been altered since the first time.

11 Q. Okay. And even any tiny change, can that alter the
12 hash value?

13 A. Correct.

14 Q. Okay. In this -- in this case, with respect to all
15 three of the telephones we've discussed, did you confirm that
16 your copy had the same hash value assigned to the original?

17 A. All three, yes.

18 Q. Okay. Once you've made that copy and confirmed with
19 the hash value that it's the same, what do you do next?

20 A. Then I process that data to make it human-readable
21 with a program called Cellebrite Physical Analyzing.

22 Q. Okay. And you did touch on this a bit before, but
23 when you say human-readable, what exactly does that mean? What
24 does the final product look like?

25 A. So when I first extract the data, everything is in

1 digital format, meaning ones and zeros to the human eye. We
2 don't understand what ones and zeros mean besides just random
3 numbers, so the tool will translate those ones and zeros into
4 more human-readable, in this case, an English format so a -- it
5 would -- like I stated earlier, it categorizes all that data
6 into specific categories such as pictures, videos, web
7 artifacts, and et cetera.

8 Q. Okay. And is that sort of the only thing that then
9 can be substantively searched?

10 A. Yes.

11 Q. Okay. And when I look at that, does that look like
12 what I look at when I'm looking at my cell phone or is it a bit
13 different?

14 A. It's a little different.

15 Q. And how is it different?

16 A. Well, because -- we can't re-create what you see on
17 your phone because it's just, again, the program that -- that
18 translates makes it into more a universal way of reading it.
19 So it's not going to be your exact how you see on your phone.

20 Q. Okay. I'm going to show you now what's been agreed
21 to be admitted as Government's Exhibit 1402.

22 Do you recognize what this is?

23 A. Yes.

24 Q. And what is that?

25 A. It is the Cellebrite preliminary device report.

1 Q. Okay. And is this for one of the three devices that
2 we've been discussing?

3 A. Yes.

4 Q. Okay. And can you tell by looking at this what type
5 of device this was?

6 A. It is -- so the device model, SM-G965U, and I
7 believe one, two, three, four -- five lines below it says
8 Galaxy S9+.

9 Q. Okay. And is this sort of a part of the sort of
10 human-readable product that you've been talking about?

11 A. Yes.

12 Q. Okay. Let me direct you down a couple lines further
13 under current SIM phone number. What is listed there?

14 A. It's going to be 1-603-209-7122.

15 Q. And what is that?

16 A. That would be the phone number assigned to that
17 phone.

18 MS. MACDONALD: Okay. And I will direct you,
19 Ms. Shedd, to page 2, please.

20 Q. What are we looking at here?

21 A. Any user account that is identified through the
22 phone --

23 Q. Okay.

24 A. -- such as email accounts, any social media
25 accounts.

1 Q. Okay. Anything that has been accessed or kept by
2 the phone?

3 A. Yes.

4 Q. Okay. So let's just look right at the top here. It
5 doesn't say source, but what's the user name?

6 A. Reneeleblanc727@gmail.com.

7 Q. Okay. And I'm going to go to -- ask you to go down
8 to line 6.

9 A. Renespinella727@gmail.com.

10 Q. And down to line 9.

11 A. Bitcoinbombshell727@gmail.com.

12 Q. Okay. And does it list a number of accounts of --
13 in various different things here?

14 A. Yes.

15 Q. Okay. Let me go down to page 5, the bottom of page
16 5. I see Google Photos, Google Docs, Google Drive at the
17 bottom. And I will have you read the name listed on the top at
18 one -- let's start with 117.

19 A. Renee Freeman.

20 Q. And 118?

21 A. Renee Kate.

22 Q. Okay. And I won't go through all of these, but I
23 did -- yup, just want to go to page 7, right in the middle at
24 131. Is there a Telegram account?

25 A. 131, Renee Kate.

1 Q. Okay. Thank you.

2 Let's now go to Government's Exhibit 1403.

3 What are we looking at here?

4 A. It's going to be the second phone, device model
5 SM-G965U.

6 Q. Okay. And is this -- what type of phone is this?

7 A. It's going to be a Samsung Galaxy S9+.

8 Q. Okay. And what's listed under current SIM phone
9 number?

10 A. It's going to be 603-557-1779.

11 Q. Okay. And let's go to the second page that lists
12 accounts. And I don't see sort of names until we get to the
13 bottom here, so we can start at 33 with Uber, Dropbox, Google
14 Photos. What names do you see listed here?

