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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 UNITED STATES OF AMERICA,
5
6 vs.

DOCKET NO.
1:20-CR-00296-JPB-5-20
VOLUME 3 (AM SESSION)

7 CARLA JACKSON and
8 TELDRIN FOSTER,

9 Defendants.

10
11 TRANSCRIPT OF JURY TRIAL PROCEEDINGS
12 BEFORE THE HONORABLE J.P. BOULEE
13 UNITED STATES DISTRICT COURT JUDGE
14 WEDNESDAY, FEBRUARY 7, 2024

15 Appearances:

16 For the Government: Tal C. Chaiken, Esq.
17 Samir Kaushal, Esq.
Babasijibomi Moore, Esq.

18 For Defendant Jackson: David D. Marshall, Esq.

19 For Defendant Foster: Leigh Ann Webster, Esq.
20 Saraliene Durrett, Esq.

21
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STENOGRAPHICALLY REPORTED OFFICIAL COURT TRANSCRIPT

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(Court was called to order at 9:01 a.m.)

THE COURT: All right. Are we ready for your opening statements?

MS. WEBSTER: Yes, Your Honor. Mr. Moore will be doing the opening.

THE COURT: Sorry?

MS. WEBSTER: Mr. Moore will be doing the opening statement.

THE COURT: Okay. Great.
Let's bring in the jury.

Does anyone want to invoke the rule?

MS. WEBSTER: Yes, Your Honor.

THE COURT: Okay. I'll ask you to police your own witnesses. I obviously don't know who is who back in the galley, but please do so.

And Mr. Marshall, Ms. Webster, do you all intend to give your opening statements now?

MS. WEBSTER: Yes, Your Honor.

MR. MARSHALL: Yes, Your Honor.

THE COURT: Very well.

MS. CHAIKEN: Your Honor, for the record, we do have a case agent who is going to be testifying who will remain in the courtroom.

1 THE COURT: Okay. Very well.

2 (Jury enters the courtroom at 9:06 a.m.)

3 THE COURT: All right. You all can be seated.

4 Thank you.

5 We're off the record for a moment.

6 (Off-the-record discussion, and proceedings
7 continued:)

8 THE COURT: All right. Back on the record.

9 Again, good morning ladies and gentlemen. Thank
10 you for being here, and thank you for being here on time.
11 That's appreciated.

12 We are now going to hear the opening statements of
13 the parties.

14 Go ahead, Counsel.

15 GOVERNMENT'S OPENING STATEMENT

16 MR. MOORE: This case is about Teldrin Foster and
17 Carla Jackson's decision to participate in fraud during a
18 time of national crisis.

19 Let me take you back to 2020. The COVID pandemic
20 had shut down this country. People were told to stay home.
21 Businesses had to close their doors. And in the face of
22 this, the government moved quickly to give direct economic
23 assistance and relief to suffering people and businesses.

24 At the end of March, 2020, Congress passed a law
25 called the CARES Act. This was designed to give direct

1 economic assistance to people and businesses impacted by the
2 COVID-19 pandemic. Part of that assistance was a program
3 called the Paycheck Protection Program, or the PPP.

4 Under the PPP, businesses could apply for a loan
5 for approved expenses like rent, utilities or payroll.

6 The program was designed for businesses that
7 existed before February 15, 2020, before the pandemic
8 started.

9 And if the businesses spent the money on approved
10 expenses, the loan could be forgiven, meaning the businesses
11 did not have to pay the money back.

12 The PPP program was designed to get funds out
13 quickly. The funds were meant to be a lifeline to small
14 businesses and their employees. The funds were meant to keep
15 small businesses afloat. In sum, the funds were meant to
16 help small business owners and their employees survive.

17 In order to get that money out quickly, in order to
18 get it to the people who needed it the most, the PPP program
19 relied on people to tell the truth.

20 During this trial you will see that the PPP form
21 asked businesses to list the number of employees they had,
22 the average monthly payroll, and to certify that their
23 applications were truthful.

24 The loan amount was two and a half times the
25 business's average monthly payroll. So if a business had an

1 average monthly payroll of \$100,000, then they could get a
2 PPP loan of \$250,000.

3 As part of the plan to get the money out quickly,
4 the lenders could rely on the representations made in the PPP
5 applications and they didn't have to do an in-depth
6 investigation to verify that the small businesses actually
7 had the number of employees they claimed or actually had the
8 payroll expenses they claimed. The program was designed to
9 get the money out as fast as possible to the people who
10 desperately needed their paychecks to stay afloat.

11 In this trial the evidence will show how defendants
12 exploited the PPP program. You will see how they turned this
13 national crisis into an opportunity to take advantage of our
14 nation's generosity.

15 Here's how the fraud worked:

16 The evidence will show that starting around April
17 of 2020, mastermind Darrell Thomas worked with a variety of
18 people to submit fraudulent PPP loans for businesses that
19 existed only on paper, and they would move the money around
20 to make it harder for these transactions to be traced.

21 Each person had a different role. At the top, you
22 had Darrell Thomas who supervised the participants and
23 directed the submission of documents. Below him you had
24 people like defendant Teldrin Foster, who was involved in
25 creating false documents in support of 14 fraudulent loan

1 applications that resulted in millions of dollars of
2 payments.

3 In the next rung, Darrell Thomas had recruiters
4 whose job it was to find individuals who were willing to
5 pretend to be purported business owners. In exchange for
6 finding people who pretended to be business owners, each of
7 the recruiters would receive a portion of the loan funds.

8 Finally, the fraud relied on money launderers like
9 defendant Carla Jackson, who received more than \$300,000 of
10 stolen money and moved it around to make it harder for it to
11 be traced.

12 During this trial you are going to hear about the
13 PPP program from a representative of the SBA, or the Small
14 Business Administration as it's formally known. They were in
15 charge of the program.

16 You will also hear from lenders who were involved
17 in the loans that are at issue in this case. And you will
18 hear from an IRS employee who will tell you that none of the
19 businesses at issue in this case submitted payroll tax forms
20 in 2019. So all of the tax forms you will see in this case
21 were fraudulent and were never submitted to the IRS.

22 You are going to see hundreds of emails and text
23 messages that these defendants exchanged while they were
24 committing these frauds.

25 You are going to hear interviews conducted with

1 these defendants while they were under investigation. You
2 will see with your own eyes how these loans were set up,
3 submitted and spent.

4 You will see how these defendants were involved in
5 the fraud and the coverup. You are going to see the long
6 paper trail that these defendants left.

7 The evidence will show that Darrell Thomas and
8 Teldrin Foster had a business relationship before the COVID
9 pandemic began.

10 Immediately after the PPP program was announced,
11 Darrell Thomas reached out to Teldrin Foster about recruiting
12 people for PPP fraud. The evidence is going to show that
13 from the day the program was announced, Teldrin Foster and
14 Darrell Thomas communicated nearly every single day, often
15 multiple times a day.

16 They exchanged hundreds of calls in less than four
17 months. Foster created and stamped tax documents so they
18 would look like they came from the IRS and then used those
19 documents in support of the fake PPP applications.

20 He did that for more than a dozen business
21 applications, and many of those forms were nearly identical,
22 the exact same numbers for every business with just a
23 different business name at the top.

24 You will see that Darrell Thomas submitted PPP loan
25 applications for more than a dozen businesses where

1 supporting documents the defendant Teldrin Foster created,
2 and those businesses got millions of dollars of PPP money.

3 And you will see that Teldrin Foster brought his
4 wife, Gena Pyfrom-Foster, in to help because she worked for
5 the IRS so she understood how all these different business
6 tax forms worked.

7 You will see that Gena Pyfrom-Foster didn't know
8 Darrell Thomas before the PPP program began.

9 In this case you will also hear Teldrin Foster in
10 his own words. You will hear him admit during an interview
11 that him and Darrell Thomas worked together to get a
12 fraudulent PPP loan for Darrell Thomas's company.

13 You will hear him admit that it was wrong and that
14 they were stealing from the government.

15 You will hear him admit that Darrell Thomas paid
16 him \$50- or \$60,000, both in checks to himself and to his
17 wife, Gena Pyfrom-Foster, and you will hear him say that he
18 was upset that he did not get even more money.

19 You will hear Teldrin Foster admit that to get the
20 PPP loan money in the way he and Darrell Thomas did was
21 fraud.

22 Finally, you have the money launderer, Carla
23 Jackson, who, under her ex-husband John Gaines's direction,
24 moved around the proceeds of the loans given to a business
25 called Gaines Reservation and Travel. You will see that

1 Foster, Thomas, and John Gaines worked on a PPP loan for
2 Gaines Reservation and Travel.

3 Though the business existed only on paper, it
4 received a loan of more than \$800,000.

5 You will also see what Gaines Reservation and
6 Travel did with the loan proceeds. Gaines Reservation and
7 Travel did not pay payroll expenses or rent because it had no
8 payroll expense or rent, but they wanted to make it look like
9 it did so that the loan would be forgiven.

10 After the loan proceeds were deposited into the
11 Gaines Reservation and Travel account, John Gaines worked
12 with his ex-wife, Carla Jackson, to conceal the fraudulently
13 obtained PPP money. Carla Jackson used her purported
14 business, Management Resources, to move the Gaines PPP money
15 around.

16 In January 2020, February 2020, March 2020, April
17 2020, and May 2020, the bank account for Management Resources
18 had zero transactions, just a monthly service fee.

19 Then, all of a sudden, in June 2020, Management
20 Resources received more than \$335,000 into its account in two
21 separate deposits from Gaines Reservation and Travel, a wire
22 transfer and a check.

23 The check said that it was for "consulting fees
24 business management." But the evidence will show that was a
25 lie. The evidence will show that Carla Jackson could not

1 have been consulting for a business that had no employees.

2 The evidence will show that Carla Jackson could not
3 have been managing a business that only existed on paper.
4 The evidence will show that Carla Jackson was not doing
5 anything for Transportation Management except laundering
6 stolen money.

7 You will hear Carla Jackson interview with FBI
8 agents where she told lie after lie, after lie about what the
9 money John Gaines sent her was for.

10 She told the agents it was for a project she was
11 doing at Gaines Reservation and Travel, but she couldn't tell
12 the agents anything about what the project was.

13 She pretended not to be familiar with who the owner
14 of Gaines Reservation and Travel was, even though the owner
15 on paper was John Gaines's relative, and her ex-husband John
16 Gaines was the person instructing her on what to do with the
17 PPP money.

18 She claimed to have a written proposal to Gaines
19 Reservation and Travel for the alleged project and that she
20 could provide that proposal to the FBI. But when she was
21 subpoenaed, she all of a sudden could not find the document.

22 In this trial, you will see what she actually spent
23 the money on. She wrote two \$10,000 checks; each was used to
24 pay off an auto loan for John Gaines. And she wrote another
25 \$10,000 check for a company controlled by John Gaines. After

1 that, the government seized the rest of the money.

2 The evidence will show this money was never for a
3 project. It was just to make it look like Gaines Reservation
4 and Travel was spending money on something it was allowed to
5 spend money on. And the evidence will show that Carla
6 Jackson knew that and that is why she lied about it.

7 Both of these defendants face various charges for
8 their role in this scheme.

9 For his role with 14 false PPP applications, Foster
10 is charged with conspiracy to commit bank and wire fraud, and
11 wire fraud. He's also charged with false statements to a
12 financial institution and money laundering.

13 For transferring the stolen money around through
14 accounts to hide it, Carla Jackson is charged with money
15 laundering. Those are the charges. And soon, you will hear
16 the evidence.

17 We ask you to focus on both of the defendants,
18 their own words and misrepresentations, their spending of the
19 stolen money and their attempts to cover up this fraud.

20 After you hear the evidence, the government will
21 ask that you return the only verdict that is consistent with
22 both the law and the facts, that both of these defendants are
23 guilty of each charged crime beyond a reasonable doubt.

24 Thank you.

25 THE COURT: Defense.

1 DEFENDANT FOSTER'S OPENING STATEMENT

2 MS. WEBSTER: Thank you, Your Honor.

3 Good morning. When I was a teenager, I had a
4 summer job working with my mom. And one thing that I
5 remember clearly about that time is that they always had the
6 local radio station going. I'm from a small town in Georgia,
7 so it was often about things like high school football and
8 that sort of stuff.

9 But every day around lunchtime, they played Paul
10 Harvey's "The Rest of the Story." I'm not sure if you have
11 heard of him, but Paul Harvey was a radio personality and he
12 was famous for short stories that always had a twist at the
13 end. And once he explained the twist, he would say, "And now
14 you know the rest of the story."

15 And sometimes those stories were hard to believe,
16 but they were true. They were just stories that we had not
17 heard before. They were facts that defied expectations. And
18 we have lots of sayings that sort of reflect this idea: "The
19 truth is stranger than fiction." "You can't make this up."
20 Things like that.

21 And this case is like that. I want to say it's a
22 bit like one of the Paul Harvey stories, but it's going to
23 take a lot longer than two to three minutes to tell it.

24 From the government's perspective, this story is
25 simple, although even under that version, it's going to take

1 longer than two to three minutes.

2 From the government's perspective, they have
3 charged Teldrin Foster with not one, but many crimes and
4 their evidence supports a conviction on every single count.

5 They will tell you, as they just did, that Darrell
6 Thomas, the ringleader of this entire PPP scheme, received
7 many, in fact, hundreds of emails from Teldrin Foster's email
8 addresses. And those emails contained fraudulent documents
9 that were used to then apply for the PPP loans.

10 They will tell you that Darrell Thomas sent Teldrin
11 Foster money, including a check for \$34,000. And they will
12 tell you, as they did, that Teldrin Foster gave a statement
13 where it sounds like he's admitting to being involved in at
14 least one of those loans.

15 And if the evidence just showed that, you might be
16 wondering what we are doing here, and you would be justified
17 in wondering that.

18 But as I said earlier, there is more, a lot more,
19 to this story. We believe that the evidence will also show
20 that Darrell Thomas and Teldrin Foster had a pre-existing
21 relationship for years, before 2020. And during that time,
22 Darrell Thomas cheated Teldrin out of money, a lot of money,
23 tens of thousands of dollars of legitimate money that he had
24 earned. And Teldrin wanted Darrell Thomas to pay him back
25 the money that he was owed.

1 And Teldrin was married to a woman named Gena
2 Pyfrom-Foster. But Teldrin rarely stayed at home and they
3 kept a lot of information from each other. And Gena, Gena
4 just happened to work for the IRS.

5 Remember the fake documents that were in the
6 emails? Those were tax forms and payroll documents. And you
7 will hear and you will see that Gena and Darrell began
8 emailing each other in early April 2020. They were emails
9 about a tax return for Darrell Thomas's company, which is
10 called the Bellator Phront Group.

11 And shortly thereafter, Gena and Darrell Thomas
12 started working together to commit PPP loan fraud. Darrell
13 needed Gena's knowledge from her work with the IRS.

14 Even the agents zeroed in on this when they
15 interviewed Teldrin. They asked: Who knew how to fill out
16 these forms? They didn't think that it was Teldrin.

17 And when you hear the evidence, it's going to be
18 your turn to decide: Who knows how to fill out those tax
19 forms? Is it the IRS employee or someone who works as a
20 barber and a club promoter?

21 But you won't just hear us speculate about this.
22 You are going to hear facts. Two email addresses associated
23 with Teldrin Foster were accessed on Darrell Thomas's
24 computer. And I don't mean accessed once. I mean that the
25 computer had the email address saved and that the evidence

1 showed that it was visited repeatedly.

2 And maybe more importantly, you are going to hear
3 that Gena had access to both of those email accounts.

4 So while you will hear that Teldrin's email
5 addresses were used, you will hear significant evidence that
6 Teldrin Foster was not the one using those email addresses.

7 You will also hear that there are all sorts of
8 other people involved in this scheme and that Darrell Thomas
9 was receiving documents from other sources. He had brokers
10 to help him find people and those brokers also sent him false
11 documents.

