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P R O C E E D I N G S

December 14, 2021

THE COURT: Morning everyone.

MR. SANSONE: Morning, Your Honor.

MS. ASOKAN: Morning.

THE COURT: Mr. Calderone, would you please call the case.

THE CLERK: In the matter of United States of America versus Jeremy Brown, Criminal Case Number 8:21-CR-348-SCB-SPF.

THE COURT: Counsel, please make appearances.

MS. ASOKAN: Good morning, Your Honor, Risha Asokan for the United States.

MS. KRIGSMAN: Cherie Krigsman for the United States, Your Honor.

THE COURT: Good morning to both of you.

MR. SANSONE: Good morning, Your Honor, Bill Sansone on behalf of Mr. Jeremy Brown who is present.

THE COURT: Morning, Mr. Sansone, good morning to you, Mr. Brown.

THE DEFENDANT: Good morning, Your Honor.

THE COURT: All right.

We are here on Defendant's Motion for Reconsideration of my order denying his motion to reopen his detention

1 hearing.

2 Ms. Asokan, are there any preliminary matters for the
3 Court's attention to take up before we proceed to the
4 motion?

5 MS. ASOKAN: Yes, Your Honor.

6 May I speak from the lectern?

7 THE COURT: You may.

8 MS. ASOKAN: Thank you.

9 Your Honor, before we get started, the Government at
10 this time invokes the Rule and if there are any potential
11 witnesses for a detention hearing should that occur today,
12 we ask that they be sequestered for the duration of the
13 proceedings today.

14 THE COURT: Response, Mr. Sansone?

15 MR. SANSONE: I agree with that, Your Honor.

16 THE COURT: All right.

17 The Rule's been invoked, so any person who's in the
18 courtroom right now who is listed as a potential witness
19 in this case must exit the courtroom and you will be
20 called in to testify when it is your turn.

21 MR. SANSONE: And Judge, I plan to call --

22 THE COURT: One second, Mr. Sansone.

23 (Brief pause.)

24 All right.

25 For any members of the public who remain in the

1 courtroom, this is a public hearing and you're welcome to
2 be here and observe this hearing, however, you've just
3 seen the individuals who have been identified as witnesses
4 at this hearing, you are not allowed to share with them
5 anything that you see or observe during this hearing.

6 All right, Mr. Sansone.

7 MR. SANSONE: I plan to call Agent Brett Lindsey if
8 he's in the courtroom.

9 THE COURT: All right.

10 Ms. Asokan, anything else?

11 MS. ASOKAN: Your Honor, in response, Mr. Lindsey is
12 our case agent, so we believe there's an exception for him
13 to be present in the courtroom.

14 THE COURT: Well, I understood Mr. Sansone saying
15 that he plans to call him as a witness, I didn't
16 understand him to say that he's invoking --

17 MR. SANSONE: I would invoke the Rule as to him.

18 THE COURT: All right.

19 Well, the case agent, if he's the representative for
20 the Government, he's allowed to be in the courtroom.

21 MR. SANSONE: Well, Your Honor, I just think like any
22 other witness, that his testimony could be affected by all
23 the other witnesses.

24 THE COURT: I understand that, sir, but any time the
25 Rule's invoked, each party is allowed to have, if it's not

1 an individual person, they're allowed to have a
2 representative from that party present in the courtroom.

3 If the case agent is the representative for the
4 Government, then the case agent is allowed to be there,
5 just like if it was a corporate Defendant, then a CEO or
6 any officer or representative of that corporation could
7 serve as the corporate representative and be present
8 during the hearing, so I'm going to deny your Motion to
9 Invoke the Rule as to the case agent.

10 Anything further, Ms. Asokan?

11 MS. ASOKAN: Yes, Your Honor, thank you.

12 Your Honor, late last night or late afternoon,
13 rather, the Government received very troubling
14 information, disturbing information in the form of a jail
15 call that was placed by the Defendant on Friday,
16 December 12th. When we heard the contents of this call,
17 we were shocked and we were deeply troubled by it.

18 And at this time, Your Honor, I would like to read
19 the transcript of the excerpts of the call for the record
20 and this is in Government's Exhibit 9A-T, which I believe
21 Your Honor has a copy of in front of him.

22 THE COURT: Can you repeat what the Government
23 Exhibit is?

24 MS. ASOKAN: 9A-T.

25 THE COURT: All right, proceed.

1 MS. ASOKAN: And for the record, this is call ending
2 in 708, and this is a jail call that we received. We've
3 not produced it in discovery because we received it just
4 yesterday, but the relevant portion is from 22 minutes, 22
5 seconds to 23 minutes, 41 seconds.

6 MR. SANSONE: Your Honor, I just -- first of all, I
7 was -- let the Court know I was informed about this call
8 last night. I didn't have any record of the call until
9 this morning, I didn't have a transcript till the morning.
10 I just happen to know, I believe, because I haven't looked
11 at this, what Mr. Brown was talking about, and I believe
12 the Government completely misconstrues what is going on
13 and they actually have no idea what he's talking about and
14 I told them that last night. They thought I would be
15 shocked and I said I'm not shocked at all as to what the
16 call said.

17 Mr. Brown walked in three minutes before the hearing,
18 so I really haven't had a chance to talk with him about
19 this or any other -- any of the other jail calls.

20 THE COURT: I don't know what this is, I haven't
21 heard it, Ms. Asokan hasn't explained to me the
22 significance of it yet, so why don't I hear what she's
23 going to proffer. The evidentiary hearing hasn't started,
24 she's just bringing this to the Court's attention and then
25 we'll go from there and if you need time to confer with

1 your client, I'll absolutely give you that time, sir.

2 Ms. Asokan, proceed.

3 MS. ASOKAN: Thank you, Your Honor.

4 And just for the record, this transcript that I'm
5 about to read to you was read to Defense Counsel last
6 night.

7 So it begins with Jeremy Brown.

8 (Ms. Asokan reading the transcript.)

9 "JMB: It looks like we're gonna have a bond hearing
10 on Tuesday and so my attorney is fairly confident that the
11 Judge will grant me bond and I'll be able to" -- and he's
12 speaking to Alondra Propes who we understand to be a very
13 close personal acquaintance or friend of his.

14 She says, "Are you"?

15 And he says, "I believe that he will grant me bond
16 under conditions that I, um, all right, so I'm gonna tell
17 you this but you can't tell anybody else.

18 Okay".

19 This is Mr. Brown again. "Um, he's likely gonna
20 grant me bond under conditions that I will refuse because
21 it would be violations of my constitutional rights and I
22 will be basically held in jail on principle. Of course,
23 we'll appeal the conditions on constitutional grounds, but
24 I'll probably be" -- he's laughing -- "the first inmate in
25 American history" -- laughing again -- "to be offered bond

1 and refuse it.

2 Yeah.

3 Don't tell Bill I told you that because I told him
4 not to tell anybody.

5 All right.

6 So, it will probably be a shocker, um, to everybody
7 who shows up. Um, but I mean this is what I have to do".

8 (Transcript reading concluded.)

9 And I have a recording, I'm happy to play it for Your
10 Honor if you'd like to hear it as well.

11 THE COURT: Ms. Asokan, I don't -- I don't understand
12 why you're bringing this to my attention just before the
13 hearing. I mean, if this is going to whether there are
14 conditions of release that I impose that would reasonably
15 insure his appearance for Court proceedings, then let's
16 put that into evidence during the hearing, but what's so
17 significant about this recording that you need to bring it
18 to my attention before the hearing?

19 MS. ASOKAN: Yes, Your Honor, it's significant
20 because based on the Defendant's own words, if you would
21 grant him a hearing and you grant him bond and impose
22 conditions of bond, he's already saying upfront that he's
23 going to refuse it. And this promises, in the Defendant's
24 own words, to be a waste of time, a waste of the Court's
25 time, and so we brought this to Defense Counsel's

1 attention as a professional courtesy last night to ask if
2 they still plan to go forward and like Defense Counsel
3 just said, he said he wasn't shocked and he knew exactly
4 what he was talking about and that we didn't know what he
5 was talking about.

6 It's presently unclear to us why four days ago when
7 this Court set this on frankly an abbreviated timeline, we
8 spend tremendous resources preparing as if there is going
9 to be another detention hearing and then we hear this
10 information that this is basically going to be a game
11 where if he succeeds on his motion in the end on
12 principle, he is going to refuse it. So that's why I
13 bought it to Your Honor's attention immediately.

14 THE COURT: Thank you.

15 Mr. Sansone, how would you like to proceed? Would
16 you like more time to confer with your client?

17 MR. SANSONE: No, Your Honor, I can -- I can respond
18 right now. As I'm preparing Mr. Brown for the hearing, I
19 said if the Judge reconsiders and decides there are
20 conditions of bond that would be short of incarceration
21 that would secure his appearance and protect the public,
22 he'll go through a number of conditions.

23 I just went through various ones that I could think
24 of and all Mr. Brown said is, "well, I need to hear all
25 the conditions, obviously, before I agree to them. Like,

1 for example, if the Judge wants to restrict a First
2 Amendment right when I get out, I might have a problem and
3 I would tell the Court this, giving up a constitutional
4 right that I have, just in order to get out". And I said,
5 "well, I'm not sure exactly what the Court is going to
6 impose and he" -- we just talked kind of in general that
7 if the Court's going to require him to give up a
8 constitutional right and as a free man -- I mean, as an
9 innocent man who's been charged, he might have a problem
10 with that and he might not do that.

11 And I just said in general, "well, if the Court does
12 require that, you understand, let's just say the First
13 Amendment, that the Judge could say, well, I'm going to
14 require you to give up that right", and he said, "well
15 then, we'll have a discussion about it, but I don't know
16 if I can do that".

17 Last night when I got the call, it seemed to me that
18 the Government was thinking that he was going to
19 surreptitiously try and get bond and maybe get out and
20 then not comply with the conditions. We left it with, if
21 the Judge, if Your Honor decides that there are
22 conditions, you will go through conditions. And we just
23 discussed there might be some conditions, if they infringe
24 upon a constitutional right that I might not agree to, and
25 I counseled him, "it's possible if the Judge doesn't maybe

1 concede our argument as to that that you might have to
2 stay in jail if you don't give up that right", and he
3 said, "well, maybe that's something I have to do".

4 So it wasn't a game, it was a conversation, and I did
5 tell him not to talk to anybody about it and I guess he
6 started talking to a friend about it and that's why,
7 "don't tell Bill", I wasn't really supposed to be talking
8 over the phones about this".

9 THE COURT: All right. Thank you, Mr. Sansone.
10 Anything further, Ms. Asokan?

11 MS. ASOKAN: Yes, Your Honor.

12 On this point, Defense Counsel just cited as a
13 possible constitutional right that Mr. Brown would be
14 concerned about his -- the First Amendment. Your Honor,
15 today you will hear -- if we go forward with another
16 detention hearing, you will hear additional calls where
17 the Defendant talks about other rights, specifically his
18 Second Amendment Right to bear arms which, as Your Honor
19 is familiar, if someone is released on bond, you cannot
20 have your firearms. And it's our understanding that this
21 is a nonnegotiable condition for the Defendant.

22 So again, Your Honor, this was brought to your
23 attention to preview what's coming and that we didn't want
24 to get too far down the line knowing that all the time and
25 resources have been spent to prepare for this and at the

1 end of the day, this is where we're going to land.

2 THE COURT: All right, thank you, Ms. Asokan.

3 I do appreciate that and I understand why you brought
4 it to my attention prior to the hearing, so thank you for
5 that.

6 All right, Mr. Sansone, I do want to address one
7 other matter with you and your client.

8 It was brought to my attention yesterday that your
9 client has refused to comply with a search warrant that
10 was executed by Judge Sneed and I find it troubling that
11 we have a search warrant for a collection of a DNA sample
12 that was authorized by one of my colleagues, it's a valid
13 search warrant, and your client has refused to cooperate
14 with the collection of the DNA sample, and yet you're here
15 before the Court asking me to reopen the bond hearing and
16 ultimately set an order releasing Mr. Brown on conditions
17 of release which the Court must be reasonably assured that
18 he would actually comply with those conditions which in
19 turn would reasonably assure the safety of the community,
20 any other person and appearance at all future Court
21 proceedings.

22 So why should the Court even entertain that, sir, if
23 he's not going to comply with a valid search warrant
24 issued by one of my colleagues?

25 MR. SANSONE: Judge, let me just tell you the

1 circumstances, and he never said he wouldn't comply. The
2 day that law enforcement came to the jail to tell him you
3 need to open your mouth and we're going to stick something
4 in your mouth and take something, Mr. Brown didn't know
5 what was going on and said, "I need to talk to my lawyer",
6 and they said, "okay". So he called me and I said, "I'm
7 actually at your house", and he said, "why are you at my
8 house", I said, "the FBI is conducting another search at
9 your house". He said, "well, they're here because they
10 want to take something from me. Have you seen the warrant
11 and the probable cause affidavit". At the time, I said,
12 "no, I have not", he said, "I would like to review that
13 with you prior to me doing that". And I, just in general,
14 'cause I understand what Buccal Swabs are and I talked to
15 the agent and --

16 THE COURT: Mr. Sansone, could we just cut to the
17 chase? Is your client going to comply with the search
18 warrant here today?

19 MR. SANSONE: His only point was I would like to see
20 the documents and go over them with my attorney and I told
21 him it's very likely we would have no legal objection and
22 he said, "I understand that, but if everyone is going to
23 follow procedure, I would just have to sit down with you
24 and see the documents. I'm not saying I'm not going to
25 comply, I just" -- and especially with the officers at his

1 house and we complied with that, he just said, "I'd like
2 to see the documents with you".