15 A. Andrew Spinella.

16 Q. Okay. And then just on page 3, number 45, who's the
17 Telegram account holder?

18 A. Andy Spinella.

19 MS. MACDONALD: Okay. And, finally, let's pull up
20 Government's Exhibit 1404.

21 Q. And what are we looking at here?

22 A. This will be the third device, device model SM-G960U
23 and that is to a Samsung Galaxy S9.

24 Q. Okay. And is there a phone number associated with
25 this?

1 A. Yes. It's going to be 603-803-2428.

2 Q. Okay. And let's go to page 2, please. And I will
3 have you just look at these near the top of the page, the --
4 the Gmail accounts.

5 Could you read the three -- the four Gmail accounts
6 listed here?

7 A. The first one's going to be bbaker.bits@gmail.com;
8 the second one is Aria.DiMezzo86@gmail.com; third one,
9 jbaker1251@gmail.com; and the fourth one,
10 arianachrist@gmail.com.

11 Q. I'm sorry. I'll have you read just one more right
12 below that.

13 A. Aria@reformmedsatan-I-C-C-H-U-R-C-H.com.

14 Q. Is that Reformed Satanic Church?

15 A. Satanic Church, sorry.

16 Q. Yup. And let me just take you down to the bottom of
17 page 5, line 59. Who does that Telegram account belong to?

18 A. Belongs to an Aria DiMezzo.

19 Q. Okay. And after you conduct the extractions, do you
20 or somebody else do sort of the in-depth analysis of the things
21 on the telephone?

22 A. On this case, it was sent over to the requesting
23 case agent.

24 Q. Okay. And what is it that you provide to the case
25 agent?

1 A. I create a Cellebrite reader report.

2 Q. Okay. And are those the three reports that were on
3 Government's Exhibit 1401?

4 A. Yes.

5 Q. Okay. And in this case, did you provide those to
6 the case agent?

7 A. I did.

8 Q. Okay. When you do an extraction of a cell phone, do
9 you sometimes get everything that's ever been on the phone or
10 how -- how do you -- that's not a great question, but do you
11 always get everything on the phone? How do you know what --
12 what you're getting and does that vary?

13 A. It varies based on the extraction type. In this
14 case, what -- well, let me just correct.

15 We don't know if we always get everything that's on
16 the phone until we actually do a comparison test to the device
17 itself as well as the extraction report. In this case, I was
18 able to do three -- three extractions of a physical extraction
19 which is a bit-for-bit copy from the phone -- from the phone.

20 Q. And do you sometimes -- are you able to get
21 deleted -- things that have been deleted off of a phone?

22 A. It depends, depending on where this data's coming
23 from. If it's a third-party application and the setting is set
24 where all the data's held actually not from the device but from
25 the Cloud, it can delete that data. Therefore, I may have

1 remnants of that data, but not entirely such as chat
2 conversations that may have been on the phone. But we do not
3 see the chat, but we may have the remnants such as an
4 attachment file.

5 Q. Okay. So sometimes, but not always?

6 A. Correct.

7 Q. Okay. In your experience conducting analyses of
8 forensic devices, have you come across UTC time or the
9 Universal Time Code?

10 A. Yes.

11 Q. What is that?

12 A. It's also known as Coordinated Universal Time. It
13 is a default time zone set located in England, I believe. So
14 we all live in different time zones and it is all based off of
15 that UTC. So we're -- eastern is -- Eastern Daylight Savings
16 is minus five hours from UTC.

17 Q. Okay. After you gave the copies, the readable
18 copies, of these devices to the case agent, did you have any
19 other substantive involvement in this case?

20 A. No, I have not.

21 MS. MACDONALD: Okay. Thank you.

22 THE COURT: Cross?

23 MR. SISTI: No cross. Thank you.

24 THE COURT: Sir, you're excused.

25 THE WITNESS: Thank you very much.

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(Witness excused.)

THE COURT: How long is the next witness, roughly?

MS. MACDONALD: 40 minutes for me.

THE COURT: Let's take the lunch break then.

15 minutes -- sorry. An hour. We will resume at 1:30.

THE CLERK: All rise.

(Jury excused.)

THE COURT: Off the record.

(Off-the-record discussion.)

(Lunch recess taken at 12:31 p.m.)

C E R T I F I C A T E

I, Liza W. Dubois, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 3/10/23

/s/ Liza W. Dubois
LIZA W. DUBOIS, RMR, CRR