12 Now, once he received the false documents, he
13 submitted the loans and then he receive the money. He had
14 the business owners who received the funds initially transfer
15 that money into various accounts. Those accounts were his
16 companies, the Bellator Phront Group, another company called
17 Elite Executive. And there were more. But what you will not
18 hear is that Teldrin Foster had access to any of those
19 entities or any of those accounts.

20 And when Darrell Thomas received the money from the
21 PPP fraud, over \$10 million, you will be able to see how he
22 spent it. Cars, land, jewelry -- expensive jewelry. But you
23 won't see evidence that Teldrin Foster had anything like
24 that.

25 You will also hear evidence that Darrell had agreed

1 to pay Gena \$10,000 per loan that she helped him with, and
2 you will see that Teldrin is charged with one count of money
3 laundering for \$10,560 that was deposited into a bank account
4 on June 10 of 2020.

5 But you will see that this money was deposited into
6 a Bank of America account that Gena had set up for the
7 explicit purpose of receiving funds from Darrell Thomas and
8 that Teldrin Foster was not an authorized signer on that
9 account.

10 And you will hear that Darrell and Gena
11 communicated about that deposit, not that they were in
12 communication with Teldrin about that deposit.

13 You will hear that after the FBI agent came to
14 speak with Gena, Teldrin went in to meet with them and made a
15 statement. And we're going to ask that you listen to that
16 statement carefully. We want you to think about if Teldrin
17 was aware of what the agents were asking him. It's sort of
18 like one of those comedy bits.

19 They say: You sent these emails.

20 I sent these emails?

21 You sent these documents.

22 I sent these documents?

23 So you will be able to hear in his voice the
24 confusion he had when he was learning that someone was using
25 his email address to send these documents.

1 You will hear evidence that Teldrin received money
2 from Darrell Thomas, but you won't hear that he knew that
3 that money came from a PPP loan.

4 Instead, we expect the evidence to show that
5 Teldrin believed that it was money that was owed from
6 Darrell, and Teldrin was insistent because it was the
7 retirement money that he had after he was working for the
8 Florida Department of Corrections for ten years.

9 So we're asking that you listen closely to the
10 government's case, but also listen for the rest of the story.
11 And when you hear the whole story, you will see that Teldrin
12 Foster is not guilty.

13 Thank you.

14 DEFENDANT JACKSON'S OPENING STATEMENT

15 MR. MARSHALL: Good morning.

16 Carla Jackson admitted no crime. She never
17 laundered any money. She never received any money that she
18 knew came from any illegal source. And she did not use her
19 business, Management Resource Services, to try and conceal
20 monies that came from any illegal activity.

21 I expect that the government's evidence in this
22 case will be voluminous, lots and lots of documents and
23 witnesses and the phone records and emails and text messages
24 and computer analysis. You will see a laptop that an
25 analysis has been done on. Evidence about internet IP

1 addresses, scores of witnesses, and on and on and on.

2 And the government will need all of these lawyers
3 at these two tables here to try to put all of this ocean of
4 evidence in front of you.

5 Now, I want to make an aside here. By the way, the
6 government won't be presenting -- they made a reference to
7 all of these hundreds and hundreds of emails. We expect that
8 there will be no evidence at this trial of email
9 communication between Carla Jackson and anybody else about
10 anything related to any kind of fraudulent loans or any text
11 messages. There will be no text messages where Carla Jackson
12 is one of the parties talking about fraudulent loans.

13 And the government, you are going to find out,
14 never did any forensic analysis, you will hear during trial,
15 of any computers that Carla Jackson owned.

16 You will hear evidence that Agent Stites from the
17 FBI went to Ms. Jackson's residence and interviewed her, but
18 there was no attempt to try to get any computers or laptops
19 at all from Ms. Jackson to see what they would hold.

20 And why didn't they do that? Because they know
21 that they didn't have the evidence of anything in those
22 devices.

23 But the evidence the government wants to introduce
24 at trial against Ms. Jackson is but a drop into that ocean of
25 the evidence that I just mentioned.

1 The main evidence, primary evidence, is going to
2 consist of two separate deposits that were deposited into her
3 business banking account.

4 The name of that business, again, is Management
5 Resource Services. And these two deposits, the government
6 will argue, are meant to show that Ms. Jackson must be
7 involved in money laundering.

8 But you will hear during jury instructions that a
9 critical element is that you have to know that the source of
10 funds you are receiving and allegedly laundering come from an
11 illegal source. But she wasn't involved in money laundering
12 at all.

13 In addition, the government, I expect, will present
14 an audio recording of what I call a knock and talk. That's
15 where a law enforcement officer, in this case two FBI agents,
16 show up early in the morning at Ms. Jackson's home,
17 unannounced.

18 They do not call in advance. They do not give her
19 any warning. It's not a sitdown interview. They do not give
20 her an opportunity to maybe contact an attorney to see if
21 maybe she should talk to these two FBI agents showing up at
22 her door.

23 They asked her questions, voluminous questions,
24 about Gaines Reservation and Travel, questions about other
25 names of individuals that she might know or doesn't know and

1 about other parties.

2 Now, mind you, she had never, in her entire life,
3 been approached by FBI agents at her home -- or anywhere.
4 And not once during this encounter -- and this occurred on
5 July 7, 2020 -- did the agents ever kind of suggest that my
6 client should maybe consult an attorney.

7 The entire length of that recording is about 13
8 minutes long. And only at the very tail end of that you will
9 hear evidence that Ms. Jackson finally mentions, maybe I
10 should talk to an attorney. And that's when the conversation
11 basically ends. 13 minutes. That occurs at about the
12 12-minute mark.

13 Now, the government's playing of this recording
14 between FBI Agent Joseph Stites -- and there is a second FBI
15 agent who is present at the time too, his name is Mr. Cromer
16 (phonetic) -- it's meant to imply that she has done something
17 wrong.

18 You heard allegations or statements from the
19 government in their opening that she made false statements.
20 Well, we will explain that as the trial and the evidence goes
21 on and you hear from witnesses here.

22 You will also see documents introduced by the
23 government from Ms. Jackson's business. You heard that you
24 will get bank statements from this company. From January
25 2020 up to June 2020, well, there was a small amount, small

1 balances in the account. And the government will imply that
2 those small balances and then a huge balance, over \$300,000
3 in June of 2020, must be evidence that someone is money
4 laundering.

5 That doesn't prove knowledge of anything. There is
6 a reason why her bank account had a large amount of money in
7 June of 2020 and the evidence will show you why that is and
8 who had knowledge of it and who had knowledge of the source.

9 And mind you, at the time that Ms. Jackson was
10 working -- this was not something where she had some small
11 business, hardly made any money, and then there is this large
12 amount of money that came to her.

13 You will hear testimony in this case that she was a
14 very accomplished and a successful businesswoman. She worked
15 over 20 years for IBM corporation as a senior project manager
16 and had worked at other companies holding similar positions.

17 This is not somebody that just is here trying to
18 make some fast money. She didn't know anything about the
19 source of these funds. And we're going to explain why that
20 is, and you will hear that at trial.

21 Let's talk a little bit about the two deposits that
22 the government referenced. The first deposit occurred on
23 June 8, 2020, for approximately \$250,000. It was actually
24 \$255,252.50.

25 I want to note one thing. You are going to get a

1 copy of the indictment and you will hear these counts that my
2 client is charged with. In all of the counts of this
3 indictment, she is charged in two counts, Count 46 and 47.
4 They are on pages 66 and 67 of the indictment.

5 You will note that the Count 46 references a wire
6 transfer. You will be given a definition of what a wire
7 transfer means. But there is an error in the government's
8 indictment because this was no wire transfer at all.

9 On June 8, 2020, it was an in-branch bank deposit
10 of a business check. That's not a wire fraud count. That's
11 basically someone going in and making a deposit.

12 I just point this out because that's an error that
13 has ridden along with the government's case all the way
14 through today when we are sitting here.

15 You will get a copy of what's called the second
16 superseding indictment. A second superseding indictment
17 implies that there is a first superseding indictment. And a
18 first superseding indictment implies that there was an
19 original indictment.

20 I will tell you that Ms. Jackson -- she has been
21 charged in each of those indictment, and each one gets
22 replaced as charges were added for certain people and that
23 error was never fixed by the government. They didn't notice.

24 It was sloppy by the government. But it's typical
25 of the sloppiness of their investigation related to

1 Ms. Jackson.

2 Now, the second deposit occurred on June 22, 2020.
3 And that's referenced in Count 47 of the second superseding
4 indictment.

5 Now, that is from a bank account of Gaines
6 Reservation and Travel to the bank account of Management
7 Resource Services. That is an actual or alleged wire
8 transfer where a wire is done from one bank to another.

9 Now, you will see and hear evidence about a person
10 named John Gaines. You have already heard his name
11 referenced. And there is an André Gaines; they are actually
12 related. They are cousins.

13 Mr. John Gaines is one of the codefendants in this
14 case, and he pled guilty on January 31 of this year to one of
15 the same counts that Ms. Jackson is charged with, Count 47.

16 So he was charged with many counts other than 47.
17 He was charged with counts 46 and 47, the same two counts as
18 Ms. Jackson is, and a score of other counts. But he pled
19 guilty only to one count. That was done on January 31.

20 Now, the judge will point out to you in jury
21 instructions that just because Mr. Gaines pled guilty to one
22 of those counts that my client is charged in, that has no
23 impact on the guilt or innocence of whether my client is
24 guilty of the same counts.

25 You are to treat them entirely separately and the

1 evidence separately. And you will know why that's important
2 when I talk to you a little bit more about John Gaines.

3 John Gaines is a very important codefendant for
4 other reasons, because he knows all of the information about
5 Gaines Reservation and Travel and about the work he did in
6 preparing fraudulent PPP loans for his cousin. And again, if
7 you hear "PPP," that's Paycheck Protection Program.

8 He helped prepare these fraudulent PPP loans for
9 his cousin, André Gaines, the owner of Gaines Reservation and
10 Travel. John Gaines also knew Darrell Thomas very well. And
11 you will hear from Darrell Thomas, I expect, as a government
12 witness, someone who pled guilty in this case.

13 But you know who else you are going to hear from at
14 trial besides defendants that the government will call to
15 boost their case? You are going to hear from John Gaines
16 himself.

17 John Gaines is going to come here and testify at
18 trial, we expect, but it won't be for the government. It's
19 going to be for Carla Jackson. He will testify in person.

20 And why? I'll tell you the government is not too
21 happy about that. And why is that? Well, because John
22 Gaines is going to contradict the story that the government
23 wants you to believe about Ms. Jackson.

24 Mr. Gaines will inject into this case more than the
25 reasonable doubt that's required about these two charges

1 against her. He will tell you that she is innocent, that she
2 had no knowledge of the illegal nature of the funds that made
3 their way into her bank account and that he orchestrated all
4 of it without her knowledge, which was very typical for John
5 Gaines.

6 Some quick back-story and what we expect you will
7 also hear during testimony: Mr. John Gaines and Carla
8 Jackson once married. You heard the government indicate that
9 they were divorced. It's true. They had known each other
10 for about 27 years, and 13 of those years they were married.
11 They didn't have any children together.

12 But that marriage officially came to an end in May
13 of 2020. Remember these checks that went into that bank
14 account occurred in about June 2020, so I'm trying to give
15 you a little bit of chronological context.

16 You will also hear during trial why that marriage
17 dissolved, and you will learn that it was because of secrets
18 that John Gaines kept from his wife, Carla Jackson.
19 Important things, very important things, the types of things
20 that would crush almost any spouse: Infidelity by Mr. Gaines
21 while he was married to Ms. Carla Jackson; children born out
22 of their marriage to another woman and fathered by
23 Mr. Gaines; secrets, hurtful secrets, damaging secrets.

24 And what Carla Jackson also learned through this
25 case, since July of 2020 and onward, was that John Gaines

1 kept everything he had done involving these fraudulent loans
2 a secret from her. Secrets upon secrets, upon secrets.

3 John Gaines never told Carla Jackson that these
4 funds that her business received in June 2020 came from
5 illegal PPP loans. He told her that he had funds that she
6 could use in her business, Management Resource Services, to
7 help develop a real estate project in Montgomery, Alabama.

8 In fact, John and Carla Jackson went out and
9 visited Montgomery, Alabama, to look at some property that
10 they were considering for this project. When you heard the
11 government reference that check that had consulting fees, you
12 will hear that's related to that. And André Gaines knows
13 some of that, too.

14 And you will also see during trial John Gaines --
15 we expect him to testify -- you will see some photos of that
16 visit and you will hear from John Gaines himself about that
17 trip with Ms. Jackson.

18 Ms. Jackson was going to basically do this project,
19 be the one in charge of it. You will hear some reference to
20 that when she is questioned by Agent Stites during that knock
21 and talk in that unannounced visit.

22 But you will hear that this was a real project that
23 she had expected to do with John Gaines. But as I told you
24 before, John Gaines will testify he kept information from
25 Carla Jackson. Lots of it.

1 He will testify that his ex-wife never had any idea
2 of the fraudulent loans that he was involved with, with
3 Darrell Thomas, another person you will hear from at trial.

4 When you hear John testify, you will hear about
5 where he was when Agent Stites showed up at Ms. Jackson's
6 residence on July 7, 2020. We're going to talk to you about
7 that later but you will hear it through testimony.

8 As I mentioned before, some of Ms. Jackson's
9 background, she is not some desperate person that would ever
10 entertain a PPP loan fraud. She did not need to. She had
11 ongoing businesses. When the government mentioned again
12 those banks statements with those low balances, Ms. Jackson
13 was working.

14 At that particular time, I think she had a little
15 bit lower income than usual. It might have been around
16 \$145,000 or whatever, but she made more than that on a
17 regular basis in her positions as program managers and
18 consultant.

19 Her Management Resource Services was a business
20 that she was trying to build up over time. So the idea of
21 these minimal balances of \$200 and \$300 to imply fraudulent
22 participation in PPP is not there.

23 Now, at the end of the evidence in this case, I do
24 want -- let me say this. The government is alleging that my
25 client has committed these crimes. The only -- she has

1 committed no crimes. And the only flaw that you will find in
2 Ms. Jackson is that she trusted a man in a relationship who
3 routinely lied to her and who was an expert at keeping
4 secrets from her.

5 At the end of the evidence in this case, from both
6 the government and both defendants, the judge is going to
7 instruct you on the law in what are called jury instructions.
8 These are very important instructions because they will tell
9 you how to apply the law and the evidence to the facts that
10 are presented to you during trial.

11 Please listen very carefully when the judge reads
12 those instructions. They can be very lengthy, maybe up to an
13 hour in length.

14 Especially listen to the definitions of what money
15 laundering is, what the elements of proof are for the
16 government. Every element of proof has to be proven by the
17 government beyond a reasonable doubt.

18 You will get an instruction about what reasonable
19 doubt means. Instructions on presumption of innocence, and
20 again, reasonable doubt.

21 Now during this trial, we will defend Ms. Jackson.
22 We will ask questions. We will make objections, if
23 necessary. Never forget that it is the government's
24 responsibility to prove Ms. Jackson guilty beyond a
25 reasonable doubt, that she is guilty of two counts of money

1 laundering, Counts 46 and 47.

2 Ms. Jackson never laundered any money. And she
3 never laundered any money because she never knew that the
4 money she received into her business was from a fraudulent
5 source.

6 At the end of the evidence in this case, we believe
7 that you will have no doubt that Ms. Jackson is not guilty of
8 either of these two charges because she committed no crime.