3 THE COURT: All right.

4 You're here today with your client.

5 MR. SANSONE: Right.

6 THE COURT: So my question to you is he going to
7 comply with the lawful search warrant that Judge Sneed
8 signed on I believe it was December 1st, authorizing the
9 collection of a DNA sample from your client?

10 MR. SANSONE: All I'm saying is we'd like to see the
11 documents supporting that.

12 THE COURT: You have a -- you have a copy of the
13 actual search warrant; do you not?

14 MR. SANSONE: They did email me a copy of the warrant
15 and we asked where is the affidavit in support and he
16 would just like to talk about it with me.

17 THE COURT: All right.

18 There's a search warrant, okay, this is the only
19 piece of paper that your client needs at this point, all
20 right, is a warrant signed by a Judge authorized to sign
21 the warrant and authorized the collection of a DNA sample.
22 You have a copy of it, I have another copy of it here, I
23 can hand it to you and you can go over it with your
24 client, but I just want to remind you that your client has
25 no right to resist the execution of a search warrant and I

1 cite for your benefit *The United States versus Bullock* at
2 71 F3d 171, Fifth Circuit case from 1995, which says as
3 such.

4 And also, I would bring to your attention *Rendelman*
5 *versus Scott*, 378 Fed.Appx. 309, Fourth Circuit from 2010,
6 that a State's right to obtain a DNA sample from a
7 designated inmate must necessarily carry with it the right
8 to use a reasonable degree of force that is sufficient to
9 insure compliance.

10 So your client needs to comply with the search
11 warrant and consent to its collection or the Court will
12 authorize the use of reasonable force in order to collect
13 it. Now, it shouldn't come to that because as I said, he
14 has no right to resist the execution of a search warrant.

15 So why don't you take a moment, and I'll hand to you
16 a copy of the warrant, and discuss with your client
17 whether he's going to comply with the search warrant that
18 was authorized by this Court.

19 (Brief pause.)

20 MR. SANSONE: Your Honor, he would like to address
21 the Court as to his reason.

22 THE COURT: I don't need a reason you can tell me,
23 answer my question first whether you are going to comply
24 or not, and then if you'd like to explain why you're
25 making that decision, you are free to do so, but I want a

1 clear answer from you; are you going to comply with the
2 search warrant or not?

3 THE DEFENDANT: Your Honor, of course I would comply
4 with a legal search warrant and as you referenced the
5 first page of this document, it clearly states that
6 there's an additional document that I must see which is
7 attachment A1.

8 That was a document that was not provided to me by
9 the agents, they attempted to intimidate me into just
10 giving up the thing. I politely said I would like to
11 invoke my Sixth Amendment Right to my counsel and my Fifth
12 Amendment Right to not incriminate myself without having
13 my Fourth Amendment Right adhered to presenting me with
14 the full document.

15 I have no intention to refuse. What I want is the
16 Federal Government to follow the appropriate laws, rights
17 and procedures that I'm entitled to as an innocent man
18 until proven guilty. That is the only issue here.

19 So once I'm able to see the warrant against me of
20 which they did not -- they provided me a partial
21 warrant -- once I'm able to see that, I have a full
22 understanding of what the purpose of the DNA sample is
23 for, then I'll be more than happy to provide it. I have
24 nothing to hide. In fact, the Government already has my
25 DNA on file, so that's the issue that I am making now,

1 Your Honor.

2 THE COURT: Which is all the more troubling to me,
3 Mr. Brown, that I presume that the Government does have
4 your DNA from your time in service to this country, so
5 it's quite surprising to me that you're refusing to comply
6 with a Court-ordered search warrant.

7 Now Mr. Sansone, you're familiar with search
8 warrants. The search warrant contains in, I believe it's
9 B1, the item to be collected from your client. The
10 application for the search warrant contains an affidavit.
11 That application for the search warrant is under seal by
12 order from Judge Sneed.

13 Based on your review of the actual search warrant, is
14 there anything missing from the actual search warrant?

15 MR. SANSONE: Well, Judge, no, not from the search
16 warrant, just the attachment A which I didn't have either.

17 THE COURT: That's right. So there's nothing missing
18 from the search warrant. That is a valid search warrant
19 and so your client has a decision whether he's going to
20 voluntarily cooperate with the execution of that search
21 warrant or whether he's going to refuse to cooperate with
22 the execution of the search warrant which -- to which he
23 has no right to do as I read to him, the Fifth Circuit
24 case, and he can made a decision as to how he would like
25 to proceed.

1 MR. SANSONE: Judge, part of the issue that we're
2 talking about, almost all the time it happens in these
3 criminal cases, defense cases, as to the other one is the
4 search warrant has already been executed by the time I
5 come in, and we already have everything. This was kind of
6 a modified one. He asked me for it and I said, well, this
7 is -- I don't have it either and, you know, and I'm at his
8 house and so let me just talk to him briefly about that.

9 THE COURT: Thank you.

10 (Brief pause.)

11 THE DEFENDANT: Your Honor, on the advice of counsel,
12 in order to not jeopardize any of the further proceedings
13 today, I would gladly submit my DNA under protest because
14 I do not feel that the procedure that the Government is
15 using, much like any of the other procedures that they
16 have not properly been executing in this case, which I
17 think are very obvious, in order to move everything along
18 and prove to the Court that this is not me being an
19 obstinate child refusing a DNA sample as to expose the
20 Government as being obstinate children and not providing
21 me with my due process of law, so I will gladly submit to
22 the DNA sample at this time.

23 THE COURT: All right.

24 Thank you, Mr. Brown.

25 So are you prepared to collect that sample?

1 MS. ASOKAN: One moment, Your Honor.

2 Your Honor, we have agents who are scheduled to come
3 for the show cause hearing in anticipation that there
4 would be compliance, so it would be later the afternoon,
5 but not right now.

6 THE COURT: Not this afternoon, Ms. Asokan, 'cause
7 you told me you have a conflict this afternoon, so why
8 don't you get them here this morning.

9 MS. ASOKAN: We will, Your Honor.

10 THE COURT: All right.

11 We'll take a brief recess, get your agents over here
12 and then we'll continue.

13 (Brief recess.)

14 (An Agent taking two DNA swabs from the Defendant.)

15 Are the parties ready to proceed?

16 MS. ASOKAN: Yes, Your Honor.

17 MR. SANSONE: Yes, Your Honor.

18 THE COURT: Let's go back on the record. All right.

19 During the recess, it's my understanding that Mr.
20 Brown has voluntarily complied with the execution of the
21 search warrant.

22 Ms. Asokan, is that correct?

23 MS. ASOKAN: Yes, Your Honor.

24 THE COURT: Mr. Sansone, is that correct?

25 MR. SANSONE: Yes, Your Honor.

1 THE COURT: All right.

2 Would the parties like me to notify Judge Sneed's
3 chambers that he has now complied with the search warrant?

4 MR. SANSONE: We would, Your Honor.

5 THE COURT: All right.

6 MS. ASOKAN: Yes, Your Honor.

7 THE COURT: All right.

8 Mr. Calderone, would you please notify Judge Sneed's
9 chambers that Mr. Brown has now complied with the search
10 warrant.

11 THE CLERK: Yes.

12 THE COURT: All right.

13 In the interest of time, what I'm going to do is I'm
14 going to reserve ruling on whether to grant the Motion for
15 Reconsideration, reopen the bond hearing, I'm going to
16 proceed with the evidentiary hearing, and at a minimum,
17 let the Defendant -- Defense and the Government proffer
18 any additional evidence that they believe is material to
19 the Court's determination as to whether there are
20 reasonable conditions that the Court could impose --
21 excuse me -- conditions the Court could impose that would
22 reasonably assure the Defendant's appearance to all future
23 Court proceedings and reasonably assure the safety of the
24 community, so we're going to go forward with the
25 evidentiary hearing.

1 Mr. Sansone, you may proceed.

2 MR. SANSONE: Your Honor, I just have one thing to
3 bring up about the presentation of the evidence. As with
4 the call that the Government just showed me or showed Your
5 Honor, there are, I believe, at least 12 more jail calls
6 that the Government intends to use.

7 Eight days ago, I asked the Government if they would
8 provide me what they intend to use. Last night, because
9 I, quite frankly, I told the Government I don't want to be
10 in a position to where I have to ask for a continuance
11 because I need to go over with Mr. Brown evidence.

12 Last night, the Government informed me that they were
13 going to use certain jail calls. I asked them for the
14 specifics of which ones that they were going to use. I
15 got that just a minute or two before Your Honor came into
16 the courtroom and here's what concerns me, Your Honor.

17 As to the one jail call we just talked about, I knew
18 that the Government was misconstruing that because I had
19 been a party to that conversation. What I'm concerned
20 about with all these other jail calls is that I'm not a
21 party, I don't know what's going on, the jail call plays,
22 I have to hit the silent button, tell Mr. Brown what's
23 going on, he says, "I don't know, you need to listen to
24 the whole jail call, they're misconstruing it".

25 And Mr. Brown asks that we be allowed to have the

1 time to go through all those jail calls with these clips
2 to make sure the Government doesn't misconstrue anything.

3 So this is what I was proposing, just thinking,
4 thinking out loud, Your Honor, that my witnesses are here,
5 they're very limited, everyone knows essentially what
6 they're going to talk about. I only have the one exhibit,
7 and that's -- basically, their testimony is directed
8 towards that, and that would be basically the conclusion
9 of my presentation.

10 As to the other evidence that the Government intends
11 to rely on, I think we could talk about that today, but we
12 would ask for a bifurcation as to the jail calls, just
13 highlighted my concern about how the Government might
14 misconstrue. I'm not saying that they are intentionally
15 misconstruing, that might happen and I would have no
16 opportunity to go through those with Mr. Brown.

17 THE COURT: All right.

18 I understand, Mr. Sansone. Let's go forward with the
19 hearing, present your evidence and the Government will
20 present theirs and then if you need to move for a
21 continuance to rebut any evidence that they produce, then
22 I'll take that up at the time.

23 MR. SANSONE: At this point, Your Honor, the Defense
24 calls Mr. Scott Olson.

25 (Brief pause.)

1 COURT SECURITY OFFICER: Judge, he's currently in the
2 vehicle outside and his wife is up here.

3 MR. SANSONE: I'll call his wife. We'll call
4 Meredith Olson. I'll call her.

5 COURT SECURITY OFFICER: His wife's out here.

6 MR. SANSONE: We'll call her first, thank you, move
7 things along.

8 THE COURT: For the record, Mr. Sansone, would you
9 state who you're calling as a witness.

10 MR. SANSONE: Pardon me, Your Honor?

11 THE COURT: For the record, would you please state
12 who you're calling.

13 MR. SANSONE: Meredith Olson.

14 Thereupon,

15 MEREDITH JONES,
16 after having been duly sworn to tell the truth, the whole truth
17 and nothing but the truth, under penalty of perjury, was
18 examined and testified as follows:

19 THE WITNESS: Yes, I do.

20 THE COURT: Please state and spell your name for the
21 record.

22 THE WITNESS: Meredith Jones, Meredith,
23 M-E-R-E-D-I-T-H, Jones, J-O-N-E-S.

24 THE CLERK: Thank you. You may be seated.

25 THE COURT: Thank you for being here, Ms. Jones.

1 Mr. Sansone, you may proceed.

2 DIRECT EXAMINATION

3 BY MR. SANSONE:

4 Q. Ms. Jones, before you came in, I referred to you as Ms.
5 Olson.

6 A. Yes.

7 Q. Are you married to Scott Olson?

8 A. I am married to Scott Olson.

9 Q. You did not take his name?

10 A. I did not.

11 MR. SANSONE: I apologize, I know her as Meredith,
12 Scott's wife, and just assumed it was Olson. I'd clarify
13 that for the record.

14 BY MR. SANSONE:

15 Q. Ms. Jones, what do you do for your employment?

16 A. I currently work for Amazon as a principle economist in an
17 executive role.

18 Q. And what did you do prior to that?

19 A. I spent many years in consulting, I led global M&As,
20 mergers and acquisitions, at Deloitte's.

21 COURT REPORTER: Repeat that one more time.

22 THE WITNESS: I led global M&A, mergers and
23 acquisitions, at Deloitte's. For many years, I was in
24 consulting roles.

25 Also in my consulting background, I was a Federal

1 consultant. I worked with multiple agencies; DOD,
2 intelligence agencies, all branches of the military, FBI,
3 as well, and DHS.

4 BY MR. SANSONE:

5 Q. What was that contractor role? What were you doing as
6 part of that?

7 A. I specialized in several areas including counterterrorism
8 and cybersecurity.

9 Q. When did you first meet Mr. Jeremy Brown?

10 A. I met Jeremy Brown, I believe my husband and I were
11 dating, I met him through my husband. This would be around 10
12 years ago.

13 Q. Your husband was friends with Mr. Brown prior to you being
14 --

15 A. Correct, they both served together in the Army.

16 Q. Under what circumstances did you meet Mr. Brown?

17 A. As a friend of my husband's I met him.

18 Q. And is this Mr. Brown sitting at the Defense table?

19 A. Yes, it is.

20 Q. Now, could you explain over the course of approximately
21 the past 10 years your relationship with Mr. Brown?

22 A. Absolutely. While it's hard to characterize our
23 relationship, I've come to consider both Jeremy Brown and his
24 girlfriend, Tylene, to be almost extended family. We
25 communicate regularly, they've stayed at our home on multiple

1 occasions, we've talked frequently by phone even though we live
2 in another state. Jeremy has debated politics with me for
3 hours, so I know his values, his beliefs, the way he thinks
4 about things quite well.

5 The extent of our relationship is such that for several
6 occasions this year, they lived in their RV in our -- in our --
7 on our property, helped us out with projects around the house
8 and are very familiar with our family as well.