9 Thank you.

10 THE COURT: All right. Thank you, Counsel.

11 The United States wants to call its first witness.

12 MR. KAUSHAL: Your Honor, the government calls
13 Kandace Zelaya.

14 KANDACE ZELAYA,

15 Having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. KAUSHAL:

18 Q. Good morning, Ms. Zelaya.

19 A. Good morning.

20 Q. Can you please state and spell your name for the
21 record?

22 A. Kandace. K-A-N-D-A-C-E.

23 Zelaya. Z-E-L-A-Y-A.

24 Q. And Ms. Zelaya, where are you employed?

25 A. The United States Small Business Administration.

1 Q. And what does the Small Business Administration do?

2 A. It is an independent federal agency that its
3 mission is to help small businesses throughout the nation.

4 We provide different types of assistance:
5 Educational, business development, financial assistance,
6 government contracting assistance, and assistance after a
7 disaster.

8 Q. And you just mentioned disasters. Was there a
9 disaster that occurred back in approximately 2020 in the
10 United States?

11 A. Yes. The Coronavirus-19 pandemic was declared a
12 disaster.

13 Q. And that is the COVID-19 pandemic, correct?

14 A. Yes.

15 Q. Did the SBA administer programs in response to the
16 COVID-19 pandemic?

17 A. Yes, we did.

18 Q. And was that done pursuant to federal statute?

19 A. Yes.

20 Q. What was the statute that resulted in the SBA
21 administering programs for COVID-19?

22 A. The Coronavirus Aid Relief and Economic Security
23 Act, which is known as the CARES Act.

24 Q. And was when the CARES Act passed, ma'am?

25 A. March 27, 2020.

1 Q. What programs did the SBA administer -- let me
2 withdraw that.

3 Did the CARES Act create programs that the SBA
4 administered?

5 A. Yes.

6 Q. What were those programs?

7 A. The Paycheck Protection Program and the Economic
8 Injury Disaster Loan Program for the COVID-19 pandemic.

9 Q. Very briefly, can you describe what the Economic
10 Industry Disaster Loan Program was?

11 A. That was a program designed to help businesses
12 replenish their income to put them in the position before the
13 disaster occurred.

14 Q. And the other program was the Paycheck Protection
15 Program?

16 A. Yes.

17 Q. That is colloquially referred to as the PPP?

18 A. Yes.

19 Q. Did you have a personal role in implementing the
20 PPP?

21 A. Yes. I was part of the team that worked on
22 drafting all of the forms, the application forms for the
23 borrower and the lender, the interim final rules, and
24 frequently asked questions and policy and procedural notices
25 that provided the public and the lenders with all of the

1 information about the program requirements.

2 Q. And I skipped over this, so let me take a step
3 back.

4 Can you describe your role at the SBA?

5 A. I have been with the agency for 32 years. And I am
6 an attorney in the Office of General Counsel. I have been
7 both in headquarters and the field and I have worked
8 primarily on all aspects of our business loan programs.

9 Q. What is your current role at the SBA?

10 A. I am a trial attorney in the Office of Litigation.

11 Q. And you just explained that you were involved in
12 implement being the PPP for the SBA?

13 A. Yes.

14 Q. Can you tell the jury what the purpose of the PPP
15 was?

16 A. The primary purpose, as the name suggests, was to
17 keep workers employed and keep their paychecks coming, so to
18 keep them paid.

19 Q. So let's talk about when the PPP program rolled
20 out. When did that program actually start?

21 A. The program started -- we began accepting
22 applications on April 3 of 2020.

23 Q. When was the CARES Act passed?

24 A. March 27 of 2020.

25 Q. And when was the program, the PPP, announced to the

1 public?

2 A. The first draft guidance was posted on our website
3 and Treasury's website on April 2, the night before we were
4 beginning to accept applications on April 3 of 2020.

5 Q. What were -- so you mentioned -- can you tell me a
6 little bit more about what -- let me withdraw that.

7 Was there a way to get a loan via the PPP?

8 A. Yes. The applicant would apply through a lender,
9 which typically at the time would have been online because no
10 one was going anywhere in person back in April of 2020.

11 They would submit their application and supporting
12 documentation to the lender. The lender would make the
13 decision to approve the loan, and then the lender would enter
14 certain information into SBA's electronic system to obtain
15 the guarantee on the loan.

16 And once we issued a loan number, the bank would
17 then disburse the funds to the borrower.

18 Q. So this particular type of loan, were there
19 eligibility requirements for it?

20 A. Yes.

21 Q. What were those eligibility requirements?

22 A. In addition to having to be a certain size, which
23 was generally not more than having 500 employees, the
24 business had to be in operation as of February 15 of 2020,
25 which meant it had to have employees for whom it was paying

1 salaries or payroll taxes or was paying independent
2 contractors.

3 Q. And what was the -- this loan, were there specific
4 purposes that it could be used for, authorized purposes?

5 A. Yes. The PPP loans could only be used for
6 authorized purposes, which included eligible payroll costs,
7 so salaries and wages of your employees; their health
8 benefits, et cetera; and also limited non-payroll costs,
9 which were mortgage interest payments if you owned your
10 building that your business was located in, or rent or lease
11 payments or utilities for your business.

12 Q. Could a recipient of a PPP loan use that money for
13 personal expenses?

14 A. No.

15 Q. Ms. Zelaya, are you familiar with the term interim
16 final rule, or IFR?

17 A. Yes.

18 Q. What is that?

19 A. An interim final rule is a rule that an agency
20 publishes to provide information about a program or changes.
21 And the interim final rule is effective immediately.

22 Normally in federal rule-making process, if you
23 publish a final rule, there would be a delayed effective
24 date, it won't be effective until 30 days. But because of
25 the emergency nature of the pandemic and the emergency relief

1 provided in the CARES Act, the rules regarding the PPP were
2 published as interim final rules so they would be effective
3 immediately.

4 Q. And those rules, did those contain eligibility
5 requirements that we just discussed?

6 A. Yes, they did.

7 Q. Were those rules publicly available?

8 A. Yes. They were published on both SBA's and the
9 Department of Treasury's website but also published in the
10 Federal Register.

11 Q. Is it fair to say that over time the rules changed
12 in some form?

13 A. Yes, they did. There were subsequent acts of
14 legislation that were passed after the CARES Act that made
15 some additional changes to the program.

16 Q. Did the basic requirement that the business existed
17 on February 2020 and have employees, did that requirement
18 ever change?

19 A. No.

20 Q. So that was always a rule and is still is a rule?

21 A. Yes.

22 Q. You talked about this a little bit earlier. You
23 described the application process. I would like to break it
24 down just a little bit and walk through it slightly slower.

25 So when an applicant is applying, the borrower,

1 they contact a lender, correct?

2 A. Correct.

3 Q. And the lender, what -- who are the lenders that
4 we're talking about here? What are they?

5 A. The lenders could be banks, credit unions, other
6 types of financial institutions who provided the loans.

7 The applicant would apply to the lender and provide
8 all of their information to the lender, and the lender,
9 according to the CARES Act, made the decision to approve the
10 loan and then requested a guarantee on the loan from SBA.

11 Q. And there was an application that is submitted to
12 the lender that has to be filled out, correct?

13 A. Correct.

14 Q. After the lender gets the application, they conduct
15 some -- they either approve or disapprove the application,
16 correct?

17 A. Correct.

18 Q. And after that step, there is information that the
19 lender provides to the SBA; is that right?

20 A. Yes. They enter certain information: The lender's
21 contact information, information about the business and the
22 terms of the loan, how much it was, the interest rate, which
23 for all PPP loans was a 1 percent fixed, and the term, either
24 two or five years, and various certifications that the
25 borrower made to the lender, the lender described to SBA.

1 Q. Can you tell me whether that information from the
2 lender to the SBA was submitted electronically?

3 A. Yes. All of that information was submitted by the
4 lender to the SBA electronically.

5 Q. And when it's submitted, at least in 2020, were the
6 servers for the SBA located in Virginia?

7 A. Yes.

8 Q. After the information goes to the SBA, what happens
9 at that point?

10 A. If it goes through our system without any errors,
11 the system would issue an SBA loan number indicating that the
12 loan was guaranteed by SBA, and we would notify the lender of
13 the loan number and then they would disburse the funds to the
14 borrower.

15 Q. And just a little -- the SBA loan number, is that
16 sometimes colloquially referred to as the e-tran number?

17 A. Yes. Because our system that generates it is
18 called e-tran or electronic transmission system.

19 Q. What happens after the SBA loan number is
20 transmitted back to the lender?

21 A. The lender then has 10 days to disburse the funds
22 to the borrower.

23 Q. In connection with an application are there
24 supporting documents that need to be provided by the
25 applicant?

1 A. Yes. The applicant has to provide supporting
2 documents to show that it had employees that it was paying
3 salaries for as of February 15 of 2020, and also to support
4 the calculation for its average monthly payroll and the
5 maximum loan amount.

6 Q. Can you tell me whether bank statements are a
7 document that constitutes a supporting document for an
8 application?

9 A. Yes.

10 Q. And what about a Form 941? Is that something that
11 is a supporting document?

12 A. Yes. Various tax forms could be used to support
13 the information in the application, including 941s.

14 Q. Is a 941, does that relate to payroll taxes?

15 A. I believe it's a quarterly tax form that is
16 submitted by businesses on a regular basis.

17 Q. So once the loan is approved -- and you may have
18 covered this already. But once the loan is approved, where
19 does the loan money actually come from?

20 A. It comes from the lender.

21 Q. And what is the SBA's role in connection with that?

22 A. SBA provides a guarantee to the lender. So if the
23 borrower does not pay the loan back as agreed under the note,
24 then SBA would pay the lender the guaranteed percentage on
25 the loan.

1 Q. Is there also something -- after a loan has been
2 disbursed, is there a forgiveness process that was in place
3 for the PPP?

4 A. Yes. These loans were forgivable up to the full
5 principle amount of the loan. So if the borrower used all of
6 the proceeds only for authorized expenses during what's
7 called the forgiveness covered period, which is 8 to 24 weeks
8 after the loan was disbursed, the borrower can apply for
9 forgiveness.

10 And if they used everything appropriately, they
11 could have the full amount of loan forgiven.

12 Q. And when you say "used everything appropriately,"
13 can you tell -- let me withdraw that.

14 Is using 60 percent of funds for payroll required
15 in order to get loan forgiveness?

16 A. Yes.

17 Q. Were there other requirements as well?

18 A. Again, they could only use it for eligible payroll
19 costs or non-payroll costs, such as mortgage interest, rent
20 or lease payments, and utilities. But they had to use at
21 least 60 percent on payroll in order to have the full loan
22 amount forgiven.

23 MR. KAUSHAL: Your Honor, may I approach the
24 witness?

25 THE COURT: Sure. And I will tell you and all

1 counsel, feel free to move around the courtroom as you like,
2 without asking permission from the Court.

3 BY MR. KAUSHAL:

4 Q. Ms. Zelaya, I'm showing you what's been marked as
5 Government's Exhibit --

6 THE COURT: We're off the record for one minute.

7 (Off-the-record discussion, and proceedings
8 continued:)

9 THE COURT: Back on the record. Go ahead.

10 MR. KAUSHAL: Thank you, Your Honor.

11 BY MR. KAUSHAL:

12 Q. Ms. Zelaya, you have in your hands an exhibit
13 marked Exhibit 3014. Do you recognize that?

14 A. Yes, I do.

15 Q. What is it?

16 A. It's the Paycheck Protection Program borrower
17 application form.

18 Q. Is this the form that was in use in 2020?

19 A. Yes. This is the first version that SBA created
20 for this PPP program.

21 MR. KAUSHAL: The government moves to admit
22 Government's Exhibit 3014 into evidence.

23 MS. DURRETT: No objection, Your Honor.

24 THE COURT: It's admitted.

25 MR. MARSHALL: No objection.

1 (Government's Exhibit 3014 admitted into evidence.)

2 BY MR. KAUSHAL:

3 Q. Ms. Zelaya, I'm going to publish this document on
4 the screen in front of you.

5 I am now publishing Government's Exhibit 3014 on
6 the screen.

7 Can you see this document on the screen,
8 Ms. Zelaya?

9 A. Yes, I can.

10 Q. Okay. Is this a first page of the PPP application?

11 A. Yes.

12 Q. I would like to direct your attention to the top
13 set of -- the top box. And I'm pointing to it with my pen
14 here. Do you see where I'm pointing?

15 A. Yes.

16 Q. What is that area of the application supposed to
17 contain? What information goes there?

18 A. At the very top, there are various check boxes for
19 the applicant to indicate what type of business structure it
20 has, whether it's a sole proprietorship, partnership,
21 corporation, et cetera, and the business's legal name, trade
22 name if it has one, and the address, taxpayer identification
23 number, and primary contact business phone and email address.

24 Q. And going to the second set of boxes, I'm going to
25 zoom in a little bit more. And now I'm going to point with

1 my pen to the second set of boxes. Do you see that area that
2 I'm pointing to on the screen?

3 A. Yes.

4 Q. All right. Can you tell us what those boxes are,
5 Ms. Zelaya?

6 A. That's information about the loan, particularly how
7 the applicant calculated its maximum loan amount.

8 The first box, the average monthly payroll is the
9 first factor and a critical factor in determining how much
10 that particular business is going to get.

11 And then, they get that by -- they look at how much
12 money they paid in payroll for their employees for either
13 calendar year of 2019 or the 12 months prior to the
14 application. They divide that by 12 to get their average
15 monthly payroll that they paid that prior time frame.

16 And then they multiply that by 2.5, and that's
17 their maximum loan amount. And that formula was set in the
18 CARES Act, in the statute.

19 Q. And that's the number that goes in this box to the
20 right of average monthly payroll?

21 A. Yes.

22 Q. And then to the right of that, there is number of
23 employees. What's the significance of that information?

24 A. That serves two purposes. The first is to show
25 that they don't exceed the size standard which, as I

1 mentioned, was generally not more than 500 employees for each
2 business. And it also is a function of that average monthly
3 payroll average that's in that first box. The higher the
4 number of the employees, the higher the number of average
5 monthly payroll, which means a higher loan amount.

6 Q. And looking at the average monthly payroll, is this
7 an important piece of information for a lender in determining
8 whether to approve a PPP loan?

9 A. It is because, again, that's a critical factor in
10 determining how much that particular borrower is eligible to
11 receive under the PPP.

12 Q. And to the right of that, the times 2.5 plus
13 EIDL -- and let me ask you, is EIDL, the Economic Injury
14 Disaster Loan, whatever they're entitled to under that?

15 A. Yes. If they received an Economic Injury Disaster
16 loan between January and April 3, when we started the PPP,
17 they had to refinance that within this loan, and it would be
18 added as well.

19 Q. The times 2.5 box, is that important to the lender
20 in determining whether to approve the loan?

21 A. Yes. Because, again, that is how they get the
22 maximum loan amount for that particular business.

23 Q. And then finally, to the right of that, the number
24 of employees, is that an important piece of information to
25 the lender in determining whether to approve a PPP loan?

1 A. Yes.

2 Q. And below that, there is something that says
3 purpose of the loan. Can you describe that to the jury,
4 please?

5 A. Those are the boxes that show the authorized
6 purposes, payroll, lease or mortgage interest, utilities and
7 the other -- they are just the authorized uses. And they
8 would check the boxes.

9 Q. Is this an important piece of information to the
10 lender when deciding whether to approve the loan, the purpose
11 of the loan?

12 A. Yes.

13 Q. If any of this information we just covered in this
14 middle area was false or inaccurate, would that fact be
15 important to the lender?

16 A. Yes.

17 Q. Would that fact be important to the SBA?

18 A. Yes.

19 Q. In terms of the supporting documents, we talked
20 about bank statements and 941s, are those supporting
21 documents important to the lender in deciding whether to
22 approve a PPP loan?

23 A. Yes. Because the lender had very minimal
24 underwriting obligations, but one of them was to review the
25 supporting documentation that the applicant provided,

1 particularly to show that they had employees as of February
2 15 of 2020, and to document that average monthly payroll and
3 maximum loan amount calculation.