9 Q. And where do you currently live?

10 A. I currently live in North Carolina.

11 Q. And did you come from North Carolina for today's
12 proceedings?

13 A. Yes, I did.

14 Q. And your -- how would you describe to you what type of
15 person Mr. Jeremy Brown is?

16 A. Jeremy Brown is, without pretense, is kind of the first
17 thing that comes to mind. He's quite candid, very honest,
18 that's the first thing that comes to mind. I would say, you
19 know, he's very witty as well. I'm sure if you've heard him
20 talk, he has a bit of a snarky sense of humor, very generous I
21 would say as well, generous with his time.

22 One of the things that strikes me the most about Jeremy is
23 how much he goes out of his way to help others. It's quite
24 remarkable, more than many of us would do, probably more than I
25 would do, quite frankly, from anything where he was

1 transporting organs to save people's lives as part of his
2 limousine company to conversations that we had years ago about
3 how he wanted to use his background and others who had been in
4 Special Forces to help protect women who were, you know,
5 looking for a ride home to make sure that they would be safe to
6 even just getting to their car, getting to their door.

7 And then, of course, just generous with his time in
8 general. He's done quite a bit as a volunteer EMT, volunteer
9 firefighter.

10 Q. Have you remained in a close relationship with him
11 throughout that entire 10 years?

12 A. Fairly close, yeah. I think I would say it's been in more
13 recent years we've become closer, so I can speak more to more
14 recent years than I can to in the past.

15 MR. SANSONE: Your Honor, may I approach the witness?

16 THE COURT: You may.

17 BY MR. SANSONE:

18 Q. I'm showing you what we're going to mark as Defense
19 Exhibit 1.

20 Do you recognize that?

21 A. Yes, I do.

22 Q. Have you seen it before?

23 A. Yes.

24 Q. When is the first time you actually saw that?

25 A. The first time I saw it was after it was an exhibit in the

1 Court.

2 Q. Did I send it to you?

3 A. I believe so.

4 Q. You did not see it until after it had become a Court
5 Exhibit?

6 A. That's correct, I did not see it.

7 MR. SANSONE: Your Honor, I'd like to move in
8 evidence which has been marked as Defense Exhibit 1 as
9 Exhibit 1.

10 THE COURT: Any objection?

11 MS. ASOKAN: No, objection, Your Honor.

12 THE COURT: Exhibit 1 has been admitted.

13 (Thereupon, Defense Exhibit 1 was received and filed
14 in evidence.)

15 MR. SANSONE: That is the same exhibit, just for the
16 record, that is Exhibit 8 in the initial detention
17 hearing.

18 BY MR. SANSONE:

19 Q. Okay.

20 Now, you just told the Court that the first time that you
21 saw that sign was after the initial detention hearing when that
22 became an exhibit?

23 A. That's correct.

24 Q. Did you know about that sign prior?

25 A. Yes, I did.

1 Q. How did that come up?

2 A. It came up in conversation between Jeremy, myself and my
3 husband. If I recall the timeline correctly, I believe it was
4 around the beginning of May when Jeremy was staying at our
5 house. I can't be a hundred percent sure, but I believe that's
6 the rough timeline.

7 Q. How would this have come up in conversation?

8 A. It came up because we were talking about how Jeremy had
9 been visited by two agents who claimed to be with DHS. He
10 shared his story about how they handed him some paper business
11 cards that seemed quite unprofessional, he questioned whether
12 they were even real agents.

13 And he did share that he had left a note on the door
14 before he had left on a trip. And we had a laugh about it,
15 Jeremy was laughing about it, he thought it was quite humorous.

16 Q. Did he go into the specifics of the note?

17 A. Yes, we did, yeah. He talked about the note and the
18 specifics and the PS.

19 Q. And let me -- let me direct your attention to Exhibit 1.
20 Could you just take a moment to read it all the way through?

21 A. Yes.

22 Q. Just let me know when you're finished reading.

23 (Brief pause.)

24 A. Yes, I've read it.

25 Q. Okay.

1 You see where it says, quote, "if you don't care" and I
2 believe that plus sign means "and" -- "if you don't care and
3 say to yourself I'm just following orders, then go F yourself.
4 PS" -- it doesn't say for the record F yourself, it has the
5 complete word and I'm just being respectful, "PS, better bring
6 a bigger tactical package".

7 Did those words come up in your conversation?

8 A. Yes, they did.

9 Q. How are those words humorous?

10 A. Well, I believe the innuendo behind them was what was
11 intended to be humorous. So, not to be -- I want to be, of
12 course, respectful of the Court, but I have to be explicit
13 somewhat here.

14 So he said specifically that if you don't care and you say
15 to yourself I'm just following orders to go F yourself, and the
16 PS refers to that prior action of going to F yourself and
17 needing a larger tactical package, i.e., male anatomy. He
18 thought it was quite humorous, I rolled my eyes and found it
19 quite childish, however, I at no point interpreted this as a
20 threat nor do I believe that was the intent.

21 Q. So you're saying that under your understanding, a
22 "tactical package" referred to male anatomy?

23 A. Correct.

24 Q. Now, if you did not know the author of this, could you see
25 how that could be taken as a threat?

1 A. Absolutely I could. I could see how if someone didn't
2 know the author or the intent behind it, the words at face
3 value might be strange.

4 Q. Now, looking at the document, 'cause now you've actually
5 seen it, before it was just in conversation?

6 A. Yes.

7 Q. Now you've actually seen the document, does anything about
8 seeing the document, knowing that where it was placed and at
9 the time it was placed, I think he was out of town, does
10 anything change your mind about whether Mr. Brown was directing
11 a threat at law enforcement?

12 A. No, nothing changes that. If I look at it, I simply see
13 something that's reflective of the conversation that we had and
14 I can imagine Jeremy chuckling to himself as he taped this on
15 the door. I would imagine he probably also didn't expect that
16 anyone ever -- would ever read it and that it would just be his
17 little way of venting and getting a little jab in.

18 I think one of the things you have to understand about
19 Jeremy in order to properly interpret what he says is that most
20 things are kind of a roast and I think for him to have written
21 this to specific people, these are people that he had
22 previously spoken with and had cordial conversations with.

23 Q. When you say "people", you're talking about the FBI who
24 it's addressed to?

25 A. The two that had visited him, right. Because he shared in

1 the course of their prior conversations, he joked with them, he
2 said, "do I need to bring a beer or a lawyer to this", right.
3 He had a very comfortable, cordial conversation with them
4 before, so given that background, I don't think there's any
5 reason for him to have suddenly threatened them. That doesn't
6 fit with the context.

7 And it also just doesn't fit with Jeremy's character in
8 general. When he's comfortable with someone, he has no problem
9 roasting them or little jabs at humor. It does sometimes take
10 people off guard if they don't know him or aren't expecting it,
11 but I can, you know, unequivocally state that there was no
12 intent for this to be a threat in any way. That's not how
13 Jeremy would ever operate.

14 MR. SANSONE: I have no further questions, Your
15 Honor.

16 THE COURT: Thank you.

17 Cross-examination.

18 MS. ASOKAN: Thank you, Your Honor.

19 One moment, Your Honor.

20 (Brief pause.)

21 CROSS-EXAMINATION

22 BY MS. ASOKAN:

23 Q. Ms. Jones, have you ever testified before?

24 A. Yes, I have.

25 Q. When did you testify?

- 1 A. When I had a speeding ticket.
- 2 Q. And what -- that was a traffic case then?
- 3 A. Yes.
- 4 Q. In what Court?
- 5 A. Fairfax County. I was 16.
- 6 Q. You testified on your own behalf?
- 7 A. I did.
- 8 Q. You mentioned just now that Mr. Brown and Ms. Aldridge,
- 9 his girlfriend or partner, are like extended family?
- 10 A. Yes, I would consider them that.
- 11 Q. You communicate regularly with them?
- 12 A. Yes.
- 13 Q. When was the last time you were at their house?
- 14 A. This morning.
- 15 Q. And how long have you been at their house since coming
- 16 down from North Carolina?
- 17 A. I arrived at 4:00 a.m. on Sunday morning.
- 18 Q. As in two days ago?
- 19 A. Correct.
- 20 Q. When was the last time you were there before that?
- 21 A. I arrived -- I can't think of the specific day, I'm sorry,
- 22 without my calendar in front of me. I drove down what day --
- 23 I'm sorry, I don't recall. If you could give me a minute, I
- 24 can recall it unless -- I don't know how it's relevant.
- 25 Q. Take your time.

1 A. Okay.

2 It was Saturday, the prior Saturday that I drove down and
3 I arrived late in the evening, it may have been 11:00 p.m.,
4 10:00 p.m., and I left early Friday morning to go back home.

5 Q. Okay.

6 So you were with Tylene at her house from the previous
7 Saturday through last Friday, December 10th, I believe it was?

8 A. That's correct.

9 Q. And who came down from North Carolina with you?

10 A. My two children, my two year old and four year old, and my
11 husband. And my father-in-law flew into town and met us. I
12 was here for business purposes and we stayed with Tylene
13 because we have the kids and the dogs and they have a nice yard
14 that the dogs could play in.

15 Q. Have you brought your kids to Tylene's house before?

16 A. Once.

17 Q. When was that?

18 A. I don't recall because that was close to a year ago.

19 Q. Right.

20 A. It was a business trip, I stayed at their house, they were
21 not here.

22 Q. Okay.

23 So sometime approximately a year ago, you had a family
24 trip, brought your kids down?

25 A. It would have been this year, it would have been either

1 June or July this year.

2 Q. Okay.

3 You mentioned you work at Amazon. How long have you been
4 at Amazon for?

5 A. Seven years.

6 Q. And have you had multiple roles at Amazon?

7 A. No, I've been in a senior role the entire time.

8 Q. As someone in a senior role, do you have access to
9 employee information?

10 A. Do I have access to employee information?

11 Q. Can you look up different people that work in the
12 organization?

13 A. So I'm not in HR, so I don't -- I don't have any special
14 access in that regard, no.

15 Q. Is there an internal database at Amazon where you can see
16 who else is employed within Amazon like Slack or something like
17 that?

18 A. Yeah, we have a phone tool and we have internal messaging
19 software. There's, of course, an email list as you would
20 expect.

21 Q. Have you ever worked for the Defendant?

22 A. Have I worked for the Defendant; no.

23 Q. In doing anything; unpaid, paid, offered any type of
24 services to him?

25 A. No, not -- no. And I'm not sure when you say "unpaid",

1 what would you mean?

2 Q. For example, right now, as he's preparing his defense in
3 this case, are you offering any type of services to assist in
4 that?

5 A. I'm helping by having conversations and sharing my
6 perspective as a friend would do. I would not consider that
7 employment.

8 Q. What kind of conversations have you been having with the
9 Defendant?

10 A. I have not had conversations with the Defendant.

11 Q. When is the last time you talked to the Defendant?

12 A. The last time I spoke, so I'm not sure exactly what you
13 would be referring to. I have not spoken directly with him. I
14 have been in the room when others have been speaking with him
15 on speaker and I'll comment here and there, but that's really
16 it.

17 If you -- if that constitutes what you are defining it to
18 be, then I would say last night as I walked with Tylenne around
19 the mall to find a pair of shoes for Court.

20 Q. Since the Defendant's been arrested, you have not had a
21 single direct communication with him?

22 A. It's always been while another person is there, that's
23 correct. He does not call my phone.

24 Q. Do you talk to the Defendant's girlfriend regularly?

25 A. Yes.

1 Q. When is the last time you spoke to her?

2 A. Just outside the courtroom.

3 Q. So you're talking to her on a daily basis?

4 A. No, I would not say daily, not even close to daily, but
5 frequently.

6 Q. What do you talk about with the Defendant's girlfriend?

7 A. How the kids are doing, how her dogs are doing, how she's
8 holding up with everything, if she, you know, is emotionally
9 okay, if she's going to dinner with her friends, just normal
10 conversation. I talk to her about anything really. I mean,
11 I'm not quite sure where your question is going.

12 Q. What has the Defendant's girlfriend told you about the
13 Defendant's case?

14 A. I don't get most of my information about his case from
15 her. I've been following it online, I've looked at the
16 warrants myself, I've looked at things myself. And she's not
17 really an expert in law or those kinds of matters, so I don't
18 really rely on her as a source for that information.

19 Much of it is her opinion. She thinks it's unfair.
20 That's been most of our conversations is she feels it's unfair,
21 she feels it's a violation of his rights, she feels like there
22 couldn't be a better person that this is happening to.

23 Q. So she's never told you about any specifics like people
24 who are involved in this case; witnesses, for example?

25 A. I don't really know other people outside of Jeremy and

1 Tyleno. I went to -- I did meet Mike who is sitting here who
2 is not a witness and I have met another woman that I also don't
3 know very well, a woman named Cathi.

4 Other than that, I really -- I really don't know these
5 other people. I couldn't speak to who they are or -- and I
6 certainly have not spoken to them myself. Like I don't have
7 their contact information or anything like that, so I'm not
8 sure I can really give you a good answer to your question since
9 I don't have a lot of that information.

10 Q. So your knowledge about the case and people involved in
11 this case is really limited to Mr. Brown?

12 A. Yes, I would say so.

13 Q. Has Ms. Aldridge ever asked you to do research on a
14 Federal agent's spouse?

15 MR. SANSONE: Objection, Your Honor, I'm not sure
16 where this is going.

17 THE COURT: Overruled.

18 Answer the question.

19 THE WITNESS: Research a Federal agent's spouse? She
20 shared that she believed someone may be married to someone
21 who works at Amazon, but that was at -- I didn't perform
22 any research. I don't know who -- I don't know who the
23 person is, I couldn't tell you their name.