4 Q. Going down to the next section, the applicant
5 ownership, that seems to be self-explanatory, right? That's
6 just supposed to list the owners?

7 A. Yes. They were supposed to list the owners of 20
8 percent or more of the application -- or the business.

9 Q. And the next set of items, questions 1 through 4,
10 can you describe to the jury what those are?

11 A. Those are getting to eligibility of the applicant.
12 The applicant self-certifies that it is eligible for the loan
13 under the rules in effect at the time, but they also need to
14 answer these questions, such as if they are presently
15 debarred, suspended, or in bankruptcy, or if they or any of
16 their owners has had a previous SBA loan or other federal
17 loan that is currently delinquent or defaulted on in the last
18 several years. If either are answered "yes," the loan could
19 not be approved.

20 The other questions are asking about if they own
21 any part of any other business, and if they received an
22 Economic Injury Disaster Loan between January 31 and April 3
23 of 2020.

24 Q. Going down to the next set of questions, questions
25 5 through 8. Very briefly, can you describe what these are

1 intended to target from the applicant?

2 A. Again, they are getting to the eligibility.
3 Questions 5 and 6 are talking about any prior criminal
4 history. And again, if those are answered "yes," the loan
5 could not be approved.

6 Question 7 is important for the average monthly
7 payroll calculation because it is asking if the United States
8 is the principal place of residence for all of the employees
9 that the applicant included in that average monthly payroll
10 calculation because the CARES Act states that they could only
11 include in the payroll costs employees whose principal place
12 of residence was in the U.S. If their employees were outside
13 the U.S. they could not include them and could not pay them
14 with PPP proceeds.

15 Q. I'm going to turn to the second page of the exhibit
16 and focus in on the top of the document.

17 Are you able to read that first section,
18 Ms. Zelaya?

19 A. Yes. Those are the certifications and
20 authorizations provided by the applicant.

21 Q. And what does that mean in terms of this
22 application? What is a certification and authorization for
23 this application?

24 A. Because of the way this program was designed, it
25 was very streamlined and it relied heavily on

1 self-certifications by the borrower, which the lender did not
2 have to independently verify as they normally would in a loan
3 transaction.

4 So these were very important for the borrower to
5 provide to the lender.

6 At the top they are basically saying that the
7 applicant is eligible under the rules in effect at the time;
8 that the applicant will comply with all of the information in
9 the form; that all proceeds will be used only for
10 business-related purposes as specified in the application and
11 the program rules; and that they are not engaged in any
12 illegal activity under federal, state or local law.

13 Q. And what you were just looking at, I'm not going to
14 ask you to go through all of it, but can you read the first
15 sentence of the bullet point that I'm pointing to right here?

16 A. I have read the statements included in this form,
17 including the state your names required by law and executive
18 orders, and I understand them.

19 Q. And going down to this bullet point, can you read
20 this, please?

21 A. All SBA loan proceeds will be used only for
22 business-related purposes as specified in the loan
23 application and consistent with the Paycheck Protection
24 Program rule.

25 Q. And then going down to this bullet point, the

1 second-to-last bullet point, can you read that, please?

2 A. The applicant is not engaged in any activity that
3 is illegal under federal, state, or local law.

4 Q. Now, going down there's a section that says
5 "certifications."

6 A. Yes.

7 Q. We talked about certifications and authorizations.
8 Can you tell me what these -- what this specific chunk of
9 boxes is about?

10 A. These are specifically related to certifications
11 required by the CARES Act for the PPP. They have to initial
12 next to each one. And for example, the first one is: The
13 applicant was in operation on February 15 of 2020, and had
14 employees for whom it paid salaries and payroll taxes or paid
15 independent contractors.

16 Q. And that person, the applicant, is supposed to
17 certify in good faith that that's true?

18 A. Correct.

19 Q. And you have read the first one. Going down to the
20 third one, can you read that to the jury, at least the first
21 sentence, please?

22 A. The funds will be used to retain workers and
23 maintain payroll or make mortgage interest payments, lease
24 payments, and utility payments as specified under the
25 Paycheck Protection Program rule. I understand that if the

1 funds are knowingly used for unauthorized purposes, the
2 federal government may hold me legally liable such as for
3 charges of fraud.

4 Q. And going down to the second-to-the-last
5 certification, can you read those two sentences?

6 A. I further certify that the information provided in
7 this application and the information provided in all
8 supporting documents and forms is true and accurate in all
9 material respects.

10 I understand that knowingly making a false
11 statement to obtain a guaranteed loan from SBA is punishable
12 under the law.

13 Q. Thank you.

14 And these certifications are completed by the
15 applicant; they are supposed to initial them?

16 A. Correct.

17 Q. Are those certifications important to the lender in
18 determining whether to approve the loan?

19 A. Yes, they are. As I said, this program was very
20 streamlined in order to get the money out the door as quickly
21 as possible. It relied extensively on certifications made by
22 the borrower, and the lender was permitted to rely on those
23 certifications and it was not required to independently
24 verify.

25 Q. And to follow up on that, under the CARES Act and

1 the rules implemented by the SBA, were the lenders required
2 to undertake any additional due diligence when they received
3 the application?

4 A. They had minimal underwriting obligations for this
5 particular program. All they were required to do was review
6 the application to make sure that it was complete; that all
7 certifications were obtained; to review the supporting
8 documentation to show specifically that the applicant had
9 employees for whom it paid salaries and payroll taxes as of
10 February 15 of 2020; and to do a good faith review of the
11 supporting documentation for that average monthly payroll
12 calculation to determine the maximum loan amount.

13 Q. And whose representations were the lender and the
14 SBA relying on in these applications?

15 A. The applicant's.

16 MR. KAUSHAL: Your Honor, if I could have one
17 moment, please.

18 BY MR. KAUSHAL:

19 Q. Ms. Zelaya, why was the program designed to rely on
20 the information from the applicant?

21 A. Because of the urgency involved with the
22 Coronavirus-19 pandemic. The CARES Act was passed because of
23 all the economic hardship that businesses were suffering; all
24 of the orders that some businesses were closed; others had to
25 significant alter their operations; the stay-at-home orders.

1 There was significant economic hardship going on for
2 businesses throughout the nation. So the CARES Act was
3 enacted to provide emergency relief. And again, the program
4 was designed to get the money out the door as quickly as
5 possible to give immediate relief to these businesses.

6 So it was streamlined to rely on
7 self-certifications of the borrower and not make the lender
8 take the additional extra steps that would be very time
9 consuming to independently verify that information.

10 MR. KAUSHAL: Nothing further, Ms. Zelaya.

11 Thank you.

12 THE COURT: Any cross?

13 MS. DURRETT: Your Honor, we have no questions of
14 this witness.

15 CROSS-EXAMINATION

16 BY MR. MARSHALL:

17 Q. Good morning.

18 A. Good morning.

19 Q. In your last response, I think you indicated there
20 were no extra steps that were needed by the lender to verify
21 requirements that are in the certification; is that correct?

22 A. They were supposed to perform a good faith review
23 of the application to make sure the certifications were
24 required -- were received, and they were required to perform
25 a good faith review of the supporting documentation to show

1 they had employees as of February 15 of 2020, and to support
2 the average monthly pay payroll. But they were not required
3 to independently verify that information.

4 Q. So that addresses the issue of when the funds were
5 initially distributed, right? When they're disbursed,
6 correct?

7 A. Correct.

8 Q. Are there any ongoing responsibilities by lender to
9 make sure the funds had been used or obtained in a proper
10 way?

11 A. No.

12 Q. Is there anything from SBA at a later stage that
13 tries to follow up and confirm that the loans have been
14 properly obtained?

15 A. At the time of forgiveness, when the applicant
16 applies for forgiveness, they fill out another form that
17 contained more certifications; that they were eligible at the
18 time; that they used the proceeds only for authorized
19 expenses; and that they again provided that to the lender.
20 The lender is required to perform a good faith review of that
21 information and then make a decision on forgiveness and
22 submit it to SBA.

23 At that time, SBA may conduct a loan review. And
24 at that time, we would look at whether they were eligible or
25 had used the proceeds. But we did not review every loan.

1 Q. So as a follow-up then, do you have a percentage of
2 how many loans were reviewed by SBA? Just curious.

3 A. I don't have a percentage. There were over
4 11 million loans that were made, and there were some that
5 were reviewed in a random sample, and some were reviewed
6 based on an indicia of potential fraud. But I don't know the
7 actual percentage.

8 Q. And that's at the stage of maybe considering
9 forgiveness, right?

10 A. Correct. That's at the forgiveness stage.

11 Q. Is there some type of review by SBA earlier on, of
12 the lenders and what they are doing as far as processing
13 these?

14 A. No. The CARES Act mandated that the lenders
15 approved these loans under delegated authority. That means
16 the lender approved the loan with no prior SBA review.

17 Q. Okay. And I think, earlier on in your testimony --
18 maybe you will remember what the line of questioning was --
19 it says -- I think you responded, if the application goes
20 through the system without errors, you generate a loan
21 number, correct?

22 A. Correct.

23 Q. You do that or a lender does that?

24 A. The lender enters the information into our
25 electronic system, and if they enter it properly in the right

1 format, et cetera, and it goes through again without errors,
2 then the system, SBA system generates the loan number.

3 Q. But those errors are maybe like technical, like
4 filling something out incorrectly?

5 A. Correct. Correct.

6 Q. It's not like a checking, like, a quality assurance
7 to see if the application is correct?

8 A. No. SBA does not receive any of the applications
9 or supporting documents that were provided by the applicant
10 to the lender. Before we issue that loan number, the agency
11 does not get any of that information.

12 Q. Okay.

13 MR. MARSHALL: One second, Your Honor.

14 Nothing further. Thank you very much.

15 THE COURT: Any redirect?

16 MR. KAUSHAL: No, Your Honor.

17 THE COURT: All right. Thank you, ma'am.

18 You can step down.

19 Please call your next witness and let's just start
20 that next witness before we take our first break.

21 MR. KAUSHAL: Yes, Your Honor. The government
22 calls Candace Hunter to the stand.

23 THE COURT: Off the record.

24 (Off-the-record discussion, and proceedings
25 continued:)

1 THE COURT: Back on the record.

2 Good morning, ma'am. How are you?

3 THE WITNESS: I'm well. Thank you.

4 CANDACE HUNTER,

5 Having been first duly sworn, testified as follows.

6 Candace Hunter.

7 Candace Hunter,

8 Having been first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. KAUSHAL:

11 Q. Good morning, Agent Hunter. Can you please state
12 and spell your name for the record?

13 A. Yes, it's Candace A. Hunter. C-A-N-D-A-C-E, A. and
14 then H-U-N-T-E-R.

15 Q. Where are you employed, ma'am?

16 A. At the FBI here in Atlanta.

17 Q. What is your role at the FBI?

18 A. I'm a special agent that also has a certification
19 as a general forensic examiner.

20 Q. And what training do you have to be a forensic
21 examiner?

22 A. The bureau has a process of -- it takes about two
23 years of training, both in hardware and software pertaining
24 to computers, as well as different forensic tools to use to
25 analyze those computers.

1 Q. How long have been a computer forensic examiner?

2 A. Approximately 14 years.

3 Q. And do you have, what were you before that? What
4 did you do?

5 A. I was a special agent that worked cybercrimes such
6 as ATM theft and skimming and crimes against children.

7 Q. And now you do forensic examination work?

8 A. Correct. Yes.

9 Q. Were you provided with evidence from this case,
10 specifically a Samsung Galaxy Note 9 that's identified as
11 item 1B7 in FBI evidence storage?

12 A. Yes, I was.

13 Q. Were you able to access that Samsung Galaxy Note 9?

14 A. Not initially. But yes, eventually, I was.

15 Q. Did you receive the item originally around
16 February 18, 2021?

17 A. Yes. That's correct.

18 Q. And once you received it, you said you couldn't
19 access it initially. Why not?

20 A. It was password protected.

21 Q. Were you able to get through the password at some
22 point?

23 A. Eventually, in May of 2022, approximately a year
24 and a couple of months later.

25 Q. And once you got into, when you say -- well, tell

1 me what that means. Were you able to unlock the phone?

2 A. The software that I used to extract the device was
3 able to access the phone and break through.

4 Q. And your role in terms of that phone was to obtain
5 data from the phone, correct?

6 A. Yes. I extracted the phone using that software.

7 Q. What software did you use?

8 A. I used a product called Cellebrite Premium.

9 Q. What is Cellebrite Premium?

10 A. It's one of the tools that the company Cellebrite
11 offers. They have several different products. But the
12 premium mainly focuses on -- well, it has iOS as well, but
13 Android and iOS devices cracking that are either pattern
14 locked or password protected or PIN protected, somehow
15 protected.

16 Q. Did you hook up item 1B7 to Cellebrite?

17 A. Yes. I did.

18 Q. Can Cellebrite obtain call logs from a phone?

19 A. Yes.

20 Q. Can Cellebrite obtain messages from the phone?

21 A. Yes.

22 Q. Can you walk the jury through the process of
23 obtaining information using Cellebrite?

24 A. Once the extraction is obtained, then I use another
25 Cellebrite product, called Physical Analyzer, to parse the

1 extraction. And basically what it does is sort the data or
2 organize the data. It's a different bucket. Like here is
3 all the documents, here is all the pictures, here is all the
4 call logs. It just organizes the data for someone to easily
5 review it.

6 Q. And what happens after that? Once it goes into
7 Physical Analyzer, then what?

8 A. Then I generate what we term a portable case. And
9 it's basically so that the end user can open the product
10 without having a licensed dongle to open it. So it's just a
11 portable case of everything that was in that extraction that
12 it was able to parse, and then it's for the agent to conduct
13 the review and go through the evidence and find what's
14 relevant.

15 Q. Did you create a portable case for the Samsung
16 Galaxy Note 9 that was identified as item 1B7 in FBI
17 evidence?

18 A. Yes, I did.

19 Q. Did that portable case that was prepared contain
20 WhatsApp communications for that device?

21 A. Yes. It did.

22 Q. Can you tell the jury what WhatsApp is?

23 A. It's a communication app that you can utilize to
24 talk to one another without using text messages. It's
25 another way to communicate.

1 Q. It's a text messaging application?

2 A. Yes.

3 Q. Can you also make phone calls using it?

4 A. Yes, you can.

5 Q. Can you tell -- you've had an opportunity to review
6 exhibits in this case, correct?

7 A. Yes, I have.

8 Q. Can you tell me whether Government Exhibits 2300
9 through 2339 and their subexhibits and Exhibits 2345 through
10 2350 are with WhatsApp communications that came from the
11 portable case that you prepared for the Samsung Galaxy
12 Note 9?

13 A. Yes, they were.

14 Q. Did you also pull call log data from the Samsung
15 Galaxy Note 9?

16 A. Yes, I did.

17 Q. And that was also in the portable case?

18 A. Yes.

19 Q. Can you tell me whether Government's Exhibit 2957
20 and 2958 are call logs that came from the Samsung Galaxy
21 Note 9 portable case?

22 A. Yes, they were.

23 Q. Now aside from examining the Samsung Galaxy Note 9,
24 did you also examine a Lenovo Idea laptop that was identified
25 as 1B8 in FBI evidence storage?

1 A. Yes, I did.

2 Q. Can you walk the jury through the steps you took in
3 order to get data off that device?

4 A. So, with a laptop, we copy or -- image is what we
5 confirm. But it's a forensic copy of the hard drive or hard
6 drives within the laptop. And then we use another product to
7 parse the data, similarly to Cellebrite. In this case, I
8 used a product called Internet Evidence Finder.

9 Q. And what is Internet Evidence Finder?

10 A. It's a tool, a piece of software that the vendor is
11 Magnet. And it parses, again, the data from the computer and
12 puts it into different buckets again.

13 So there might be a bucket for website history or a
14 bucket for pictures or a bucket for Word documents. So it
15 just organizes the data.