24 BY MS. ASOKAN:

25 Q. When did she ask you to do that?

1 A. She didn't ask me to do that.

2 Q. Tell us more about what Ms. Aldridge told you in the
3 context that someone might be working at Amazon.

4 A. She said specifically that there was an individual who was
5 an FBI agent that she believed was married to someone who
6 worked at Amazon. She asked if I knew the person, I said no.
7 I don't recall the name, I couldn't tell you it right now, I
8 don't know who they are. I also told her I don't know what
9 that's -- what the relevance of that would be and I'll tell you
10 the same thing.

11 Q. So she didn't ask you to check and verify whether or not
12 that person works at Amazon?

13 A. There would be nothing for me to check. Again, I told her
14 it wasn't relevant in the first place.

15 Q. Did you talk to Ms. Aldridge about your testimony here
16 today?

17 A. No, I did not. I specifically did not because I did not
18 want to be able to not answer honestly that my testimony is
19 solely my own and I have not in any way orchestrated it with
20 anyone else.

21 Q. Did you talk to the Defendant's lawyer about your
22 testimony today?

23 A. Yes, I did.

24 Q. What did you guys talk about?

25 A. Specifically the questions that he asked me and that was

1 it.

2 Q. So let's go to the sign which I believe is now Defendant's
3 Exhibit 1, but it was previously introduced at the first
4 hearing as Government's Exhibit 8.

5 So just to be very clear, your testimony is that you had
6 never seen this sign until after it was introduced at the
7 initial detention hearing?

8 A. That's correct.

9 Q. But you've had a conversation, at least one conversation,
10 with the Defendant about the sign?

11 A. That's correct.

12 Q. And that was in May of this year?

13 A. I believe so.

14 Q. Do you know when the sign was actually posted on the
15 Defendant's door?

16 A. I believe so. I believe it was March, but I can't be
17 certain of that.

18 Q. So let's assume it was in March. I believe at the last
19 hearing we established it was posted in March of this year.

20 In March of this year, did you talk to the Defendant about
21 the sign?

22 A. In March; I don't believe so.

23 Q. So at the time the Defendant made the sign, you never had
24 a conversation with him?

25 A. I don't believe so, but I'm also not very good at

1 timelines, so like I said, I believe the conversation was in
2 May, it could have been sooner, I'm really not sure.

3 I say May because that's when he came to visit and if I
4 recall correctly, the conversation was in person, but as I
5 mentioned, we have a lot of communication with Jeremy Brown,
6 and when my husband talks to him, he's usually on speaker, I'm
7 around, I hear the conversations and part of them because I'm
8 there, so could it have been sooner, yes, but I believe it was
9 in May.

10 Q. I'm sorry -- so you have a lot of conversations, you and
11 your husband have a lot of conversations with the Defendant; is
12 that correct?

13 A. Correct.

14 Q. When different things come up?

15 A. Yes.

16 Q. You've had maybe hundreds of conversations with him in the
17 last year?

18 A. I don't know a rough number. I mean, like I said, he did
19 stay with us, so I don't know how you would count the number of
20 conversations in that case, but he did stay with us several
21 times.

22 Q. So there are a lot of details about many things that can
23 come up in these conversations?

24 A. Sure.

25 Q. But you don't remember all of them?

1 A. No, not -- and I'm not sure where you're going with it.
2 If you had something specific, I might be better able to answer
3 your question.

4 Q. So when you actually saw the sign, when Defense Counsel
5 showed you the sign, what was your reaction to it?

6 A. I rolled my eyes again because I thought it was childish
7 and immature.

8 Q. I believe you testified a little while ago with Defense
9 Counsel that if you didn't know Jeremy and you were a stranger,
10 you may take it in a different way?

11 A. Yes.

12 Q. And you believe that?

13 A. I think without any context, if you didn't know this
14 person who wrote this, I wouldn't necessarily know how to take
15 it.

16 Q. You said that the Defendant is candid and honest; is that
17 correct?

18 A. I believe so, yes.

19 Q. You really believe that?

20 A. I do.

21 Q. If the Defendant explained what he meant by that sign to
22 Ms. Aldridge, should we believe him?

23 A. I would think so.

24 Q. Take him at his word?

25 A. I would think so.

1 MS. ASOKAN: One moment, Your Honor.

2 THE COURT: You may.

3 (Brief pause.)

4 MS. ASOKAN: Nothing further, Your Honor.

5 THE COURT: Thank you.

6 Redirect, Mr. Sansone?

7 MR. SANSONE: No, Your Honor.

8 THE COURT: All right.

9 Ms. Jones, you testified regarding a conversation
10 that you had with Mr. Brown regarding the sign; is that
11 correct?

12 THE WITNESS: Yes.

13 THE COURT: And that occurred in approximately May of
14 this year; is that correct?

15 THE WITNESS: Yes, I believe so.

16 THE COURT: What exactly do you recall Mr. Brown
17 saying about that sign?

18 THE WITNESS: I recall him laughing about the sign,
19 he thought it was funny.

20 THE COURT: I'm sorry, ma'am, what I would like to
21 know is the exact words you recall him saying during your
22 conversation about the sign, if any.

23 THE WITNESS: I'm -- I don't know that I can have a
24 specific quote. I remember him saying specifically what
25 he told them about how they need to remember their oath.

1 I do remember a statement saying that he shouldn't have to
2 remind them of their oath, that I do specifically remember
3 in the conversation.

4 I mean, it was such an insignificant conversation at
5 the time, I could never imagine that I would have to
6 testify about it, so really, again, it would have been
7 significant had it been a threat because I personally
8 would have chastised Jeremy about something like that. It
9 wasn't, it wasn't that and that's why it's such an
10 insignificant conversation, a little bit more difficult
11 for me to recall details because it was so insignificant.

12 THE COURT: And do you have any specific recollection
13 of any statements that Mr. Brown made to you regarding the
14 PS portion of that sign in which it states you should
15 bring or you need to bring a bigger tactical package?

16 THE WITNESS: Yes, that's the part that both he and
17 my husband were laughing about. And I have spent many
18 years around Special Forces to know that somehow jokes
19 always go into 12-year-old-boy mode and vulgarity.

20 And again, I recall specifically rolling my eyes and
21 half chuckling, but my husband and Jeremy were both
22 laughing about it. It was very clear what the meaning
23 was. And it was intended to be a double entendre.

24 And quite frankly, I have worked with the military a
25 lot. I don't really know what a tactical package is

1 supposed to be. If you Google the term, you don't really
2 find much. The only other potential reference, if you
3 were to say military, would be general preparedness. And
4 if that were to be kind of a double meaning, then to me,
5 and this here is my interpretation, right, to me, that
6 meaning is simply to show up with someone a bit more
7 professional.

8 That fit exactly with Jeremy's characterization of
9 the conversation that he had with the two agents before.
10 He felt they were unprofessional, he felt their business
11 cards were unprofessional, their demeanor was
12 unprofessional, and he felt like that they were wasting
13 his time.

14 So to me, if there were a serious meaning here as
15 bring a bigger tactical package, it was -- it would be to
16 come more prepared next time to have a real conversation
17 and not waste his time. I would never interpret this as a
18 violent threat, and to say "tactical package", if you're
19 talking preparedness in military terms would simply mean
20 the right people, the right resources, whatever it is that
21 you need to achieve an objective.

22 So, again, he didn't have a combative relationship
23 with them to begin with, he had a cordial relationship.
24 I'm sure he felt comfortable writing this because of that
25 relationship and not something that was in any way

1 intended to be combative or overly antagonistic aside from
2 kinda of that roasting tone as he does.

3 THE COURT: All right.

4 So other than Mr. Brown laughing with your husband
5 about the sign, you don't have a specific recollection of
6 anything Mr. Brown said regarding the PS portion of that
7 sign or references to the tactical package?

8 THE WITNESS: No, other than he was laughing when he
9 said it because it was a joke.

10 THE COURT: So the part about your testimony
11 regarding that you think it was in reference to the male
12 anatomy, that's your interpretation?

13 THE WITNESS: That is my interpretation that it was
14 intended to be meant that way.

15 THE COURT: All right.

16 Thank you, Ms. Jones, for your testimony.

17 Mr. Sansone, any follow-up questions regarding the
18 Court's inquiry?

19 MR. SANSONE: No, Your Honor.

20 THE COURT: Ms. Asokan?

21 MS. ASOKAN: No, Your Honor.

22 THE COURT: All right.

23 Thank you, Ms. Jones, you are excused, however, as
24 you know, there are other witnesses that plan to testify
25 here today, you are not to discuss your testimony with any

1 of those witnesses.

2 Do you understand that?

3 THE WITNESS: Yes, I do.

4 THE COURT: That witness does include your husband.

5 Do you understand that?

6 THE WITNESS: Yes, I do.

7 THE COURT: I should say those witnesses to include
8 your husband.

9 Do you understand?

10 THE WITNESS: I understand.

11 THE COURT: All right.

12 Thank you, Ms. Jones, you're excused.

13 (Witness excused.)

14 Mr. Sansone, call your next witness.

15 MR. SANSONE: The Defense calls Scott Olson.

16 THE COURT: Mr. Sansone, we're going to mark your
17 exhibit for the record.

18 MR. SANSONE: I apologize, I didn't have a marker.

19 Thereupon,

20 SCOTT OLSON,

21 after having been duly sworn to tell the truth, the whole truth
22 and nothing but the truth, under penalty of perjury, was
23 examined and testified as follows:

24 THE WITNESS: I do.

25 THE CLERK: Please state and spell your name for the

1 record.

2 THE WITNESS: Scott Olson, S-C-O-T-T O-L-S-O-N.

3 THE CLERK: Thank you, sir. You may be seated.

4 DIRECT EXAMINATION

5 BY MR. SANSONE:

6 Q. Mr. Olson, good morning.

7 A. Good morning.

8 Q. Just to clear the record, you're married to Meredith
9 Jones?

10 A. Yes.

11 Q. She did not take your last name?

12 A. No.

13 Q. Mr. Olson, how are you employed?

14 A. I'm retired, I'm self employed.

15 Q. What was that?

16 A. I'm retired, self employed.

17 Q. Self-employed?

18 A. Yep. I don't have a job.

19 Q. What were -- where did you retire from?

20 A. From the Army Special Forces, 27 years, just retired two
21 years ago this month.

22 Q. Can you briefly explain to the Court your military record?

23 A. I have 27 years, all Special Operations, Ranger Battalion,
24 Special Forces. I did four and a half years in Afghanistan,
25 six months in Pakistan, six months in Somalia, all the hot

1 spots around the world. I have all the schools and
2 decorations, five Bronze Stars for valor and just recently
3 retired.

4 THE COURT: Mr. Olson, if you don't mind, sir, this
5 hearing -- during this hearing, we do have a Court
6 Reporter who is going to do her best to take down
7 everything you say. You're speaking a little fast, sir,
8 so if you could please speak a little slower just to make
9 sure your testimony is accurately recorded, I would
10 appreciate that.

11 THE WITNESS: Will do.

12 THE COURT: I would appreciate that.

13 Did the Court Reporter need any clarification?

14 THE COURT REPORTER: No, thank you, Your Honor.

15 MR. SANSONE: A very seasoned Court Reporter. I say
16 that because we've known each other for a long time.

17 BY MR. SANSONE:

18 Q. When did you first meet Mr. Brown?

19 A. December of '95.

20 Q. How do you know the exact month?

21 A. 'Cause that's the day we both went to Special Forces
22 selection together.

23 Q. Special Forces selection?

24 A. Yes, it's a month-long course in Fort Bragg, and then
25 after selection, we were roommates for seven months and we both

1 deployed to First Group from Fort Bragg out to Washington
2 State, we drove across the country together, we lived in the
3 barracks at the same time and I have known him ever since.
4 It's been almost 30 years now.

5 Q. When you were in the Army, did you -- did you maintain
6 your friendship?

7 A. Definitely.

8 Q. Were you ever deployed with him?

9 A. No, I was not.

10 Q. He was deployed different places around the world?

11 A. Yes.

12 Q. Did you ever talk about your deployments together?

13 A. Sometimes, just random stuff.

14 Q. But you kept in contact even during those times?

15 A. Yep. I'm sorry, his ex-wife, his kids, they all knew me
16 as Uncle Scott. It's been a long-time connection.

17 Q. I was going to get into that.

18 So do you consider yourself friends?

19 A. Definitely.

20 Q. You touched briefly, but I want to give the Court kind of
21 a full picture of your relationship before we talk about a
22 specific exhibit.

23 Could you describe your relationship over the years. When
24 you said his kids call you Uncle Scott, could you just briefly
25 describe for the Court your relationship?

1 A. Oh, we've stayed in contact, we constantly call each other
2 in the past quite a few years, past three or four for sure,
3 we've been in contact all the time, relied on one another for
4 help and assistance with anything. He's been very good at
5 dropping everything to come help me if I needed help, come to
6 my house or I'd come out to help him, just been a very integral
7 part of each other's lives, especially in the last three or
8 four years.

9 Q. What was that last part?

10 A. Especially in the past three or four years, especially
11 since when he retired and I was coming close to retirement.

12 Q. So Mr. Brown retired before you?

13 A. Yes.

14 Q. And in the past three or four years, how did your
15 relationship change?

16 A. We saw each other a lot more 'cause before it was more
17 phone contact and whatnot, but mostly it's been face to face in
18 the past few years.

19 Q. And you live in North Carolina?

20 A. Yes.

21 Q. And Mr. Brown is from North Carolina?

22 A. Originally, Elizabethtown, yes.

23 Q. Did he ever come up and stay with you?

24 A. Yes.

25 Q. Numerous times?

1 A. Yes.

2 Q. Did you ever come stay with him?

3 A. Yes. I'm currently staying at his house right now.

4 Q. And your families are close?

5 A. Yes.

6 Q. How would you describe the type of person Mr. Brown is?

7 A. Without a doubt, the most -- he helps whenever he can,
8 he'll put -- he puts others before himself. He's shown that
9 throughout his career, charities that he's volunteered for and
10 he's shown that with me and my family, he'll drop everything to
11 help out.