16 Q. And were you able to pull data from the Lenovo Idea
17 laptop identified as 1B8?

18 A. Yes, I was.

19 Q. Was that data also put into a portable case?

20 A. It was.

21 Q. And can you tell me whether Government's Exhibits
22 2960, 2961, 2962, and then 2980, 2981, 2983, 2984, 2985, 2986
23 and 2987 all came from the portable case prepared with
24 Internet Evidence Finder?

25 A. Yes.

1 Q. And that was all from the laptop?

2 A. Yes.

3 Q. And these particular documents, at the top of the
4 document, it says what it is, like describes the data that
5 has been pulled?

6 A. Yes.

7 MR. KAUSHAL: Your Honor, if I could have one
8 moment, please.

9 (Pause.)

10 MR. KAUSHAL: Your Honor, nothing further from this
11 witness.

12 THE COURT: Thank you.

13 Any cross?

14 MS. WEBSTER: Thank you. Yes.

15 CROSS-EXAMINATION

16 BY MS. WEBSTER:

17 Q. Good morning.

18 A. Good morning.

19 Q. So I represent Mr. Foster in this case. And I
20 requested a copy of the digital devices that you downloaded;
21 is that correct?

22 A. Yes.

23 Q. And then that includes numerous items, not just the
24 two that have been talked about today.

25 A. Correct.

1 Q. Am I correct that it was about 11 items seized from
2 Darrell Thomas?

3 A. That sounds about right.

4 Q. Five from Jesika Blakely?

5 A. Yes.

6 Q. There was an iPhone from is someone named Goeffrey
7 Hull?

8 A. Correct.

9 Q. And I sent you a hard drive?

10 A. Yes.

11 Q. Okay. And then you loaded all those devices on the
12 hard drive?

13 A. Yes.

14 Q. And then you sent it back to me, right?

15 A. Yes.

16 Q. Okay. First I just want to talk about just the
17 nature of the materials that were seized from Jesika
18 Blakely's residence. They were seized on April 2 of 2021.
19 Does that sound correct? You might not have it in front of
20 you.

21 A. I'm sorry. I didn't review that portion of my
22 report.

23 Q. Okay. Would a report, reviewing your report help
24 you?

25 A. Yes.

1 MS. WEBSTER: (Hands document to witness.)

2 BY MS. WEBSTER:

3 Q. Does that refresh your recollection?

4 A. Yes. Thank you.

5 Q. So the materials were seized April 22 of 2021; is
6 that correct?

7 A. Yes.

8 Q. And there was a search warrant for her home?

9 A. Yes.

10 Q. And that address was on West Pace's Ferry of
11 Atlanta, Georgia?

12 MR. KAUSHAL: Your Honor, I'm going to object as
13 outside the scope of direct. This isn't the same set of
14 evidence that we covered on direct.

15 MS. WEBSTER: Your Honor, she is the one who -- she
16 is the witness who downloaded the devices that were provided
17 in discovery, and I think I'm able to cross-examine her about
18 other devices to show what she received and what she did not
19 receive.

20 And I have spoken to the government about
21 potentially introducing evidence from the devices that I
22 would like to discuss with her.

23 So this is a way of authenticating them for the
24 jury.

25 THE COURT: Well -- but wouldn't you agree with

1 Mr. Kaushal that this is outside of the scope? It seems like
2 it's something a little different.

3 MS. WEBSTER: It is a little different, Your Honor.
4 But I think, otherwise, I'm going to have to submit a Touhy
5 letter to bring her back so that I can ask her questions
6 about that, which I'm happy to do, but I feel like this is a
7 more streamlined way of addressing it.

8 MR. KAUSHAL: Your Honor, if the purpose is to show
9 that the downloads that the agent conducted were conducted
10 and that they have copies of those, we don't dispute that.

11 So I was just concerned about talking about the
12 search warrant being conducted and other things that are
13 outside of this agent's capacity in this case.

14 So if the purpose is simply to authenticate that a
15 copy of a phone was provided, there is no objection to that
16 question.

17 MS. WEBSTER: That's the line of questioning, Your
18 Honor.

19 THE COURT: Go ahead. Sounds like the objection is
20 withdrawn.

21 MS. WEBSTER: Thank you.

22 BY MS. WEBSTER:

23 Q. So again, the search warrant was executed at a home
24 on West Pace's Ferry Road in Atlanta; is that correct?

25 A. I'm sorry. Can I look at the report again?

1 Q. Yes.

2 A. Yes.

3 Q. And you were actually on scene for that, correct?

4 A. Yes. I was.

5 Q. And you found her iPhone at the time?

6 A. Yes.

7 Q. Okay. And you extracted that at the scene?

8 A. Yes.

9 Q. And then you were able to provide a copy of that on
10 the hard drive that you sent to me, correct?

11 A. Yes.

12 Q. At that time, other devices were seized?

13 A. Yes, ma'am.

14 Q. Okay. One of those devices was an HP Pavilion
15 all-in-one computer?

16 A. May I look again?

17 Q. Yes.

18 A. I don't remember. It's not in that report.

19 MS. WEBSTER: I'm sorry.

20 (Hands document to witness.)

21 THE WITNESS: Okay. Yes.

22 BY MS. WEBSTER:

23 Q. Okay. So you were able to extract that and provide
24 a copy of that?

25 A. Yes.

1 Q. And there was also a thumb drive, correct?

2 A. Yes.

3 Q. So you also provided a copy of that -- or able to
4 extract a copy of that?

5 A. Yes, ma'am.

6 Q. Thank you.

7 There were, I think, two other devices seized. A
8 tablet?

9 A. Yes.

10 Q. And you couldn't get into that one; is that right?

11 You can look.

12 A. That's correct.

13 Q. Okay. Thank you.

14 And you never received any other devices from
15 Jesika Blakely other than the ones that are referred to in
16 that report?

17 A. Those are the only ones I have examined.

18 Q. Okay. Thank you.

19 And then I want to talk to you about the materials
20 that you received from Darrell Thomas.

21 A. Okay.

22 Q. And so all of those devices were provided to you at
23 the same time; is that correct?

24 A. I obtained all those items on the same today from
25 evidence control.

1 THE COURT: Ms. Webster, let me interrupt you. I
2 have gotten a note that someone would like to go ahead and
3 take a break now. So we'll do that.

4 Ladies and gentlemen of the jury, you are reminded
5 of your instructions for breaks.

6 Let's all take about a 10-minute break and off the
7 record for one moment.

8 (Off-the-record discussion, and proceedings
9 continued:)

10 THE COURT: All right. Thank you.

11 (There was a recess at 10:32 a.m., and proceedings
12 continued as follows at 10:44 a.m.):

13 THE COURT: Thank you. You all may be seated.
14 Bring in the jury, please.

15 (Jury enters the courtroom at 10:45 a.m.)

16 THE COURT: You all can be seated.
17 Thank you.

18 Ms. Webster, you can continue your
19 cross-examination.

20 MS. WEBSTER: Thank you.

21 BY MS. WEBSTER:

22 Q. So going back to the devices that were seized from
23 the search warrant of Darrell Thomas's residence, you, I
24 think received them all in February 8 of 2021; is that
25 correct?

1 A. That's when I checked them out of evidence control.

2 Q. And they were actually seized during the execution
3 of the search warrant?

4 A. Yes. In August.

5 Q. In August of 2021?

6 A. Yes, ma'am.

7 Q. Okay. At no time were you provided any subsequent
8 phone related to this case from Mr. Thomas?

9 A. Not from Mr. Thomas, no.

10 Q. Nor other any other devices, not just phones. Let
11 me be clear. No other computers, tablets?

12 A. No.

13 Q. Okay. So turning first to the phone, which was, I
14 believe QAT01?

15 A. Yes.

16 Q. And that's a number that you use internally to
17 refer to the item; is that correct?

18 A. Correct.

19 Q. So that was actually extracted on May 18 of 2022, I
20 believe?

21 A. Yes.

22 Q. Okay. And you said -- I just want to clarify some
23 of your testimony from direct. That was not examined because
24 a password was provided to you?

25 A. A password was not provided to me.

1 Q. Okay. So you were able to crack into the phone,
2 right?

3 A. Correct.

4 Q. Okay. And so there was another phone seized; is
5 that right?

6 A. There was more than one, yes.

7 Q. And there, I believe, was another. It was another
8 Galaxy Note 5; is that correct?

9 A. Yes.

10 Q. And you were never able to get into that phone; is
11 that right?

12 A. Attempts are still ongoing.

13 Q. Okay. But you still have not been actually able to
14 get into it; is that correct?

15 A. Correct.

16 Q. And at some point, you were actually provided a
17 code for a phone; is that right?

18 A. Yes.

19 Q. Okay. And was that in June of 2021?

20 A. I don't remember the date.

21 Q. Okay. Would seeing an email refresh your
22 recollection?

23 A. Yes.

24 Q. (Hands document to witness.)

25 A. Okay.

1 Q. So did you receive a password that may -- could
2 have been for one of Darrell Thomas's phones?

3 A. Possibly, yes.

4 Q. And was that actually the password?

5 A. No.

6 Q. I believe you discussed on direct the Lenovo laptop
7 that was seized, correct?

8 A. Yes.

9 Q. And that actually contained two hard drives; is
10 that right?

11 A. That's correct.

12 Q. And you were able to download both of those?

13 A. Yes.

14 Q. There was several other devices that you were
15 unable to extract; is that right?

16 A. Yes.

17 Q. Okay. And was one of those a Samsung Galaxy 520?

18 A. Could I look at the report?

19 MS. WEBSTER: (Hands document to witness.)

20 A. The Samsung Galaxy S20?

21 Q. Yes.

22 There is another ZTE phone that you could not get
23 into, correct?

24 A. Correct.

25 Q. There was a Microsoft Surface; is that correct?

1 A. Yes.

2 Q. Okay. And that was encrypted; is that right?

3 A. Yes.

4 Q. And were you ever able to get into that?

5 A. No, ma'am.

6 Q. Are efforts still ongoing?

7 A. No.

8 Q. Is that because you have determined you will not be
9 able to get into it?

10 A. Correct.

11 Q. Okay. There was a crypto wallet; is that right?

12 A. Yes.

13 Q. And then there was a thumb drive. Yes?

14 A. Can I look?

15 Q. Yes.

16 A. Oh, yeah. I remember. Yes.

17 Q. Okay. And then something called a Panasonic
18 Toughbook?

19 A. Yes.

20 Q. Okay. And you determined there was nothing
21 pertinent on those devices?

22 A. On the Panasonic Toughbook, yes.

23 Q. Okay.

24 A. On the thumb drive, if I remember, it was a
25 Tails OS. Nothing was marked as pertinent.

1 Q. And define "pertinent" for me?

2 A. Relevant to the warrant of the items that we were
3 allowed to seize.

4 Q. Okay. Thank you.

5 You did not receive an iPhone; is that correct?

6 A. No.

7 Q. Okay. So going back to the laptop, you downloaded
8 a copy of that, correct?

9 A. Yes, ma'am.

10 Q. Okay. And when you did that, you actually
11 generated a report. Yes?

12 A. Yes.

13 Q. That's the -- that's what you were discussing on
14 direct. Yes?

15 A. The portable case.

16 Q. The portable case. Okay. And that's also labeled
17 an IEF report?

18 A. No, ma'am. That's a different item.

19 Q. Okay.

20 An IEF report was provided to me; is that correct?

21 A. Yes.

22 Q. And what is the difference between those two?

23 A. So the portable case is everything that the
24 software parsed so that the agent can conduct the review and
25 decide what is relevant to the warrant.

1 At that time, they give it back to me and I
2 generate a report, which is just the items that were tagged
3 as pertinent.

4 Q. Okay. So who chooses the items that were
5 pertinent, you or the agent?

6 A. The agent. Although there are times when I would
7 as well, but in this case it was the agent.

8 Q. Okay. And the IEF report is the report on the
9 materials that were deemed pertinent; is that correct?

10 A. Correct.

11 Q. Thank you. Can you just tell me about how that's
12 actually produced, the format that it's turned over in?

13 A. So, you mean like the file type?

14 Q. Yes.

15 A. I produced an HTML report.

16 Q. Okay. And so there is an HTML report, and you open
17 it; is that right?

18 A. Yes.

19 Q. And it opens in an internet browser?

20 A. Yes.

21 Q. And then there are different things that you can
22 click on; is that correct?

23 A. Correct.

24 Q. Okay. And then those rely on the other files that
25 are provided for you to be able to look at that?

1 A. Yes.

2 Q. You can search within that report?

3 A. Yes.

4 Q. Okay. You can enter in various terms that you are
5 interested in finding?

6 A. Yes.

7 Q. Okay. You can look at different parts of the
8 device?

9 A. Yes.

10 Q. Okay. Some of the examples are like web history?

11 A. Yes.

12 Q. Saved passwords?

13 A. Yes.

14 Q. Credit cards that were saved?

15 A. Yes.

16 Q. Files that are on the computer?

17 A. Yes.

18 Q. And so, when you are in each of those subsections,
19 that's when you can search; is that right?

20 A. Yes.

21 Q. Okay. And to really for it to be able to function,
22 you need it electronically; is that right?

23 A. The report? Yes.

24 Q. It's not really functional in a printed form; is
25 that right?

1 A. Correct.

2 Q. And so I believe, last night, you were able to
3 review what we have marked as Defendant's Exhibit F24; is
4 that right?

5 A. Yes.

6 Q. Okay. And did that have the IEF report that you
7 produced on it?

8 A. 24 was my report, yes.

9 Q. Okay.

10 MS. WEBSTER: Your Honor, we have this on a flash
11 drive, which is what she reviewed last night, and we would
12 move to admit as F24.

13 MR. KAUSHAL: Your Honor, the government objects to
14 the admission of F24 as confusing because it is a live
15 document. And by that I mean it is something that a user
16 would interact with on an HTML page as opposed to a printout
17 of that actual page. It is certainly true that you cannot
18 type on a computer and have the printout search for you
19 because it's a printed piece of paper. But the contents of
20 the report are static data that can be admitted for the
21 portions that are relevant.

22 And it might be helpful for Your Honor to see the
23 report and the way that it functions, if Your Honor would
24 like to take a look at it. But we don't believe it should be
25 admissible because it requires the user to interact with it

1 in a way that, normally, juries do not interact with
2 evidence.

3 MS. WEBSTER: Your Honor, I have provided a copy on
4 a flash drive to your deputy. But we have some printouts
5 that we are going to seek to admit as exhibits but I think
6 they are difficult to read, and it makes a lot more sense for
7 someone to be able to actually look at the full report.

8 And I think that it's pertinent to the jury so that
9 they can see the files that were on the computer. And a lot
10 of the information is relevant to our defense.

11 THE COURT: All right. I'm at a loss here because
12 both of you have seen this and understand it, and I haven't.
13 So why don't we take a minute so I can do that.

14 Ladies and gentlemen of the jury, I don't want to
15 bore you with my fumbling through sticking this flash drive
16 in my computer and trying to figure it out, so why don't you
17 go grab another cup of coffee while I figure that out.

18 Sorry that we're taking a break two seconds after
19 the other break.

20 (Jury withdrew from the courtroom at 10:55 a.m.)

21 THE COURT: And we're off the record.

22 (Off-the-record discussion, and proceedings
23 continued at 10:58 a.m.)

24 THE COURT: Let's go on the record.

25 Okay. We're back on the record. I have gotten the

1 flash drive on my computer. And we had a brief
2 off-the-record conversation while -- with the consent of all
3 parties, as Ms. Webster helped me understand what I was
4 looking at.

5 I have now looked at what's on the flash drive.
6 And Ms. Webster has noted that it's basically easier to see
7 it on the screen versus the awkward printouts.

8 Mr. Kaushal helped me understand the confusion
9 issue.

10 I guess I'm wondering -- I think I do have an issue
11 with admitting the entirety of this flash drive and
12 everything on it, if what we're only going to be looking at
13 is a handful of portions that you will print out. I think
14 that's problematic unless everything on this flash drive you
15 are wanting to get into evidence.

16 It just seems odd to me that if we have a flash
17 drive with millions of lines of data, some of which might be
18 relevant, some might not be relevant, and you want to talk
19 about just a handful of items, it would seem like the most
20 efficient means would be -- I don't know that there is a huge
21 issue with using the computer to show the screens when you
22 are talking with the witness, but then you just go to
23 particular screens that you would have printouts of so that
24 the jury would have that as a reference, albeit not as easy
25 to read.

1 I think it would be confusing just to have a flash
2 drive sent back to the jury if it's got millions of pages of
3 code on it or something and you are only going to refer to
4 various portions.

5 MS. WEBSTER: Well, I think it's just -- we're
6 referring to -- if you see, there are, on the left-hand side
7 of the screen there are a number of these. We are printing
8 out or have printed out many of them, or A through L, at
9 least, of them. So it is a number of different files.

10 And I will just note, like, we had them printed out
11 a little bit so that you can see more of what was on the
12 printouts, but the government objected that part of the
13 columns were cut off and it wasn't complete.

14 So now I feel like we have to put it in this form
15 which I tried to zoom it in on the ELMO, and you can't even
16 see. The jury won't be able to read it.

17 So it's just, I think it's difficult.

18 We might in a position where -- I don't know what
19 the government thinks about this -- where maybe I could show
20 this during the examination if they don't -- and not send it
21 back with them.

22 MR. KAUSHAL: Your Honor, first, Your Honor, the
23 government agrees with the analysis about this report in its
24 entirety because they are not seeking to talk about
25 everything that's in the report.

1 If you look at the left-hand side of the document,
2 you are going to see sections that say refined results,
3 documents. And then there are more items further down.

4 And what this does is it confuses the jury because
5 they have got to know what this stuff means, and then they
6 have got to navigate through here, and then we're saying
7 okay, now they're going to be allowed to search. And there
8 are all these entries that have been marked as pertinent. It
9 is confusing.

10 So that is why we believe the documents should be
11 admitted for their relevant portions as defense has prepared
12 with their actual exhibits.

13 Now the issue -- the paper exhibits.

14 I understand that there is a printout issue with
15 the exhibits. I think if they use their electronic version
16 of the PDF, they can zoom in and it will show up on the
17 screen, and that should address the issue of using the ELMO
18 versus using this report.

19 I'm just concerned about them seeing this and being
20 confused by it.

21 If push comes to shove, Your Honor, and the defense
22 really wants to use this report for the purpose of showing
23 their exhibits, I think it's also going to be confusing
24 because their exhibits are not just every entry that has been
25 identified by the agent. The exhibits that they have

1 prepared, some of them are only portions. So for example,
2 Ms. Webster showed Your Honor when she typed in the name
3 Teldrin, the parsed search queries became a shorter list from
4 this large list we're looking at right now. It became much
5 smaller. And that is -- I believe one of their exhibits is
6 just the Teldrin searches.

7 So it -- they are going to be seeing multiple forms
8 of these documents, and then they might become confused about
9 whether something is missing or not missing.

10 So I just think it's going to be confusing and we
11 suggest that they use their PDFs in order to work with the
12 witness. And when it's admitted, they can admit the PDFs on
13 a disc and then the jury will be able to look at those PDFs.

14 THE COURT: Okay. So, Ms. Webster, I get that it's
15 going to be easier to read from this, what's on the flash
16 drive, the document, pulling it up, and to talk to your
17 witness.

18 And I get that the printout somehow is coming out
19 funky and hard to read. Here is an idea that maybe satisfies
20 everyone.

21 Could you just pull up whatever page you want her
22 to look at here on the screen, and maybe somebody has got a
23 higher tech way of doing it than I do, but we're all in here
24 with our phones and you can take a picture of the computer
25 screen for the 10 pages you want to show them, print that out

1 and mark it as an exhibit.

2 Why doesn't that work?

3 MR. KAUSHAL: It potentially would work, Your
4 Honor. And actually, just standing here, I -- actually, and
5 I'll propose this.

6 So long as -- you know, we're well outside of what
7 I covered on direct, and I understand they want to talk to
8 this witness and that they want to get clarification on
9 what's in the report.

10 If we use the actual report as a demonstrative and
11 then Ms. Webster can narrate what she is doing. This is the
12 report, okay, it has -- this is the report; here is how it
13 works. You type in the name Teldrin; here is what shows up.
14 And then she admits her paper copies or PDF of the actual
15 thing she wants to use.

16 We do not have an objection to that because I think
17 that will show the jury what she wants to show them without
18 giving them this whole set of information and making them
19 think that they need to go looking around in all this stuff.

20 And then they will know that what is being shown to
21 them, it's a subset of data and things of that nature.

22 That seems to address the issue, if Your Honor is
23 open to it.

24 MS. WEBSTER: Your Honor, our preference is to use
25 the whole thing. But understanding the Court's sort of

1 disinclination to do that, I think that's an acceptable
2 alternative to us.

3 THE COURT: All right. Very well.

4 Let's bring out the jury.

5 MS. WEBSTER: Is it okay for it to be on the screen
6 now.

7 THE COURT: Sure.

8 Is there an exhibit number range that you want to
9 move to admit? Can you just give me the range of what you
10 are moving to admit?

11 MS. WEBSTER: Yes. It's F24A through L, inclusive
12 of the F24E1.

13 THE COURT: Okay.

14 (Jury enters the courtroom at 11:08 a.m.)

15 THE COURT: All right. You all can be seated.

16 Thank you. Okay. Ladies and gentlemen, thank you
17 for your patience with this process.

18 I was, amazingly enough, able to pull the document
19 up and figure it out. And the parties have agreed that what
20 we will do is we're going to use the electronic version to go
21 through this examination, the questions and answers. The
22 electronic version is not going to be admitted into evidence.

23 Instead, Ms. Webster has offered for admission hard
24 copy documents, F24A through L, including F24E1.

25 The government hasn't objected to those documents

1 and I have admitted those documents, so those hard copy
2 documents will go back with you for deliberations at the end
3 of the case.

4 (Defendant's Exhibits F24A through L, including
5 F24E1 admitted into evidence.)

6 THE COURT: Ms. Webster, you can continue.

7 MS. WEBSTER: Thank you, Your Honor.

8 BY MS. WEBSTER:

9 Q. Ms. Hunter, the report on your screen, is that your
10 report?

11 A. Yes, ma'am.

12 Q. So, previously, did you also have the chance to
13 review F24A through L?

14 A. Yes, I did.

15 Q. Okay. So on this report, if we go to Chrome
16 autofill profiles, can you tell me what that means?

17 A. So, when you are typing on the Chrome web browser
18 on the internet, and you are entering in information in
19 different fields, you've probably noticed it asks you "do you
20 want to save this?" So that the next time you go to enter
21 your address, when you start typing, like in this case, 670,
22 it doesn't make you type the whole thing; it remembers.
23 That's what this is showing you.

24 Q. And whose name is in this Chrome autofill profile?

25 A. Darrell Thomas.

1 Q. Thank you. And then if we go to the Chrome
2 autofill; right?

3 A. Yes, ma'am.

4 Q. Can you tell -- what is Chrome autofill? What is
5 that section?

6 A. The same thing I was just discussing. Basically,
7 when you fill in a form, the other thing that were typed into
8 a Chrome web form.

9 Q. What's the difference between a Chrome autofill and
10 autofill profile?

11 A. So if it's able to associate a bunch of data with a
12 user, that's the profile, so it put all together. And often
13 you will see multiple profiles that are on the computer.

14 Q. Okay. And can you just tell me what is in the
15 value line of this first line?

16 A. Teldrin_Foster@yahoo.com.

17 Q. And what is the date that it was created?

18 A. May 19, 2020.

19 Q. Okay. And if we go -- just for the record,
20 that's -- those are 24A and B.

21 And if we go to what I have marked as 24 -- F24C,
22 that's the Chrome current session?

23 A. Yes, ma'am.

24 Q. And can you tell me -- again, if you look in the
25 title column, what is -- what is reflected in the title

1 column?

2 A. Teldrin_Foster@yahoo.com.

3 Q. And can you tell me what dates those are there?

4 A. The last visited date is June 24, 2020, at
5 4:39:42 p.m.

6 Q. And if you go down to the ninth line and the tenth
7 line, what are those dates?

8 A. June 30th, 2020 -- sorry, the date is 0 June 30 of
9 2020.

10 Q. Thank you. Tell me what the Chrome current session
11 at the top means.

12 A. So that is what tabs were open in Chrome currently,
13 when the computer was obtained.

14 Q. If we go to Chrome web visits, which I have marked
15 as F24E, can you tell me what Chrome web visits means?

16 A. It is -- using again the Google Chrome browser, a
17 visit to a particular website or URL.

18 Q. And tell me again what's in the title column for
19 this exhibit or this page.

20 A. For this page, it's Teldrin_Foster@yahoo.com.

21 Q. And if I go into the search column and I type in --
22 this is what we were referring to -- I was referring to
23 earlier when you can search the items; is that correct?

24 A. Yes, ma'am.

25 Q. Okay. So if we type in the name Teldrin there, can

1 you tell me what comes up?

2 A. The items on the screen that have the word Teldrin
3 in them.

4 Q. Okay. So I'm just going to scroll down. And so
5 Teldrin is in every entry that's on this page, right?

6 A. Yes.

7 Q. Okay. So what is the earliest date that's shown
8 here in row 123?

9 A. May 2 of 2020.

10 Q. Okay. And then in the date visited time, above
11 that, is that May 19 of 2020?

12 A. Yes, ma'am.

13 Q. Okay. And that subset is what's reflected in
14 F24E1, just the results that have Teldrin in the web visits.
15 Does that sound correct?

16 A. Yes.

17 Q. Thank you.

18 This is what we have marked as F24F, and it has
19 credit card. So explain what the meaning of that is, please.

20 A. If the user types in a credit card to conduct a
21 purchase, the browser can save that credit card information
22 for later use.

23 Q. Okay. And whose name is listed in the top column?

24 A. Darrell Thomas.

25 Q. And the last column?

1 A. Julius Johnson.

2 Q. And Teldrin Foster is not listed at any point in
3 that view; is that correct?

4 A. No, ma'am.

5 Q. Thank you.

6 If we go to identifiers device, I have marked that
7 as Exhibit F24G.

8 What is referred to in this first row?

9 A. An Apple iPhone.

10 Q. Okay. And you never seized an Apple iPhone from --
11 to your knowledge, an Apple iPhone was not seized from
12 Mr. Thomas's residence; is that correct?

13 A. Correct.

14 Q. These are Chrome downloads. This is F24H.

15 Do you see in these columns where it says that it's
16 dl.mail.ymail.com?

17 A. Yes, ma'am.

18 Q. Are you familiar with what that means?

19 A. No, ma'am.

20 Q. Okay. Do you have any knowledge of whether that
21 could be for Yahoo Mail?

22 A. It looks like that, but I don't want to speculate.

23 Q. Okay. Going back for a second. Can you tell me
24 what Chrome downloads means? What is that section?

25 A. Anything that was downloaded using the Chrome web

1 browser to this computer.

2 Q. Okay. So the download source is what?

3 A. Where it was downloaded from.

4 Q. Okay. And the file name section is what?

5 A. What was downloaded.

6 Q. Okay. So for example, in column 119, or row 119,
7 when it says that the file name 123F941, and then it says
8 Richland Property Investor Group LLC(1), that file was
9 downloaded from this Yahoo -- potentially, this Ymail
10 address; is that correct?

11 A. The Ymail address, yes.

12 Q. I'm sorry. Repeat that one more time?

13 A. Yes. The Ymail address.

14 Q. The Ymail address. Okay. And that's going to be
15 true for everything on this section; what is in the file name
16 was downloaded from the address in the download source?

17 A. Correct.

18 Q. Okay. Now, if we go to identifiers people. Tell
19 me what this means.

20 A. IEF goes through the computer and looks for any
21 information pertaining to individuals on the drive that it
22 can find, that it can parse.

23 Q. Okay. And can you tell me the names that are
24 listed in identifier in that column?

25 A. Yes. Casa Mero Yofo (phonetic), Darrell Thom, DJ

1 Thomas, Gena Pyfrom, Jesika Blakely, and Malik Dixon.

2 Q. And Teldrin Foster is not in this list; is that
3 right?

4 A. That's correct.

5 Q. And then when it says Gena Pyfrom, and authors, and
6 the last author, what does the artifact I.D. mean, and the
7 artifact? What are those two columns?

8 A. The artifact is what it's associated with. So
9 these are Excel documents. The artifact I.D. is a key, I
10 believe, in the table to be able to link the data.

11 Q. Okay. Thank you.

12 And so when you have an identifier linked with a
13 document, like an Excel document, can you tell me what that
14 means?

15 A. Yes. So this is what's termed metadata for an
16 Excel document. And the Microsoft Office saves information
17 within the documents pertaining to that computer.

18 Q. Okay. And so where it says that Gena Pyfrom is
19 listed as the author in row 46, and the last author on 47,
20 that means that she was in -- the metadata for that document
21 shows that she was the author and the last author for that
22 document; is that correct?

23 A. The metadata shows that, yes.

24 Q. Okay. If we go to Excel documents, this is all the
25 Excel documents that are on this computer; is that right?

1 A. Yes.

2 Q. And if I type in "Gena" in this search column,
3 right, there are two results that pop up. Is that right?

4 A. Yes.

5 Q. And that's what's marked in the F24I; is that
6 right?

7 A. Yes.

8 Q. It's not the entire list of Excel files; it's just
9 the subset?

10 A. Correct.

11 Q. Okay. So if we scroll over -- well, first, there
12 is a file name for record 2, and that says 2020 January to
13 February, payroll report by employee; is that correct?

14 A. Yes.

15 Q. Okay. And that was on the file on May 8 of 2020.
16 Is that right?

17 A. That is when it was on this computer.

18 Q. And is this when it was downloaded on the computer
19 or the last time it was modified? What do these dates in
20 the -- those two columns in the middle tell us?

21 A. Specifically the file system dates?

22 Q. Yes.

23 A. You can see the date the file was downloaded was
24 May 8, and you can see the file was not -- had not been
25 accessed or modified on that computer because the dates and

1 times are still the same as the created date.

2 Q. So that means what? Say it again?

3 A. That file was not modified or accessed on this
4 computer, as those dates and times are the same as the file
5 system created date when it was downloaded.

6 Q. So that's the time that it was downloaded?

7 A. Yes. If you want to see the date that it was last
8 changed, if that's what you are looking for, modified --

9 Q. Um-h'm.

10 A. If you scroll over.

11 Q. This way?

12 A. Yes, ma'am. You will see the internal metadata of
13 the file, and there is the modified date.

14 Q. Okay. It says first that the author is Gena
15 Pyfrom; is that right?

16 A. Yes.

17 Q. In the authors column, and then she is also listed
18 as the last author, correct?

19 A. Yes, ma'am.

20 Q. And then the last printed date and time actually
21 pre-dates when it was on this computer; is that right?

22 A. That's correct.

23 Q. So that says April 24 of 2020; is that right?

24 A. Yes, ma'am.

25 Q. And then the second file, it has more of a generic

1 name, CE1249E0?

2 A. Yes, ma'am.

3 Q. And that's also an Excel spreadsheet?

4 A. It is.

5 Q. Okay. And that was also created on April 24 of
6 2020; is that right?

7 A. That was the time that the file was observed on
8 this laptop. If you can scroll over and let me confirm that
9 that was the created date, I would appreciate it.