12 Q. Now just to be clear, prior to today, we talked about the
13 possibility of your testimony?

14 A. Yes.

15 Q. And essentially what did I tell you to say today?

16 A. What did you tell me to say today?

17 Q. Yeah.

18 A. How I knew him, the context of how we know each other, the
19 way he talks, his mannerism, his demeanor.

20 Q. My point is, did I just tell you to answer questions
21 truthfully and honestly?

22 A. Yes.

23 Q. And did I specifically tell you not to talk about your
24 testimony with anybody else?

25 A. No, not really, no.

1 Q. Did I tell you don't talk about your testimony this
2 morning with other people?

3 A. Yes, I haven't talked to anyone about it.

4 MR. SANSONE: Your Honor, may I approach the witness?

5 THE COURT: You may.

6 BY MR. SANSONE:

7 Q. Mr. Olson, I'm showing you what has been marked as Defense
8 Exhibit 1.

9 Could you please take a moment to look at that?

10 A. Yes.

11 Q. Have you seen that before?

12 A. Yes.

13 Q. Now, when is the first time you actually saw this sign?

14 A. When it was presented to me from -- after when the case
15 started. I had never seen this actual sign until it was
16 presented as evidence.

17 Q. Okay.

18 And just to clarify, you're referring to the -- after the
19 sign had been admitted in evidence in a Court proceeding and
20 you saw the sign after that?

21 A. Yes.

22 Q. And did I send you a copy?

23 A. You or Tylene did.

24 Q. And Tylene is Mr. Brown's girlfriend?

25 A. Yes.

1 Q. But it was after initial Court hearings?

2 A. Yes. It was Exhibit 8 or something when I first saw it.

3 Q. Pardon me?

4 A. I think it was Exhibit 8 when I first saw it.

5 Q. Exhibit 8?

6 A. Yes.

7 Q. Now, did you -- while you might have seen this sign, did
8 you know about the sign prior to the Court proceeding?

9 A. Yes.

10 Q. Can you tell the Court in what way you had heard about it?

11 A. Jeremy had visited our house, he was out there and he told
12 us about it. I don't remember if he -- I don't know if the
13 context was on the phone or we were talking, but I remember
14 talking about it. He told me he had placed that sign up there
15 on his door just before leaving.

16 Q. What do you mean "before leaving"; to come to your house?

17 A. No, I think he went to -- I forget where he was going, I
18 think it was Texas, but he had driven away and he placed this
19 sign on his door moments before leaving.

20 I think he was gone for a couple weeks at that point, he
21 was leaving for a couple weeks, he got back and took the sign
22 down, but he had told me about that he put the sign up there
23 and at the end of it, he said, "yeah, I put they better bring a
24 bigger tactical package". And he started laughing, we all just
25 laughed about it. I didn't think about -- anything about it at

1 the time.

2 Q. Let me just back up a little bit. Do you recall when you
3 had this conversation with him; what month, do you recall?

4 A. May, June.

5 Q. Do you remember when he actually put the sign in his
6 window?

7 A. No, I was trying to think about that the other day. I
8 don't know if it was his trip to Texas or somewhere else, but I
9 know one of the times he left in his RV, but I don't recall the
10 exact timeframe.

11 Q. Now by the time you had this conversation, had he already
12 come back and taken the sign down?

13 A. Yes.

14 Q. Now, you specifically just mentioned and I want to draw
15 your attention to it, see where it says "PS, better bring a
16 bigger tactical package"?

17 A. Yes.

18 Q. Now how -- did that warrant -- first, how did that PS come
19 up, in what context?

20 A. He just said what he had put up on the door, that he had
21 that sign up while he was gone and we just started laughing at
22 the time like, hahaha, there was no, oh, that was crazy or
23 nothing about that, it was, huh, okay, just a funny thing to
24 say.

25 Q. Why would that be a funny thing to say?

1 A. The way I first took it was like a double entendre, like
2 "you better bring a bigger tactical package", and I was
3 laughing about it, and I didn't really read into it at all
4 until getting brought in this situation, going "what are they
5 reading into here", so...

6 Q. What do you mean by "double entendre"?

7 A. A bigger tactical package, like a bigger dick for lack of
8 a better term.

9 Q. Now, why would that have come to your mind in discussing
10 this? In what context would that be going into?

11 A. It's -- it s -- what I feel about all this is he had
12 interaction with the FBI multiple times, he's worked with the
13 FBI before, he's worked with JTTF before, he had -- he's had
14 interactions with these FBI guys before so it's a matter of
15 like, hey guy, just a ribbing, what a good normal military guy
16 would say or an FBI guy would say down range.

17 Q. When you say "military guy down range", what do you mean
18 by that?

19 A. It's obviously military talk. We talk a certain way as
20 jokes and banter and ribbing each other and just the way things
21 are.

22 Q. Did Mr. Brown specifically say what he meant when he said
23 --

24 A. No --

25 Q. For the record, hold on, I understand you might be

1 anticipating my question, but I just need to make sure I get
2 the question out and then a response because if the answer is
3 no before the question, we're not exactly sure what happened.

4 Did Mr. Brown specifically say what "better bring a bigger
5 tactical package" meant to him?

6 A. No.

7 Q. Now, did you question him about what it specifically
8 meant?

9 A. No.

10 Q. Why not?

11 A. I didn't think twice about it. It was -- he had it up, he
12 took it down, I don't know if anyone saw it, I didn't think
13 anything of it and --

14 Q. Why wouldn't you think anything of it?

15 A. It's sounded like joking and lighthearted in nature to me.
16 It didn't seem like a threat by no means.

17 Q. Well, what was the nature of your conversation when he was
18 talking to you about this sign?

19 A. I don't know how it was brought up, but just merely
20 talking and having conversations. I don't remember it being,
21 "hey, did you leave a sign up"; no, nothing like that, just I
22 can remember it being brought up.

23 Q. And the nature of it, was it a serious nature; what was
24 the nature of it?

25 A. We were just having conversation. I don't remember how it

1 was brought up, it was brought up in conversation and talking
2 about the sign he had put up, randomly real quick, and brought
3 it back down.

4 Q. I don't recall if you said, did you say he laughed about
5 it?

6 A. Yes.

7 Q. And knowing Jeremy and what he said that he put up is the
8 PS, why do you think he was laughing about it?

9 A. Oh, it was a ribbing or a jest or the fact that he had
10 already been talking to these two FBI guys, the fact he already
11 knew them, been in a restaurant with them, he had talked on the
12 phone, it's not a random meeting, it's not a first time
13 meeting.

14 Q. Why would that be important?

15 A. You build comradery, bonafides, the fist bump, you're
16 talking to one another, he'd had conversations with these guys
17 before. It's not, "hey, if the FBI ever comes here, good
18 luck", it's, "hey, you two".

19 Q. You see it's addressed to other people, though, DHS, USCM,
20 HCSO.

21 A. I don't know about the rest of it, I hadn't thought about
22 that.

23 Q. What about the paragraph before that, and it says, "if you
24 don't care and say to yourself I'm just following orders, then
25 go F yourself". Did that come up in your conversations?

1 A. I don't recall that.

2 Q. What do you think of that knowing Mr. Brown?

3 A. To me, that statement is like what you would think about
4 the Nazi officers. It's a statement about what you would think
5 about someone you're just following orders, someone who is,
6 well, I don't want to do this, but it's like if you have an
7 oath that you're supposed to be doing what you are supposed to
8 be doing, then do the right thing, reread you're oath, you're
9 being used as a pawn. If you're doing your job, you're doing
10 your job, if you don't believe in your oath that you took, well
11 then...

12 Q. You think that based on what you said that he was
13 threatening law enforcement?

14 A. No, definitely not.

15 Q. Why not?

16 A. I think it was more of a stop and think about what you are
17 doing, stop and think about, hey, is this what you're -- maybe
18 using the cuss word is just normal military talk. I wouldn't
19 say it's a threat, I wouldn't say it's a -- I wouldn't say it's
20 any type of threat at all.

21 Q. Is using cuss words -- I don't want to say or do a blanket
22 statement -- is this normal for the military?

23 A. Hundred percent. We use the F-word like in cartoon smurfs
24 where everything is smurf, everything is -- it's hard to say a
25 sentence without an F-word or two every sentence.

1 Q. So were you surprised when he used the F-word?

2 A. Not surprised, no.

3 Q. And specifically using the F-word, do you take that that
4 he was threatening law enforcement?

5 A. No.

6 Q. And the manner of the conversation, if you were talking
7 about this, was a humorous one?

8 A. Yes.

9 Q. And do you know -- and at the time that you were talking
10 about this, this sign was no longer up?

11 A. Right.

12 Q. And this conversation that you had where this sign was no
13 longer up was in May or June?

14 A. Yes.

15 Q. 2021?

16 A. Yes. As I remember it, he put it up just before he left
17 for wherever he went and the second he got back, he took it
18 back down, so he was never even home while this sign was up.

19 Q. Did you ever have another conversation with him about this
20 sign?

21 A. No.

22 Q. Did you think that the conversation you had about -- with
23 him about this sign was something significant that you should
24 explore?

25 A. No.

1 Q. Why not?

2 A. I didn't think it was going anywhere, I didn't think
3 anyone saw it, I didn't think it was an issue, I didn't think
4 it was anything at all.

5 Q. Did you think it was a threat?

6 A. Definitely not.

7 MR. SANSONE: I have no further questions, Your
8 Honor.

9 THE COURT: Thank you.

10 Ms. Krigsman, cross-examination.

11 MS. KRIGSMAN: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. KRIGSMAN:

14 Q. Good morning.

15 It's Sergeant Major Olson, right?

16 A. Yes.

17 Q. Good morning, Sergeant Major Olson. My name is Cherie
18 Krigsman. And I'm an Assistant United States Attorney.

19 Now, you said that you have known Jeremy Brown for about
20 30 years?

21 A. Yes, ma'am.

22 Q. And you've become very close friends with him, right?

23 A. Yes, ma'am.

24 Q. And you care deeply about him?

25 A. Yes, ma'am.

1 Q. You went through the Q Course with him; isn't that right?

2 A. Yes, ma'am.

3 Q. Why don't you tell us about how soldiers bond together in
4 the Q Course.

5 A. We bonded more as roommates, we were in two separate
6 sections of the Q Course, but we saw each other every evening.
7 We get to know one another, you look out for one another, we do
8 PT together, physical training. That's about it, ma'am.

9 Q. But soldiers who train together, especially Special
10 Forces, you literally learn to throw your body in front of a
11 bullet to protect your fellow soldier, right?

12 A. Yes, ma'am.

13 Q. Now, you said you never deployed with Mr. Brown; is that
14 correct?

15 A. Yes, ma'am.

16 Q. And let me back up just a minute.

17 You also went to the Q Course with a Mr. Keith Pecha; is
18 that right?

19 A. Yes, ma'am.

20 Q. So you never deployed with Mr. Brown. Was he ever in your
21 chain of command?

22 A. No, ma'am.

23 Q. And you said you visited his home frequently?

24 A. Yes.

25 Q. Visited his home before his arrest?

1 A. Yes.

2 Q. And you took your small children with you?

3 A. Yes.

4 Q. And have you been inside his RV?

5 A. Yes.

6 Q. Have the children been inside the RV?

7 A. Yes.

8 Q. On your direct testimony, you didn't mention that you had
9 previously worked for Mr. Brown.

10 A. Previously worked for him?

11 Q. Uh-huh. (Indicating affirmatively.)

12 A. I've not worked for him, no.

13 Q. Were you aware that you were listed in State corporation
14 documents as the CFO of Blue Moon Transportation?

15 A. So I provided -- I gave him \$2,000 to lease the vehicle
16 for his -- for his transportation company and he listed me as
17 the CFO. I was living in Wash -- I don't know if I was living
18 in Virginia or Washington at the time that I helped him lease a
19 vehicle so he could have another vehicle and he did pay me back
20 immediately.

21 Q. Were you aware that you were listed as the CFO in State
22 corporation documents?

23 A. I think so, I certainly did know, yes, I was listed as a
24 CFO.

25 Q. And the only thing you ever did was loan him money?

1 A. Yes.

2 Q. Now, Mr. Brown considers you a part of his defense team;
3 isn't that correct?

4 A. I assume so.

5 Q. And he's been sharing a lot of information with you about
6 his defense strategy?

7 A. Yes, ma'am.

8 Q. And, in fact, he told you recently that he wants you to be
9 his Chief of Staff for his defense?

10 A. I don't know for his defense, but it's for the entire
11 process of all that's going on.

12 Q. For the unconventional warfare that you all plan to engage
13 in to combat the case?

14 A. I wouldn't consider it unconventional warfare, I consider
15 it staying a part of and abreast of what's going on.

16 Q. Well, you refer to the Pocket Guide of Unconventional
17 Warfare when you talked to him about preparing for the case,
18 right?

19 A. Uh-huh. (Indicating affirmatively.)

20 Q. And he also talked to you about the Second Amendment,
21 hasn't he?

22 A. Yes, ma'am.

23 Q. And he's talked to you about conditions of release that
24 may require him to give up his firearms if he's released; he's
25 talked to you about that, hasn't he?

1 A. Yes, ma'am.

2 Q. And what's his position on that?

3 A. It's a Constitutional Right and he doesn't want to give up
4 his rights no matter what amendment it is, whether it's the
5 First, Second, any amendment, he holds them all the same.

6 Q. And he also told you that there are other conditions that
7 the Court may impose that he believes are unconstitutional?

8 A. Possibly.

9 Q. Now as a Sergeant Major in Special Forces for 27 years
10 experience, you've had to supervise a lot of soldiers during
11 the course of your career, right?