10 Q. This way?

11 A. Yes, ma'am. There is the date. Yes. That's the
12 date of creation.

13 Q. Okay. Thank you.

14 And then if we go to the parsed search queries
15 heading, so that -- tell me what a parsed search query is.
16 What does this mean?

17 A. So anything that the user searched for on a
18 website.

19 So you will see on my report there's a Google
20 searches, that's specifically using the Google website,
21 google.com. But this parsed search queries has other -- it
22 can be websites or other search -- so like these first ones
23 are Bing, and it shows what the user searched for.

24 Q. And this is searching for Harvest PPP loan,
25 correct?

1 A. The first one, yes.

2 Q. Okay. If we type in Teldrin here, we get some
3 results, correct?

4 A. Yes, ma'am.

5 Q. Okay. So do you see how it starts in the row
6 that's labeled 821 with a T, and 820 is TE, and 819 is TELD,
7 and 818 is TELDR?

8 A. Yes, ma'am.

9 Q. Can you tell me what that means?

10 A. The user started typing TELDR, and it's taking each
11 one of those as a search.

12 Q. Okay. And what is the URL that it then goes to?
13 What is the result of those searches for the beginning of
14 Teldrin?

15 A. Teldrin_Foster@yahoo.com.

16 Q. Okay. Does that look like they're actually inside
17 a browser and logged into his email address?

18 A. Yes.

19 Q. And then if we go to the date and time folder or
20 column, can you tell me the dates of that?

21 A. June 24 of 2020.

22 Q. Okay. And if we scroll down to the bottom two,
23 what are those dates?

24 A. May 28 of 2020.

25 Q. Okay. Just to be clear for the record, F24K is the

1 subset of the parsed search queries document; is that right?

2 A. Yes.

3 Q. And it only includes the one that contained the
4 Teldrin results?

5 A. Yes.

6 Q. Okay. And then if we go to locally accessed files
7 and folders, what is that?

8 A. Items on the laptop that were accessed.

9 Q. Okay. And if we type in Teldrin here, what pops
10 up?

11 A. A Teldrin_Foster@yahoo.com.

12 Q. And I think I'm a little bit confused because it
13 says locally accessed files and folder. But generally, an
14 email address is on an internet browse; is that right?

15 A. Correct.

16 Q. So why is this labeled as a file or folder? Do you
17 know?

18 A. A user downloaded that site, that -- the screenshot
19 that they saw there, they actually pressed download --

20 Q. Okay.

21 A. -- and saved it to the computer in this downloads
22 directory.

23 Q. Okay. So someone took a screenshot of his email
24 address and that was saved to the computer. Is that what you
25 mean?

1 A. Not specifically like hitting a screenshot, but
2 just hitting "save."

3 Q. Okay. Thank you.

4 So that is in F24L that we have marked. Is that
5 right?

6 A. Yes.

7 Q. Okay. And that is also just the subset of that
8 document. It's not the full thing, correct?

9 A. Correct.

10 Q. Okay. So we talked earlier about the devices that
11 you were provided and the people that you were provided them
12 from, right? The owners of those devices; is that right?

13 A. Yes, ma'am.

14 Q. And that you were never provided devices from
15 anyone else related to this case; is that right?

16 A. No, ma'am.

17 Q. No, ma'am, that I'm correct or no, ma'am, that
18 you --

19 A. I'm sorry.

20 Q. You are fine.

21 A. You are correct, I was not provided any additional
22 devices.

23 Q. Thank you.

24 So you didn't get anything from Gena Pyfrom-Foster?

25 A. No.

1 Q. You didn't get anything from Teldrin Foster?

2 A. No.

3 Q. And to your knowledge, no one else in your office
4 was given other devices to download?

5 A. No.

6 Q. And earlier when you said that an agent determined
7 what files were pertinent to include in the IEF report --

8 A. Yes, ma'am.

9 Q. -- which agent was that?

10 A. Special Agent Joe Stites.

11 MS. WEBSTER: Okay. Your Honor, could I have one
12 second?

13 THE COURT: Sure.

14 (Pause.)

15 MS. WEBSTER: Your Honor, no further questions.

16 THE COURT: Mr. Marshall.

17 MR. MARSHALL: Just a couple, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. MARSHALL:

20 Q. Hello, Agent.

21 A. Hello.

22 Q. So counsel for Mr. Foster just asked you about any
23 other devices from some certain other individuals. Did you
24 ever receive any devices from Carla Jackson?

25 A. No, sir.

1 Q. So you did not do any analysis of any iPhones or
2 cellphones or Android phones at all --

3 A. From Carla?

4 Q. -- from Carla Jackson?

5 A. No.

6 Q. Any laptops?

7 A. No.

8 Q. Did you receive any kind of desktop computer, any
9 other computer-type devices from Carla Jackson?

10 A. No.

11 MR. MARSHALL: Nothing further.

12 Thank you, Judge.

13 THE COURT: Any redirect?

14 MR. KAUSHAL: Yes, Your Honor.

15 THE COURT: Go ahead.

16 MR. KAUSHAL: Ms. Webster, may I use your computer?

17 MS. WEBSTER: Yes. I left it up there for that
18 purpose.

19 MR. KAUSHAL: Thank you.

20 REDIRECT EXAMINATION

21 BY MR. KAUSHAL:

22 Q. All right, Agent Hunter. I'm not going to go
23 through every item that Ms. Webster covered, but I want to
24 point out -- I have some questions about some of the things
25 that she did cover.

1 Going to what I think is 24 -- F24B, which would be
2 the Chrome autofill.

3 Before I even get to that, let me ask this
4 question. Does any of the information that's on the IEF
5 report, does it tell you who is sitting behind the computer?

6 A. No.

7 Q. So it doesn't know whether it's me or Ms. Webster,
8 for example?

9 A. Correct.

10 Q. And if I edit a document on Ms. Webster's computer
11 and I sent send it somewhere, it's going to have
12 Ms. Webster's metadata, right?

13 A. Correct.

14 Q. Assuming it's an Excel document or whatever, the
15 stuff we were just talking about.

16 A. If she put her name on that computer, yes.

17 Q. And it could be someone else's name, too?

18 A. It could be anything you want.

19 Q. So in that same vein, the metadata that we talked
20 about, this author metadata that you talked about on
21 cross-examination, it doesn't do any sort of fingerprint scan
22 to confirm that that's the person who actually authored the
23 document, correct?

24 A. Correct.

25 Q. Or any other authentication process, correct?

1 A. Correct.

2 Q. And is it possible to modify metadata after a
3 document has been created?

4 A. Yes.

5 Q. So somebody can change the author? There is a way
6 to do that?

7 A. Yes.

8 Q. Okay. Now let's go to the Chrome autofill. And I
9 will apologize because this is one of those one-button pads
10 that always gets me. I just can't deal with it for some
11 reason. I need those two buttons, so I apologize if I'm a
12 little slow.

13 Looking at Chrome autofill, which is defense
14 exhibit F24B, Ms. Webster asked you about this first column.
15 It says user name, right?

16 A. Yes.

17 Q. User name is not the password, is it?

18 A. No.

19 Q. Is there anything in the IEF report that shows that
20 the password for Teldrin_Foster@yahoo.com is saved on the
21 computer?

22 A. I do not know. I would have to look at the
23 passwords that were saved.

24 Q. Okay. Is there a spot to do that on this report?

25 Right here, is that the --

1 A. Password and tokens. But keep in mind these were
2 only the ones that were flagged.

3 Q. Okay. So looking at this information in passwords
4 and tokens, do you see --

5 A. No.

6 Q. -- the name Teldrin Foster? It's not in there, is
7 it?

8 A. No, sir.

9 Q. I am now showing you Chrome web visits, which I
10 think is Defense Exhibit F24E. And I just want to point out
11 this date visited column. When you look at these dates and
12 times, is it fair to say that there could be instances where
13 there are multiple rows that are about interactions with a
14 website, within seconds? For example, directing your
15 attention to records 493 and 492, we have -- in 492, it says
16 web visit to that Yahoo address at 6:22:01; right?

17 A. Yes. This would be around the same time. So the
18 first is looking at a folder, and the second is looking at a
19 message within the folder.

20 Q. So like every click when I go to a new page it may
21 generate a new URL?

22 A. Yes.

23 Q. So if I read five mails it may generate five
24 entries?

25 A. Yes, sir.

1 Q. So numerous entries for a particular visit to a --
2 let me withdraw that.

3 Accessing emails could result in numerous entries
4 within close succession to each other?

5 A. Yes. That's correct.

6 Q. We talked about, on cross-examination, the credit
7 card from column, the credit card page. I'm going to show
8 that to you now.

9 So this is the credit card page, F24F. I'll show
10 these names, Darrell Thomas and Julius Johnson.

11 A. Yes, sir.

12 Q. I'm now going to show you another section of this
13 report. Let me scroll down to it.

14 There is something called Chrome saved credit
15 cards.

16 MS. WEBSTER: Your Honor, Mr. Kaushal did not want
17 to admit the entirety of the report. I don't think that
18 these other pages that we are looking at are the entirety of
19 the report admitted into evidence at this point.

20 MR. KAUSHAL: Your Honor, I'm using it as a
21 demonstrative, just as defense was permitted to use it as a
22 demonstrative.

23 THE COURT: Overruled.

24 BY MR. KAUSHAL:

25 Q. There is a section called Chrome saved credit

1 cards, right?

2 A. Yes, sir.

3 Q. What is that?

4 A. These are credit cards that were specifically saved
5 in the Chrome web browser.

6 Q. And have you received this before?

7 A. Yes, sir.

8 Q. Have you reviewed the credit cards tab as well?

9 A. Yes, sir.

10 Q. So this has six entries, and credit cards,
11 likewise, has six entries, correct?

12 A. Yes, sir.

13 Q. But there is an additional column in the Chrome
14 saved credit cards, right?

15 A. A couple of different -- a couple of additional
16 columns.

17 Q. And there is a column that says last used
18 date/time, correct?

19 A. Yes, sir.

20 Q. What is that?

21 A. The last time that credit card was used on that
22 laptop.

23 Q. Okay. And those are all in 2018?

24 A. There's one in 2019 but the remaining, yes, are in
25 2018.

1 Q. Thank you.

2 I'm now going to go to the identifiers people tab.

3 This is Defense Exhibit F24J.

4 And in here, there is a section that says column
5 name. Do you see that?

6 A. Yes, sir.

7 Q. And do you see the artifact I.D. number here as
8 well?

9 A. Yes, sir.

10 Q. Looking at artifact I.D. 2, can you tell me whether
11 that is the same file that's listed twice for record 46 and
12 47?

13 A. Yes, sir.

14 Q. So that says the metadata says Gena Pyfrom was the
15 author and also the last author?

16 A. Correct.

17 Q. Going back to F24H, which is Chrome downloads, and
18 scrolling to the right, there's something called "state." Do
19 you know what that means?

20 A. It basically tells you whether that download was
21 successful or not.

22 Q. Okay. And are there some instances where it might
23 not be successful?

24 A. Yes.

25 Q. Okay. For example, right here is this -- where it

1 says 4 not parsed, is that where the download was not
2 successful?

3 A. Correct.

4 Q. Okay. What does the "save to" column represent?

5 A. Where it was saved on the computer and what the
6 file name was.

7 Q. And this is kind of like you just said, it's as if
8 somebody went to file and then hit save while they were
9 looking at that HTML address?

10 A. Yes, sir.

11 Q. Okay. And I'm going to scroll to the left. So we
12 have this entry, entry 93, that deals with mail.yahoo.com.
13 That entry was an incomplete download, correct?

14 A. Correct.

15 Q. So nothing was successfully downloaded at that
16 time?

17 A. Correct.

18 THE WITNESS: Can I -- I'm sorry. Can I pull that
19 back?

20 MR. KAUSHAL: Sure.

21 THE WITNESS: 14 bytes were downloaded, so partial.
22 But it was canceled by the user. That's what the 4 means.

23 BY MR. KAUSHAL:

24 Q. Okay. So it was an unsuccessful download but 14
25 bytes came down?

1 A. Yes.

2 Q. Thank you.

3 I'm going to go to F24I, which is the Excel
4 documents.

5 And there were two files that I believe were pulled
6 up.

7 A. Yes. No. 2 and 45.

8 Q. I see No. 2 right here, and 45 is right underneath
9 it. Right?

10 A. Yes, sir.

11 Q. So here is item 2. Here is item 45. I wanted to
12 make sure I understood. For the first item, item 2, you said
13 it was not modified or accessed on the computer?

14 A. On this laptop.

15 Q. And what's that -- what does that mean? Can you
16 tell -- tell me what that means in a layperson language?

17 A. So the user downloaded the file but then didn't
18 open that Excel spreadsheet and start typing and re-save it
19 on that particular laptop.

20 Q. And finally, let's go to 24K, which is the parsed
21 search queries, that's F24K.

22 And I believe that defense went up here and
23 Ms. Webster used the search item to type in Teldrin.

24 So looking at items A21 and up, so it's A18, A19,
25 A20, and A21.

1 Do you see those?

2 A. Yes, sir.

3 Q. Are those all -- based on looking at the records,
4 can you tell me, was this like a search for T and then hit
5 enter, and then they searched for the letter T, and then they
6 searched for TE and hit enter? Or what -- can you describe
7 what this means?

8 A. So you can see over on the date/time column there
9 that you are within a second of -- well, two of them are the
10 same second, and two of them are the same second, and all
11 four are within one second of each other.

12 So it's just the user typing and maybe just not
13 hitting enter but just taking their time typing the letters.

14 Q. Is it possible for -- and Mr. Holland, you can take
15 down the screen.

16 Thank you.

17 Is it possible for somebody to log into their email
18 from somebody else's laptop?

19 A. Yes.

20 Q. Is it possible for somebody to edit a document on
21 someone else's computer?

22 A. Yes.

23 Q. Is there anything in the IEF report that shows who
24 is behind the screen typing at the time that the data that's
25 contained in the report was identified?

1 A. No.

2 MR. KAUSHAL: If I could have a moment, please.

3 Nothing further. Thank you.

4 THE COURT: Any recross?

5 MS. WEBSTER: Yes, Your Honor. Just a few points.

6 RECROSS-EXAMINATION

7 BY MS. WEBSTER:

8 Q. Is it correct that not all documents have metadata
9 associated with it?

10 Or let me be more specific.

11 Have metadata identifying the author on those
12 documents?

13 A. Specific to Microsoft Office?

14 Q. For example, the Excel documents?

15 A. Okay.

16 Q. Is it possible to have those documents where there
17 is no metadata on them?

18 A. Yes.

19 Q. So not all documents necessarily have the author on
20 them?

21 A. Can I explain?

22 Q. Yes?

23 A. So when you install Microsoft Office products on
24 your computer, it's going to prompt you for your name, and
25 then that's where it associates it. If you choose to leave

1 that blank, then yes, it would look blank. So the data is
2 there but you are not seeing an author listed.

3 Q. Okay. Thank you.

4 And I believe that Mr. Kaushal was going through
5 and was going through where the saved passwords that were on
6 this report; is that correct?

7 A. Yes.

8 Q. Okay. If I -- for example, I'm on Chrome and I'm
9 looked in to the Yahoo web browser and to your Yahoo email
10 address, is it necessary that that account password is saved
11 in order to be able to access it again?

12 Does that question make sense?

13 A. You can retype the password.

14 Q. But if it's already logged in, right, and so, let's
15 say I'm not using it, but then I close out that page, I
16 reopen it and I type in Yahoo, sometimes that account's still
17 logged in, right, even if the password is not saved in a
18 separate profile. Is that right?

19 A. Yes, ma'am.

20 Q. Okay. And so here -- sorry. Can we see this
21 again?

22 There is a slight delay before it comes back up.
23 Here we go.

24 So in the parsed search query section, when someone
25 is typing and searching, it looks like Teldrin's name,

1 correct?

2 A. Yes, ma'am.

3 Q. Okay. If someone is already logged in to that
4 email address in this browser and you just type in that name,
5 then you up get into the email address, right?

6 A. If they are already logged in and they say "keep me
7 logged in," then yes.

8 Q. And when you see that the URL that comes up is
9 actually, like, logged into the email address, that's what
10 that suggests is happening, isn't it?

11 A. Yes.

12 MS. WEBSTER: Could I have one second?

13 THE COURT: Certainly.

14 (Pause.)

15 MS. WEBSTER: No further questions. Thank you.

16 MR. MARSHALL: No questions for Ms. Jackson.

17 MR. KAUSHAL: Your Honor, I do have some follow-up.

18 THE COURT: Go ahead.

19 REDIRECT EXAMINATION

20 BY MR. KAUSHAL:

21 Q. Since we are now talking about hypotheticals, if
22 someone changed their password on their email account, would
23 they stay logged in on the system, on systems that they may
24 have been logged in on before?

25 A. No.

1 Q. And you answered on recross about these URLs, these
2 URLs that were being accessed. This is navigating within a
3 logged in account, based on your understanding of what you
4 are looking at?

5 A. It looks like it's within the
6 Teldrin_Foster@yahoo.com.

7 Q. But this doesn't tell you whether the password was
8 saved or not saved, does it?

9 A. It does not.

10 Q. And it doesn't tell you whether the password was
11 typed in when these pages were accessed, before they accessed
12 those pages, or not, does it?

13 A. It does not.

14 Q. So really, you don't know from the IEF report
15 whether -- there is nothing in the IEF report that shows that
16 the password was saved, right?

17 A. That's correct.

18 MR. KAUSHAL: Thank you.

19 MS. WEBSTER: Nothing further, Your Honor. Thank
20 you.

21 MR. MARSHALL: Nothing further, Judge.

22 THE COURT: Ma'am, you can step down.

23 Thank you very much.

24 Let's go off the record to discuss lunch.

25 (Off-the-record discussion, and proceedings

1 continued at 11:50 a.m.)

2 THE COURT: All right. You all have a great lunch.
3 And you are reminded of your instructions.

4 And, Ms. Wolff, we will go back on the record to
5 talk with Juror 14.

6 (Jury withdrew from the courtroom at 11:50 a.m.)

7 THE COURT: All right. Juror 14. You all can be
8 seated.

9 Thank you.

10 If ever I forget to have you all please sit down
11 when the jurors are not coming in or going, just sit down,
12 please. Sorry.

13 All right, Juror 14, I know that you shared with
14 Ms. Lee some updates on what's going on with the IVF. Is
15 that the right acronym?

16 THE JUROR: Yes.

17 THE COURT: And I think it would be best, instead
18 of me trying to -- and read into the record your various
19 texts with Ms. Lee, just to kind of tell us what the current
20 status of everything is because it sounds like it has changed
21 a little bit from during voir dire when you thought maybe you
22 could leave for a few hours and come back, which I was able
23 to accommodate.

24 THE JUROR: Yes, Your Honor. When I came home, my
25 wife gave me more information that I wasn't made aware of.

1 So yeah, it's more of a process than me having to
2 leave for a few hours to help create the embryos.

3 So the egg retrieval process -- she actually --
4 it's is a full-on surgery where she is put under, so to
5 retrieve the eggs. And then after that, there is a recovery
6 process where she has to be attended to for the next three
7 and a half hours after the process. And then the next few
8 days is recovery process to where she can't -- they say she
9 can't lift anything over 20 pounds, and I have a
10 two-year-old.

11 So that's going to make it difficult for her.

12 THE COURT: Let me ask you, and I think we can,
13 again, accommodate the procedure itself, even if it turns out
14 that's an entire day that you are gone.

15 We can pause things for a day. Not ideal but we
16 can do it. The pausing things for a day, plus three more
17 days after that or so, that is a problem.

18 So I'm curious, are there friend or family that
19 could be there with her to help lift -- what's the toddler's
20 name? There this is going to be a more fun discussion for
21 the rest of us if we at least know his or her name.

22 THE JUROR: Yes, his name is Reid.

23 THE COURT: All right. So are there friends or
24 family that could help with Reid for those post surgery days?

25 THE JUROR: So, my mother-in-law could help but my

1 father-in-law, he's out of the country, so I mean, we do have
2 one person that can help, some, like not all the time, but --

3 THE COURT: Okay. All right.

4 Counsel, do you have any questions for Juror
5 No. 14?

6 MS. CHAIKEN: Juror 14, do you have any updated
7 information about when you might -- when the surgery may be?

8 THE JUROR: Yes. She is going for another
9 ultrasound tomorrow, so we should know more information then.
10 But yeah, I mean, the surgery could be as early as Friday or
11 over the weekend to probably next week. But definitely going
12 to happen next week, at the latest.

13 THE COURT: Counsel, any additional questions?

14 MS. WEBSTER: No, Your Honor.

15 THE COURT: And I know, I guess there was also a
16 trip that you had planned.

17 THE JUROR: Yes. So that's another piece of the
18 puzzle. So I'm supposed to go skiing in Steamboat, Colorado,
19 Sunday, the 19th, and when I got the court order document,
20 you know, a few weeks ago, it said trial starts Monday,
21 February 5, and allow for a two-week period. So I thought
22 that it would end Friday, next Friday. So I thought I would
23 be okay.

24 And I'm supposed to go on a flight Sunday, the
25 18th.

1 THE COURT: Gotcha.

2 Is that flight refundable? Is your hotel
3 refundable?

4 THE JUROR: So the flight can be refundable. But
5 I'm not sure about the lift tickets for skiing. I don't
6 think -- I'm not sure if that can be refundable.

7 THE COURT: Okay? What about your hotel.

8 THE JUROR: So I'm staying with -- it's a family
9 trip so I'm staying with my sister, so she would still stay
10 in the room that we were staying in.

11 THE COURT: Okay. All right.

12 Okay. I'll discuss all this with counsel and we'll
13 get back with you.

14 Let me assure you, though, at least for the
15 procedure and the surgery, and if a few hours has turned into
16 an entire day that you need to be there, I definitively can
17 tell you we will make sure that happens, no matter what day
18 it happens. Just let us know, even if that's Sunday at
19 6:00 p.m. you find out it's going to be Monday, just let
20 Ms. Lee know. She will let me know. I'll let the rest of
21 the jurors and the parties know, and we won't be here Monday.

22 What I would like you -- well, let me just speak
23 with counsel about it. But what I may ask you to do is see
24 if we can muddle through a little bit for those post surgery
25 days. Maybe take some, based on your mother-in-law's

1 availability, maybe take some early court days or late court
2 days to accommodate that.

3 It's my understanding, with those procedures,
4 alleviating stress can be important, so we do not want to put
5 any undue stress on your wife.

6 So I think we will hopefully be able to work
7 through that.

8 I'll be blunt with you on the ski trip. I hope you
9 get to go on that ski trip, but I'm not going to let you out
10 of jury duty to go on that ski trip. I'm sorry.

11 THE JUROR: Understood.

12 THE COURT: All right. Thank you.

13 THE JUROR: Thank you, Your Honor.

14 (Juror is excused.)

15 THE COURT: Counsel, here are my thoughts. First
16 off, had I gotten this larger story when we were picking the
17 jury, I probably would have suggested to the parties and
18 asked you if you were okay relieving him for the hardship
19 because three hours is one thing, even a day is one thing,
20 but a day plus a few days after that is a whole other ball of
21 wax.

22 So obviously, we will let him be there for the
23 surgery, and my hope is perhaps that he will be able to have
24 mother-in-law coverage and it won't be a big deal post
25 surgery. But if it is, we may have an issue with this juror.

1 Does anyone have any thoughts they want to share
2 with the court about how we should handle this?

3 MS. CHAIKEN: Your Honor, I think it would be
4 helpful to wait until he has more information tomorrow about
5 the timing of the surgery. If it ends up being towards the
6 end of next week, it may not end up being an issue.

7 I'm hesitant to lose a juror on the first day of
8 trial. But I do think that if the surgery ends up being over
9 the weekend or early next week, it may make sense to just
10 relieve him and bring in an alternate.

11 Ms. Webster? Mr. Marshall?

12 MS. WEBSTER: I think we agree with the government
13 on this, Your Honor.

14 MR. MARSHALL: My only concern, Judge, and I'm not
15 sure where this all falls in with the aftercare and
16 everything, is that if somehow we get to the point of actual
17 jury deliberations and he gets to go to deliberate and he has
18 got something hanging over his head, it is going to compel
19 him to move faster with his decision in deciding guilt or
20 innocence. So I'm a little concerned about the extra
21 pressure it could add, if it got to that point.

22 That's all I wanted to add, Judge.

23 THE COURT: Okay.

24 All right. My sense is this isn't a decision that
25 we need to make right now, but it is one that we may need to

1 make if he comes back and tells us the mother-in-law is not
2 available or she is only available for a couple hours a day
3 or something.

4 We'll just see where we are.

5 So maybe it would be my intent later to -- well,
6 we'll just keep getting updates from him and see how this
7 plays out. But it's evident to me that everyone is aware of
8 the situation and wants to work with this juror, and so do I.

9 So hopefully we will reach a good outcome.

10 Hope everyone enjoys their lunch.

11 MS. WEBSTER: I'm sorry, Your Honor. We have an
12 issue.

13 Specifically, we have been asking -- so the next
14 witness that the government we anticipate is doing to call is
15 Special Agent Stites, and they are going to introduce the
16 clips of our client's statement through that.

17 We have been asking for the clips, or what portions
18 of the statement they intended to introduce, for a little
19 while now. And so I think there was some mixup because the
20 government thought that they had been produced, and we did
21 not have them, including as late as last night.

22 So they were just provided to us early this morning
23 and we have not, obviously, had a chance to listen to them
24 because we have been in trial and we haven't -- using the
25 internet in this building, haven't even been able to download

1 them to play them.

2 So I asked the government if they were able to sort
3 of -- I think -- I think that this witness may testify for
4 quite some time, and potentially into tomorrow.

5 And so I asked the government if it would be
6 willing to hold playing those exhibits until tomorrow, so
7 that we had time to review them and determine if we had any
8 objections to the portions of the statements.

9 And the government indicated that it could not do
10 that because it was sort of like playing those clips was
11 interspersed throughout their examination, which I
12 understand.

13 But at this point we haven't had a chance to see
14 them at all. There are parts that we would object to coming
15 in on other bases that the Court has not ruled on.

16 THE COURT: Let me back up. You already have the
17 full statements. You just didn't know exactly what parts of
18 though statements they were going to use?

19 MS. WEBSTER: Yes.

20 THE COURT: You have already seen everything; you
21 just do not know of a, let's say, of an hour video, which
22 five minutes they are going to want to use.

23 MS. WEBSTER: Well, I think there are clips A
24 through V.

25 THE COURT: I understand.

1 MS. WEBSTER: But I'm saying this to address the
2 issue, which is, so we can go during lunch and listen to
3 them, but it's, like I said, it's clips A through V.

4 So it's going to be difficult for us to listen, I
5 think, to that number of clips before we have to come back
6 from lunch, and to determine if they include any of the parts
7 that we were planning on objecting to.

8 So at this point, we haven't had the ability to
9 review them.

10 THE COURT: Okay. How long are the clips,
11 Ms. Chaiken, total?

12 MS. CHAIKEN: I don't know the total, Your Honor.
13 Some are as little as 20 seconds. Some are a couple of
14 minutes.

15 THE COURT: Just ballpark it for me. Is it going
16 to take an hour to listen to an hour's worth of clips, or is
17 it going to take 10 minutes to listen to 10 minutes' worth of
18 clips?

19 MS. CHAIKEN: Less than an hour. Probably less
20 than 30 minutes.

21 THE COURT: Okay. Ms. Lee, do we have a way of
22 group texting the jurors to tell them our lunch is going to
23 be longer than we thought?

24 COURTROOM DEPUTY: Yes. I can do it.

25 THE COURT: Okay. All right.

1 Why don't we let the jurors know we are going to
2 have a long lunch break and to be back at 1:30. And pass on
3 the Court's apologies and that it's all my fault.

4 All right. See you all at 1:30. Take care.

5 Actually, let's make it -- yes, oh, just stick to
6 1:30.

7

8 (Lunch recess taken at 12:05 p.m.)

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CERTIFIED STENOGRAPHIC REPORTER'S CERTIFICATE

I, Judith M. Wolff, a stenographic reporter,
Certified Realtime Reporter and Official Court Reporter for
the United States District Court for the Northern District of
Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the
proceedings held in open court on Wednesday, February 7,
2024, in the matter of United States of America v. Carla
Jackson and Teldrin Foster, Case No. 1:20-cr-00296-JPB-5-20;

That said proceedings in connection with the
hearing were reduced to typewritten form by me;

And that the foregoing transcript is a true and
accurate record of the proceedings.

This the 8th day of February, 2024.

/s/ Judith M. Wolff, RPR, CRR
Official Court Reporter

BY MR. KAUSHAL: [10] 29/17 40/3 40/11 41/2 50/18 55/10 97/21 101/24 104/23 109/20 BY MR. MARSHALL: [2] 51/16 96/19 BY MS. WEBSTER: [7] 61/16 63/2 64/22 65/22 67/21 83/8 107/7 COURTROOM DEPUTY: [1] 119/24 MR. KAUSHAL: [23] 29/12 39/23 40/10 40/21 50/16 51/10 54/16 54/21 61/7 61/10 63/12 64/8 75/13 78/22 81/3 97/14 97/16 97/19 101/20 104/20 107/2 109/17 110/18 MR. MARSHALL: [8] 17/15 40/25 54/13 96/17 97/11 109/16 110/21 116/14 MR. MOORE: [1] 3/16 MS. CHAIKEN: [5] 2/23 113/6 116/3 119/12 119/19 MS. DURRETT: [2] 40/23 51/13 MS. WEBSTER: [32] 2/20 12/2 61/14 63/1 63/15 64/3 64/17 64/21 65/19 67/20 70/19 75/10 76/3 78/5 81/24 82/5 82/11 83/7 96/11 96/15 97/17 101/16 107/5 109/12 109/15 110/19 113/14 116/12 117/11 118/19 118/23 119/1 THE COURT: [65] 2/4 2/8 2/11 2/15 2/22 3/1 3/3 3/8 11/25 29/10 39/25 40/6 40/9 40/24 51/12 54/15 54/17 54/23 55/1 61/12 63/25 64/19 67/1 67/10 67/13 67/16 76/11 76/21 76/24 80/14 82/3 82/7 82/13 82/15 83/6 96/13 96/16 97/13 97/15 101/23 107/4 109/13 109/18 110/22 111/2 111/7 111/17 112/12 112/23 113/3 113/13 113/15 114/1 114/7 114/11 115/12 115/15 116/23 118/16 118/20 118/25 119/10 119/15 119/21 119/25 THE JUROR: [10] 111/16 111/24 112/22 112/25 113/8 113/17 114/4 114/8 115/11 115/13 THE WITNESS: [4] 55/3 65/21 104/18 104/21	1317 [1] 1/24 14 [10] 5/25 11/9 56/2 104/21 104/24 111/5 111/7 111/13 113/5 113/6 15 [7] 4/7 33/24 38/3 45/2 48/13 50/10 52/1 18 [2] 56/16 68/19 18th [1] 113/25 19 [9] 4/2 30/11 30/13 30/16 30/21 31/8 50/22 84/18 86/11 1914 [1] 1/23 19th [1] 113/19 1:20-CR-00296-JPB-5-20 [2] 1/5 121/12 1:30 [3] 120/2 120/4 120/6 1B7 [3] 56/11 57/16 58/16 1B8 [2] 59/25 60/17	6 60 [2] 39/14 39/21 66 [1] 22/4 67 [1] 22/4 670 [1] 83/21 6:00 p.m [1] 114/19 6:22:01 [1] 100/16
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