12 A. Yes, ma'am.

13 Q. And you took that very seriously?

14 A. Definitely, ma'am.

15 Q. And is it fair to say that Special Forces' missions often
16 involve sensitive overseas operations?

17 A. Yes.

18 Q. And as a part of Sergeant Major of Special Forces, you're
19 responsible for the safety of the soldiers and the equipment
20 for some of these missions?

21 A. Yes.

22 MR. SANSONE: Judge, at this point, it's so far
23 outside of direct examination. I talked to him about him
24 being in charge of officers and military people throughout
25 his career. I'm just not sure what the relevance is as to

1 his knowledge of Jeremy Brown in this case.

2 THE COURT: The objection is overruled. I'll give
3 the prosecutor a little bit of leeway, but please try to
4 bring it back.

5 BY MS. KRIGSMAN:

6 Q. And a lot of missions that you're involved in are
7 dangerous?

8 A. Yes, ma'am.

9 Q. It was important for soldiers to follow the commands of
10 NCOs and officers when they're on these dangerous missions?

11 A. Yes.

12 Q. And a lack of order and discipline can yield dangerous
13 results in a Special Forces mission, right?

14 A. Sure.

15 Q. If soldiers don't follow orders, they can be punished,
16 right?

17 A. Yes, ma'am.

18 Q. Now, during the course of your career in the Army, you are
19 no doubt familiar with M67 fragmentation grenades?

20 A. Yes, ma'am.

21 Q. And they're a military high explosive device, aren't they?

22 A. Sure, 6.5 ounces of Comp B.

23 Q. Comp B which includes TNT, correct?

24 A. It could.

25 Q. And in the military, you're trained to be very careful

1 with them, correct?

2 A. Yes, ma'am.

3 Q. And why is that?

4 MR. SANSONE: Objection, Your Honor, I think she's
5 getting to where she's going to have him comment on the --

6 THE COURT: Hold on a second. Mr. Sansone, no
7 speaking objections. If you have an objection, make it
8 succinct and I'll rule on it.

9 MR. SANSONE: Objection, Your Honor, relevance.

10 THE COURT: Okay.

11 The objection is relevance, the objection is
12 overruled.

13 You may proceed.

14 BY MS. KRIGSMAN:

15 Q. Sir, I think the question was, you're trained to be
16 careful with grenades and why is that?

17 A. They inadvertently go off.

18 Q. And what happens when they go off?

19 A. Depends on where it's located.

20 Q. Do you remember the lethal range of an M67 grenade?

21 A. 15 meter radius.

22 Q. And the casualty range?

23 A. It would depend where it's located.

24 Q. And it's an omnidirectional blast, correct?

25 A. Depends on where it's located.

1 Q. You can't really control or aim the blast of a grenade,
2 can you?

3 A. You could if you placed it against a wall, it will only go
4 90 degrees instead of 180 or 360 if it was hanging.

5 Q. If it's hanging from -- or somebody threw it, it would be
6 omnidirectional, correct?

7 A. If they were to throw it, sure.

8 Q. And you would routinely carry them on operations?

9 A. Yes, ma'am.

10 Q. And the capability of explosives and demo is an important
11 responsibility in Special Forces?

12 A. For the most part, ma'am.

13 Q. And when soldiers come back from operations, they don't
14 store grenades in their barracks, do they?

15 A. While deployed, yes.

16 Q. I'm talking about when they come back to barracks after
17 deployment and, in fact, they take grenades to an ammo point or
18 an arms room?

19 A. Usually, yes, ma'am.

20 Q. And if during the course of your 27 years in Special
21 Forces, if you or one of your soldiers had taken two grenades
22 home to his quarters with his family, that would be a real
23 problem, wouldn't it?

24 A. I would want to know the circumstances and why.

25 Q. And what if the soldier took two grenades home and kept

1 them at his home?

2 MR. SANSONE: Objection, Your Honor, I think she's
3 asking about potential facts of this case which doesn't go
4 to direct examination at all which is merely talking about
5 Exhibit 1.

6 THE COURT: Objection is overruled.

7 BY MS. KRIGSMAN:

8 Q. What if a soldier took home two M67 grenades and kept them
9 at his home even after he retired from Special Forces; that
10 would be a problem, wouldn't it?

11 A. It would depend on if he knew he had them.

12 Q. Okay.

13 You can't just go out to a local gun store and buy M67
14 grenades, can you?

15 A. You possibly could if you had a SF level three and tact
16 stamp; without anything else, usually no.

17 Q. Now Special Forces soldiers are usually required to have
18 security clearances, right?

19 A. Yes, ma'am.

20 Q. In fact, you had a security clearance very early on,
21 didn't you?

22 A. Yes, ma'am.

23 Q. And you know that Jeremy Brown had a security clearance
24 very early on?

25 A. Yes, ma'am.

1 Q. And when Special Forces soldiers are required -- when
2 Special Forces soldiers get access to classified information,
3 they're required to sign documents such as nondisclosure
4 agreements, correct?

5 A. In some cases, yes, ma'am.

6 Q. And you know that Jeremy Brown signed a nondisclosure
7 agreement, right?

8 A. That he signed one? It would depend on -- I would assume
9 he signed one at least once in his career.

10 Q. You've signed them, correct?

11 A. Yes.

12 Q. And those nondisclosure agreements advise you that you are
13 bound by the law in protecting and restricting access to
14 classified information, correct?

15 A. In certain venues, yes, ma'am.

16 Q. And you're also advised that if you don't follow the law
17 regarding the protection and dissemination of classified
18 information, you could be prosecuted under Federal Law?

19 MR. SANSONE: Objection, Your Honor, relevance, is
20 possibly violating a nondisclosure agreement as to a
21 danger.

22 THE COURT: Response, Ms. Krigsman.

23 MS. KRIGSMAN: Your Honor, we plan to introduce later
24 on today a copy of the nondisclosure -- standard Army
25 nondisclosure agreement Mr. Brown signed when he -- in

1 1995 when he was a soldier alongside the Sergeant Major.

2 THE COURT: Let me see counsel at sidebar, please.

3 (Thereupon, the following discussion was had at
4 sidebar:)

5 All right.

6 So Ms. Kringsman, I understand the relevance of this
7 line of questioning regarding the grenades, but what's the
8 relevance with this line of questioning regarding the
9 confidentiality agreement -- nondisclosure agreement that
10 Mr. Brown may have signed?

11 MS. KRIGSMAN: Your Honor, if the Court decides to
12 release Mr. Brown on conditions, he will be given an order
13 about conditions of release and be instructed to comply
14 with those conditions and he will be bound by those
15 conditions.

16 The nondisclosure agreement he signed very
17 specifically says this is what you need to do with
18 classified information, if you violate it, you're subject
19 to prosecution under Federal Law.

20 We found hard copy classified documents and found a
21 CD in his house containing 25 classified documents. So
22 the relevance of that would go to show that every time the
23 Government repeatedly bestows trust in him and confidence
24 and he agrees to the conditions, then he violates. That's
25 the relevance.

1 THE COURT: Mr. Sansone?

2 MR. SANSONE: He has not been charged with that and I
3 specifically asked them to give me any documents that I
4 could look at in conjunction with Mr. Brown and they said
5 no because I would need secret clearance and I'm not
6 allowed to look at any.

7 THE COURT: Objection is overruled.

8 Ms. Krigsmann, make your point and move on.

9 MS. KRIGSMAN: I will. Thank you.

10 (Thereupon, the sidebar discussion was concluded and
11 the proceedings resumed as follows:)

12 BY MS. KRIGSMAN:

13 Q. So Sergeant Major, when a soldier is given access to
14 classified information, he is expected to protect it, right?

15 A. For the most part, yes, ma'am.

16 Q. And he is entrusted with the protection of that
17 information?

18 A. In most cases, yes. Depends on the classification you're
19 talking about.

20 Q. Now -- oh, by the way, are you aware of your -- you said
21 you'd been very close or known Mr. Brown for 30 years. Are you
22 aware of where he was stationed during his last duty station
23 before he retired?

24 A. I believe it was SOCOM.

25 Q. It was in the J3X, wasn't it?

1 A. Yes.

2 Q. And can you tell the Court what J3X is?

3 A. It's the Intel Operations Section of a major command --
4 Special Operations Command.

5 Q. And that unit of Special Operations Command specifically
6 deals with special activities and sensitive activities?

7 A. Yes, ma'am.

8 Q. Such as synchronizing the planning and global operations
9 versus terrorist networks?

10 A. I believe that when you're in that organization, you're
11 let on to a certain program and I have not been let on to that
12 program, ma'am.

13 Q. So Sergeant Major, are you familiar with what a GOMOR is?

14 A. Yes, ma'am.

15 Q. Is that a General Officer Memorandum of Reprimand?

16 A. Yes, ma'am.

17 Q. And are you aware that Mr. Brown has received a GOMOR?

18 A. It's pronounced GOMOR, but yes, ma'am.

19 Q. Excuse me, GOMOR.

20 And that was signed by General Tovo?

21 A. All GOMORS are signed by general officers.

22 Q. And you know who General Tovo is, right?

23 A. Yes, ma'am.

24 Q. A distinguished member of the Green Beret community?

25 A. I'm friends with him, yes, ma'am.

1 Q. And he's the one that issued the General Officer
2 Memorandum of Reprimand to Jeremy Brown?

3 A. Because he was the general officer in charge of Special
4 Operations Command at the time, yes, ma'am.

5 I can talk slower. Yes, ma'am.

6 Q. And Mr. Brown was barred from the US Military, wasn't he?

7 A. Yes, ma'am. But he couldn't reenlist anymore at that
8 time, so that was -- regardless.

9 Q. The Army told him he wasn't allowed to reenlist at that
10 time?

11 A. Yes, ma'am.

12 Q. I want to talk to you about the sign that Mr. Sansone
13 showed you. And you have no personal knowledge, do you,
14 Sergeant Major, of when that sign was posted or when it was
15 taken down?

16 A. I know it was put up just before he left and it was taken
17 down when he got back. I don't remember what the trip was, it
18 might have been the one to Texas, I'm not sure.

19 Q. Okay.

20 But you only know that because that's what Mr. Brown told
21 you?

22 A. Yes, ma'am.

23 Q. You didn't see it hanging on the house?

24 A. No, I did not.

25 Q. You don't know when it was hanging on the house?

1 A. No, but I could probably find out.

2 Q. And on your direct examination, you said that you
3 interpreted the words, "better bring a bigger tactical package"
4 as a double entendre; is that correct?

5 A. Yes, ma'am.

6 Q. And you said you thought it was funny and that it meant
7 better bring a bigger dick; didn't you say that?

8 A. That's one of the ways, one of the two entendres of it.

9 Q. What's the other entendre?

10 A. Here's the way I take this is, a tactical package is, as
11 he speaks in military terms a lot, it's what you would bring on
12 target to -- it could be small, it could be big, it could be
13 planes, bombs, whatever. But I think this means stop bringing
14 two people around that -- don't harass me anymore. If you're
15 going to come and talk to me, either arrest me or don't come
16 back. That's what's I think this means, ma'am.

17 That's the first part of this entendre is you're harassing
18 me, you're coming to my house, I don't need you here. If
19 you're going to arrest me, please come and arrest me, if not,
20 leave me alone. That's what I take this as besides a bigger
21 tactical package.

22 Q. A standard tactical package or a standard tactical kit for
23 a Special Forces soldier would include grenades, wouldn't it?

24 A. No, definitely not.

25 Q. That's not part of a standard load of a Special Forces

1 soldier?

2 A. No, definitely not one grenade. If I'm going to go talk
3 to local warlords on -- if I'm going to -- it depends on what
4 the tactical package is, that's why the term "tactical package"
5 exists. So you understand what level of operation this is.
6 Are you going there to win hearts and minds or are you going
7 there to drop JDAMS on them, whatever that tactical package is.
8 In this case, it's not two guys coming to talk to me about
9 anything.

10 Q. Okay.

11 Let's talk about those two guys. You knew that -- you
12 said that you believed that the FBI came to visit him?

13 A. Oh, yes.

14 Q. Okay.

15 So -- and when Mr. Brown first told you about this sign,
16 you said that he told you about -- he laughed and said, "yeah,
17 and I wrote you better bring a bigger tactical package", right,
18 you knew about that part?

19 A. Yes.

20 Q. Did he read the whole sign to you at that time?

21 A. I don't think he was reading anything, he was just off the
22 cuff.

23 Q. So he didn't give you the entire context, did he?

24 A. No, it was about you guys should keep your oaths, and if
25 you're not going to keep your oaths, well then, you're

1 obviously not upholding the law and that's it.

2 Q. So in Jeremy Brown's world, who gets to decide whether law
3 enforcement officers are keeping their oath?

4 A. The Constitution.

5 Q. Who gets to define the Constitution?

6 A. The Judge, the Court.

7 Q. But you know as a matter of fact, sir, that just last
8 week, Jeremy Brown was given a warrant from a Federal Judge and
9 he refused to comply with it.

10 A. That is not true, I was there, I heard both sides. I
11 heard on -- at his house 'cause I was there and I also heard
12 the phone call between him and his lawyer and I also saw the
13 FBI agents out front talking as well.

14 Q. He refused to comply -- he refused to provide his DNA when
15 he was approached with Federal agents in the jail cell; is that
16 correct or not?

17 A. That is not correct.

18 Q. Did he provide the DNA?

19 A. I will tell you what happened.

20 Q. Did he provide the DNA, sir?

21 A. He said --

22 Q. Sir, on Wednesday afternoon --

23 A. No, he did not, ma'am.

24 Q. Did he provide the DNA on Thursday?

25 A. No, he did not.

1 Q. Did he provide the DNA on Friday?

2 A. No, he did, ma'am.

3 Q. Did he provide the DNA on Saturday?

4 A. No, ma'am.

5 Q. Let's go back to the tactical package issue. So why would
6 law enforcement officers ever have to bring a bigger tactical
7 package if they were coming to Jeremy Brown's house?

8 A. I think it meant come arrest me or don't come back.

9 Q. But that's not what it says, does it, sir?

10 A. It also does not say that either.

11 Q. It says "better bring a bigger tactical package", correct?

12 A. Right, maybe a pair of handcuffs.

13 Q. And, sir, do you have any inkling about why Mr. Brown
14 would have included the US Marshal Service in his sign?

15 A. No.

16 Q. The US Marshal Service didn't go out and visit him, right?

17 A. I think he was just putting acronyms on there because he
18 didn't know who was coming.

19 Q. But he didn't laugh with a bunch of US Marshals and have a
20 cordial discussion with them, did he?

21 A. Did any US Marshals ever come there?

22 Q. I'm asking you what you know.

23 A. Well, if they didn't, then it didn't pertain to them.

24 Q. How about HCSO, which is Hillsborough County Sheriff's
25 Office? Why did he include them on the sign?

1 A. Did they take an oath?

2 Q. Do you know why he included HCSO on the sign?

3 A. In case they were coming.

4 Q. Mr. Brown is a very articulate man, wouldn't you say?

5 A. Yes, ma'am.

6 Q. He knows how to use his words?

7 A. Yes, ma'am.

8 Q. And he uses a lot of words, doesn't he?

9 A. Yes, ma'am.

10 Q. So why do you think he needs a translator about what the
11 sign says?

12 A. I don't think he needs a translator. I think the same
13 that someone reading the Bible might need a pastor on how to
14 take a verse in context or what this verse might mean. I think
15 you could read it into almost any verse.

16 I'm a pastor at my local church and I know that people can
17 take verses out of context and it's up to -- to figure it out,
18 you talk in Bible study on what that means. This could be a
19 verse that what did they mean by this. The Bible talks about
20 incest and that's just something that is in the Bible, but
21 taken out of context, that can be very strange. This taken out
22 of context could be very strange.

23 Q. So, what you are telling the Court is that Jeremy Brown
24 shouldn't have to comply with the law unless he interprets it

25 --

1 A. I would like to say --

2 Q. -- a certain way?

3 A. This is what he wrote without any of us sitting in this
4 courtroom knowing his intent, but when they did show up and
5 took him, he showed -- he showed what he would do. He stood
6 up, he said he was armed, they took his gun, they handcuffed
7 him, they put him in the cop car and he was very cordial, very
8 respectful and he showed that's his intent. You saw what he
9 did. This is just irrelevant.

10 Q. He didn't tell them there were two grenades in the RV, did
11 he?

12 A. I don't know if he knew.

13 Q. So what you're saying is Jeremy Brown, a retired Special
14 Forces Officer who has lots of military equipment at his house,
15 and lots of flash bangs, lots of guns, lots of bullets, you're
16 saying he didn't know he had two M67 military ordinance
17 grenades in his RV?

18 A. I'm not sure, ma'am.

19 MS. KRIGSMAN: Nothing further, Your Honor.

20 THE COURT: Redirect.

21 MR. SANSONE: Briefly. Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. SANSONE:

24 Q. May it please the Court.

25 On cross-examination, the prosecutor was going into the

1 training that you would lay down for a fellow soldier, correct?

2 A. Yes.

3 Q. Just to play this out because I wasn't sure where that was
4 going, would you come in here and be untruthful to a Federal
5 Judge for Jeremy Brown?

6 A. No, I have no reason to lie about anything.

7 Q. Whether or not, and I'm saying you're not involved in
8 everything in the case, there were, and let's just from my
9 question, Mr. Brown did have some grenades in a RV on his
10 property; would that change your interpretation of Exhibit 1?

11 A. No.

12 Q. Why not?

13 A. Because I know that he would -- because he had himself has
14 been an EMT, a firefighter, Special Forces, he's put himself on
15 the line, he's not going to ever harm another person who is
16 upholding community standards and who is -- he wouldn't put
17 anyone in danger like that, not ever, not now, regardless of
18 what he wrote.

19 Q. Is that what you are telling -- is that what you were
20 telling the Government on cross-examination of why you might
21 need some context to Exhibit 1?

22 A. Yes.

23 Q. And you know who authored it?

24 A. Yes.

25 Q. Just to make a final determination of what the words mean?

1 A. Yes.

2 Q. Now as to secret classification, do document
3 classifications change over time?

4 A. Yes.

5 Q. How often?

6 A. It depends on what the information was, what happened to
7 it, what the read-on program was, if it was a TS, which is top
8 secret, there's special departmental information which would be
9 read-on and read-off of, and if anyone read that document, it
10 has to be read-on before seeing that document. That document
11 could be for a plain purpose with a limited scope and limited
12 timeframe that would be put on the classification of that
13 document. There's multiple reasons, depends on what the header
14 of that document is.

15 Q. What if it wasn't top secret, it was just classified?

16 A. There's multiple top secrets. Top secret by itself is, in
17 my situation, it's very rare, usually it's some special
18 departmentalized information.

19 Q. I'm just talking about are there just classified
20 documents?

21 A. Yes, you could just classify -- declassify top secret
22 information if that information was no longer relevant or
23 classified.

24 Q. Do document classifications change as the years go by?

25 A. Yes.

1 Q. Is that common?

2 A. Yes.

3 Q. Now, since your conversation with Mr. Brown about
4 Exhibit 1 in say May or June, have you been to his house?

5 A. Yes.

6 Q. Many times?

7 A. Yes.

8 Q. Have you ever seen this sign in his window?

9 A. No.

10 Q. Do you know if the FBI was going to effectuate an arrest
11 in Hillsborough County that they would bring other law
12 enforcement with them?

13 A. Most likely.

14 Q. Is it possible that's anyone coming with the FBI?

15 A. Yes, I believe --

16 MS. KRIGSMAN: Objection, speculation.

17 THE COURT: Overruled.

18 THE WITNESS: I believe they arrested him with more
19 than just the FBI which they did come get him, I believe,
20 HCSO, ATF, acronyms all showed up.

21 BY MR. SANSONE:

22 Q. And last week, there was a search of Mr. Brown's home; you
23 said last week?

24 A. Yes.

25 Q. You were there?

1 A. Yes, sir. That one or the one before?

2 Q. Just the one recently?

3 A. Yes.

4 Q. You were there?

5 A. Yes.

6 Q. I was there?

7 A. Yes.

8 Q. During that -- and the FBI came and did their job?

9 A. Yes.

10 Q. During that time, I believe the prosecutor was talking to
11 you about Mr. Brown refusing to comply with a Court order.

12 What was your understanding of what was going on?

13 A. So, what happened was I believe you received -- actually
14 the FBI walked out of the house and said that Jeremy is
15 refusing to cooperate and I believe you got on the phone and
16 called -- or you talked to the person the FBI was talking to
17 and said, "hey, I'm sure he's going to be complying, let's just
18 find out what's going on, let me talk to him". Jeremy called
19 you and said, "guess what's going on", you told him, "well, I'm
20 at your house, I know what's going on", and he was very
21 surprised that you were there, I believe he was happy that you
22 were there. You told him it's in his best interest to comply,
23 it's in his best interest to -- I could hear the conversation,
24 it was in his best interest just to go ahead and take this now
25 because of the reasons of the case and why DNA would be

1 important to know about, and Jeremy agreed with you and said,
2 "I just want to be able to see the warrant that says this
3 because if I don't see it now and don't agree or just blindly
4 do whatever they tell me to, I'll have no recourse in the
5 future to say, hey, no, I need to see the warrant. If I'm just
6 blindly agreeing to whatever they say, then I've set a
7 precedent. I just want to know that either he's saying it -- I
8 either want to know that you have seen this warrant and
9 understand it and that I have seen it and not that I will
10 refuse, but I just want to see the warrant and I will comply".

11 And you got off the phone, you came over and talked to
12 them and said, "hey, Jeremy is cooperating, he just wants to
13 see the warrant and that's all". And they said, "okay, good",
14 and I believe at the time that the warrant was going to be
15 shown to him by whoever was taking the Buccal swab, then he
16 would then do it 'cause I heard him say, "yes, no problem, this
17 sounds good. I just want to make sure we're doing the right
18 thing and setting a good precedent 'cause if we have to follow
19 the rules, they have to follow the rules".

20 Q. Was Mr. Brown just talking about procedure?

21 A. Yes.

22 Q. Just being careful with procedure?

23 A. Yes.

24 Q. And do you know whether he was asked to submit on multiple
25 days and refused; do you have any information --

1 A. I just know for that day. I thought it was all taken care
2 of that day. I knew it was just a matter of show me the
3 warrant so I can read it and be aware of the charges against me
4 or what this is going towards.

5 MR. SANSONE: No further questions, Your Honor.

6 THE COURT: All right, Mr. Sansone.

7 Sergeant Major Olson, I want to ask you about a
8 reference you made earlier to Nazi Germany and its
9 relation to the sign that's been marked as Defense Exhibit
10 Number 1.

11 You recall that testimony, sir?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: All right.

14 And if I understood you correctly, the reference in
15 the sign to officers needing to follow the Constitution
16 and not necessarily just follow orders, it was in that
17 connotation that you were comparing it to Nazi Germany; is
18 that correct?

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: And more specifically, what part of Nazi
21 Germany were you comparing that to, sir?

22 THE WITNESS: So I'm not saying it as what Mr.
23 Brown's intent was, but I'm saying it as I would think of
24 it. I said it multiple times to soldiers saying, "we
25 don't just follow orders blindly, I need you to know why,

1 especially if there are operations on your own, you need
2 to know what -- what your commander's intent is and to
3 follow orders", and I meant that as in well known Nazi
4 Germany, "hey, I was just following orders, I didn't know,
5 I didn't know about the gas chamber or anything else, I
6 was just following orders".

7 I feel like that's a cop-out, I want people to --
8 people need to be responsible for their actions if they've
9 taken an oath, they need to know what they're doing and
10 why they're doing it and what the intent is. That's what
11 I meant by that statement. I can't say that's what the
12 intent of the sign was by Mr. Brown, but that's what I
13 meant by my statement, Your Honor.

14 THE COURT: So for example, Nazi German soldiers had
15 a moral obligation to oppose orders to exterminate Jews
16 and commit genocide, correct?

17 THE WITNESS: And so do American soldiers, Your
18 Honor. If it's an unlawful order, they are duty bound to
19 not uphold that order.

20 THE COURT: Right. And now have you talked to Mr.
21 Brown about his views of what is the appropriate action
22 when, for example, a Federal law enforcement Officer is
23 violating the Constitution and just following orders?

24 THE WITNESS: Can you repeat that, I don't understand
25 the question, Your Honor.

1 THE COURT: Sure. So the sign references that law
2 enforcement, some Federal and some State, had a duty to
3 follow the Constitution and not just do their direct
4 orders, correct?

5 THE WITNESS: Right.

6 THE COURT: Have you discussed with Mr. Brown what
7 the appropriate response would be from him if a Federal
8 law enforcement official or a State law enforcement
9 official was violating the Constitution?

10 THE WITNESS: I don't believe I've ever discussed
11 that, Your Honor.

12 THE COURT: Thank you, sir.

13 Any follow-up questions, Mr. Sansone?

14 MR. SANSONE: Briefly.

15 REDIRECT EXAMINATION

16 BY MR. SANSONE:

17 Q. When Mr. Brown actually was arrested on September 30th,
18 before law enforcement came to his house, do you know what his
19 response was, how he acted?

20 A. He was very cordial, understanding. He told where the gun
21 was, he stood up, he merely got in the car, he put his hands
22 behind his back. It was quick from the time he got out of his
23 vehicle to being put into the other vehicle.

24 Q. So his response to law enforcement executing that arrest
25 warrant was compliance?

1 A. Definitely.

2 MR. SANSONE: No further questions.

3 THE COURT: Any follow-up questions, Ms. Krigsmann?

4 MS. KRIGSMAN: Just one, Your Honor.

5 RECROSS EXAMINATION

6 BY MS. KRIGSMAN:

7 Q. Sergeant Major, you have no personal knowledge of how Mr.
8 Brown reacted on the day he was arrested, correct?

9 A. I do, I saw the video, ma'am.

10 Q. But you weren't there on that day?

11 A. I was not there, but I saw the video.

12 Q. All you know is from what was on the video?

13 A. Yes, ma'am.

14 Q. Did the video include the grenades in the RV?

15 A. No, ma'am. I was describing what Jeremy did when he was
16 arrested, ma'am.

17 MS. KRIGSMAN: Nothing further, Your Honor.

18 THE COURT: Okay, thank you.

19 Thank you for your testimony here today, Sergeant
20 Major Olson, you're excused. However, they have invoked
21 the Rule so you're not allowed to discuss your testimony
22 with any other witness who is going to be called at this
23 hearing.

24 Do you understand that, sir?

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: All right, thank you. You may step out.
2 (Witness excused.)

3 All right, Mr. Sansone, it's now almost 10:40. I
4 believe your witness that's going to testify by video
5 conference was only available from 10:00 to 11:00. I
6 assume you're going to proceed with that witness next?

7 MR. SANSONE: That's fine, Your Honor. Mr. Brown
8 asked if he could use the restroom.

9 THE COURT: We'll take a break, but before we do so,
10 procedurally, how are you going to log into Zoom in order
11 to conduct the examination?

12 MR. SANSONE: Pardon me, Your Honor?

13 THE COURT: Where are you going to be in order to
14 conduct your examination of this witness?

15 MR. SANSONE: I'm not --

16 THE COURT: The witness is appearing by Zoom,
17 correct, how are you going to conduct --

18 MR. SANSONE: And do I have a computer?

19 THE COURT: Yes.

20 MR. SANSONE: Where am I going to do that? I don't
21 have a computer.

22 THE COURT: What I'm going to do is I'm going to ask
23 you and Mr. Brown, after he's had his break, to go down to
24 the fourth floor where the Marshals have an iPad and I'll
25 ask you to log in from there.

1 Ms. Asokan or Ms. Kringsman, whoever is going to be
2 doing the cross, how are you going to log into Zoom?

3 MS. ASOKAN: Your Honor, I have a laptop with me.

4 THE COURT: All right.

5 So you will stay in the courtroom then and log in. I
6 will go into Chambers and log in from there so there's no
7 feedback so that we can hear the witness, all right.

8 So, we're adjourned, go down to the fourth floor, Mr.
9 Sansone, with Mr. Brown, and then log in to Zoom and then
10 we will proceed with your next witness.

11 MR. SANSONE: He just asked if he has time to go to
12 the bathroom.

13 THE COURT: Absolutely.

14 (Brief pause.)

15 All right.

16 Any further questions?

17 MR. SANSONE: No, Your Honor.

18 THE COURT: Okay, Ms. Asokan?

19 MS. ASOKAN: No, Your Honor.

20 THE COURT: All right.

21 We're in recess and proceeding on Zoom.

22 (Brief recess.)

23 (The following witness' testimony was taken in the
24 Judge's chambers on Zoom.)

25 All right.

1 This hearing is back in session.

2 Mr. Sansone, please call your next witness.

3 MR. SANSONE: The Defense calls Mr. Brian Ferraccio.

4 THE COURT: All right.

5 Mr. Calderone, would you please administer the oath
6 for the witness.

7 THE CLERK: Mr. Ferraccio, may you please raise your
8 right hand.

9 Thereupon,

10 BRIAN FERRACCIO,
11 after having been duly sworn to tell the truth, the whole truth
12 and nothing but the truth, was examined and testified as
13 follows:

14 THE WITNESS: I do, sir.

15 THE COURT: Please state your name for the record.

16 THE WITNESS: Brian Michael Ferraccio.

17 THE CLERK: Thank you, sir.

18 THE COURT: Mr. Ferraccio, we are doing our best to
19 accommodate you by allowing you to appear by video
20 conference today. At anytime you no longer can hear who
21 is asking you the question and see who is speaking, I need
22 you to let me know. Do you promise to do so, sir?

23 THE WITNESS: I do, Your Honor.

24 THE COURT: All right.

25 THE WITNESS: I can't hear you, sir.

1 THE COURT: Can you hear me?

2 THE WITNESS: Now I can, yes, sir.

3 DIRECT EXAMINATION

4 BY MR. SANSONE:

5 Q. Mr. Ferraccio, my name is Bill Sansone. We've actually
6 never met in person, I've spoken to you over the phone; is that
7 right?

8 A. That is correct.

9 Q. What do you do for your employment?

10 A. As of last week, I had 26 years law enforcement and I
11 recently quit and I'm self employed at this present time.

12 Q. Did you retire from law enforcement?

13 A. No, I'm semi-retired, I didn't put in my paperwork.

14 Q. Could you briefly explain your 26 years in law
15 enforcement?

16 A. Yes. I worked with the Sheriff's Office, Hospital police
17 and City police on narcotics investigations. That was part of
18 our raid team, numerous enforcements of the law.

19 Q. Mr. Ferraccio, when you're saying City police, we're in
20 Tampa, Florida, where are you?

21 A. I'm sorry, I'm in North Carolina. I'm in Chowan County,
22 Edenton, North Carolina.

23 Q. So what Sheriff's Office, what City police did you work
24 for?

25 A. It was the Edenton Police Department, Chowan County

1 Sheriff's Office and the Vidant Hospital Police during my 26
2 years.

3 Q. And that ended approximately last week?

4 A. Oh, a week and a half ago or so, somewhere along the first
5 week of December, I believe it was December 3rd or 4th was my
6 last day of actual on the street.

7 Q. And you're just moving on to different endeavors?

8 A. Yes, I'm trying to open up a restaurant.

9 Q. Very -- very different line of work.

10 A. Well, you know Italians, it's all good.

11 Q. Got it.

12 You see Mr. Brown sitting here to my left?

13 A. I do, yes.

14 Q. And you recognize him as Mr. Jeremy Brown?

15 A. I do.

16 Q. I just want to make sure that you can see clearly.

17 When did you first meet Mr. Brown?

18 A. Probably about 35 years ago.

19 Q. Under what circumstances?

20 A. We were young teenagers at the time, lived in Edenton.

21 Q. I'm sorry, I interrupted you. You said you were
22 classmates?

23 A. Yes.

24 Q. How did your relationship proceed from this meeting with
25 Mr. Brown?

1 A. Remained friends throughout the years.

2 Q. Well, can you describe -- it's been 35 years, have you had
3 a close relationship, close in time, distance and time? Can
4 you briefly walk through that?

5 A. Well, we've had a close relationship other than the times
6 he was deployed and then he was married and lived in St. Louis,
7 so I didn't get to see him as much.

8 Q. But you had a close relationship?

9 A. Yes, I would classify it as close.

10 Q. And during let's say the past 10 years, have you been in
11 regular contact with Mr. Brown?

12 A. I have.

13 Q. Can you explain what type of contact; he would come to
14 your house, things like that?

15 A. Yes. He's been to my house when he's come to town, had
16 hotel rooms, I'd go to his hotel room, we'd go out to eat,
17 socialize with his family, vice versa. And then we'd talk on
18 the phone from time to time.

19 Q. Would you say you know Mr. Brown pretty well?

20 A. I do.

21 Q. How well do you think you know him?

22 A. Pretty well.

23 Q. Now, you've been in law enforcement for 26 years?

24 A. I have, sir.

25 Q. Do you have any firsthand knowledge, personal knowledge

1 about how Mr. Brown feels about law enforcement?

2 A. I do.

3 Q. Could you explain that to the Court?

4 A. Yes. Over the past few years, we've had discussion about
5 crime in America, our role as law enforcement, he's been very
6 supportive of law enforcement, very pro law enforcement.

7 Q. Has he specifically stated that to you?

8 A. Yes.

9 Q. That he's pro law enforcement?

10 A. Yes.

11 Q. And those discussions came up just because of what;
12 current events?

13 A. Well, yes, current events and whatnot, yes, sir.

14 Q. Have you ever known Mr. Brown to disrespect law
15 enforcement?

16 A. No, not to my knowledge.

17 Q. But he's specifically stated to you and it's your
18 understanding that he is pro law enforcement?

19 A. Yes, yes. Over the course of the years, he was thankful
20 of my role in that I became a cop.

21 Q. So he thanked you for your service?

22 A. He did. But I thanked him more for his.

23 Q. His service in the military?

24 A. Yes, yes, I'm sorry, yes.

25 Q. He was in the military, you were in law enforcement, did

1 you ever talk about common bonds between the law enforcement
2 and military?

3 A. Can you repeat the last part, the common what?

4 Q. A common bond? Did you ever talk about the common bond
5 that you shared since he's been in the military for so many
6 years and you in law enforcement for so many years?

7 A. Well, I mean, we both took an oath to the Constitution
8 and, of course, I took an oath to the North Carolina State
9 Constitution in our role as being crime fighters, if you will.

10 Q. You all talked about that?

11 A. Yes, we have.

12 Q. Now, I note we're on Zoom -- (sound distorted) -- I'm
13 showing you what has actually been marked in this hearing, I
14 know we're in a Zoom setting, as Defense Exhibit 1. You can
15 put your glasses on.

16 A. Yeah, I'm at that age now. Yes, sir.

17 Q. Okay.

18 I'm going to hold it right here and ask you just a few
19 questions.

20 Do you recognize this?

21 A. I do.

22 Q. Okay.

23 I'm going to ask you very quickly or as long as you want,
24 but could you just read it, not aloud, just to yourself, and
25 let me know when you need me to scroll up.

1 A. You can scroll up, sir.

2 (Pause.)

3 I have finished reading it, sir.

4 Q. Okay.

5 At any time during the examination you want to relook at
6 this, please just let me know.

7 Have you ever seen this before? Have you seen this
8 before?

9 A. I have.

10 Q. Okay.

11 Now, when is the first time you saw this? Is it when I
12 sent it to you?

13 A. No, it was previously.

14 Q. When?

15 A. Sometime back in October if my memory serves.

16 Q. Okay.

17 October of 2021?

18 A. Yes, of this current year, yes.

19 Q. And the first time you saw this exhibit was after Mr.
20 Brown was incarcerated?

21 A. Yes.

22 Q. You did not see it before?

23 A. I did not see that sign before, no.

24 Q. So I just want to be clear. The first time you saw
25 Exhibit 1 is after it had become an exhibit in a Court

1 proceeding with Mr. Brown?

2 A. Yes, yes, it was tagged in green, I believe, and I believe
3 it said Exhibit 8.

4 Q. Okay.

5 So that's -- the first time you saw it it was very
6 recently?

7 A. Can you repeat the question, sir?

8 Q. The first time you saw it, it was fairly recently, within
9 the past six weeks or so?

10 A. Yeah.

11 Q. Now, I believe a week ago -- (Zoom feed freezing) -- the
12 United States thinks that's a threat to law enforcement; we
13 talked about that?

14 A. Correct.

15 Q. Correct?

16 A. Correct.

17 Q. Now, have you had time to look at this and decide, knowing
18 who authored it which is Mr. Jeremy Brown, what you think of
19 this?

20 A. I heard the last part of that. I can't hear you, Judge.

21 THE COURT: Mr. Sansone, you dropped off during your
22 questioning so the question was not heard by the witness.

23 BY MR. SANSONE:

24 Q. You have not seen Exhibit 1?

25 THE COURT: Hold on, Mr. Sansone, we have a poor

1 audio connection. We can't hear you.

2 Mr. Sansone, are you appearing by the US Marshals'
3 iPad or are you using some other device?

4 MR. SANSONE: No, we're appearing by theirs. Mr.
5 Brown just informed me that tablet that Mr. Ferraccio is
6 in unfortunately has bad reception, so it might be on his
7 end.

8 THE COURT: All right.

9 Why don't you try asking your question again.

10 BY MR. SANSONE:

11 Q. Okay.

12 Mr. Ferraccio?

13 A. Yes, sir.

14 MS. ASOKAN: Your Honor, if this continues to be a
15 problem, we consent to a telephonic examination.

16 THE WITNESS: I can hear everybody fine except
17 Defense Counsel.

18 BY MR. SANSONE:

19 Q. Okay.

20 Can you hear me?

21 A. Yes, sir.

22 Q. Have you had -- you haven't seen this since Mr. Brown was
23 incarcerated?

24 A. I first saw that when he was incarcerated, yes.

25 Q. And you've read Exhibit 1?

1 A. I have.

2 Q. Knowing Mr. Brown, what do you take of the -- I'll go to
3 the box first --

4 THE COURT: All right.

5 We're going to take a break at this time. We're
6 going to be in recess and going to try to work on this
7 connection issue, so just bear with us, Mr. Ferraccio.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: We're in recess.

10 (Brief recess.)

11 Mr. Sansone, can you hear me?

12 MR. SANSONE: Yes, Your Honor.

13 THE COURT: For some reason, the issue appears to be
14 on your end, everyone else is coming through clear,
15 including the witness. We'll this try one more time. If
16 it doesn't work out, the Government stated off the record
17 they're willing to consent to having the witness testify
18 by telephone, so take that into consideration. We'll try
19 to make this work one more time.

20 MR. SANSONE: That's fine, Your Honor.

21 THE COURT: All right.

22 We're on the record, we're in the middle of direct
23 examination.

24 Mr. Sansone, you may proceed.

25

1 BY MR. SANSONE:

2 Q. Mr. Ferraccio, can you hear me?

3 A. I can, sir.

4 Q. Okay.

5 You've obviously now had a chance to read this Exhibit 1,
6 correct?

7 A. I have.

8 Q. Can you please tell the Court, knowing that Mr. Jeremy
9 Brown was the author, what you think is meant by "PS, bring a
10 bigger tactical package"?

11 A. Well, one, knowing Mr. Brown, he was being a smart ass in
12 his little diabolical humor there and that he was letting them
13 know that he knew that he was being watched.

14 Q. What do you mean by being a "smart ass"?

15 A. He has a -- sometimes a dry sense or what some would call
16 a twisted humor, a little dark and being a little facetious,
17 smart ass. I apologize to the Court for phrasing it that way.

18 Q. Well, did you take "better bring a bigger tactical
19 package" as a threat to law enforcement?

20 A. I did not.

21 Q. Why not?

22 A. Because I know Jeremy and he was probably using that as a
23 euphemism.

24 Q. What do you mean by a "euphemism"?

25 A. Basically have a bigger set, come get -- talk to him,

1 interview him, bring him in or whatever. That's how I took
2 that.

3 Q. When you say "bring a bigger set", trying to be specific
4 here, what are you referring to?

5 A. Balls, testicles.

6 Q. Okay.

7 So, you believe that this PS refers to male anatomy?

8 A. I do.

9 Q. When you first read this Exhibit 1 back in October, did
10 you think that's what he thought?

11 A. Yes.

12 Q. Did you talk to anyone before coming to that conclusion?

13 A. I did not. That was my own conclusion from reading it.

14 Q. And knowing Mr. Brown?

15 A. Knowing Mr. Brown, yes.

16 Q. That he was referring to male anatomy?

17 A. Yes.

18 Q. What about -- I'm going to read it and if you need to
19 resee it, please let me know.

20 A. Okay.

21 Q. It talks about the oath and says, "you don't care and say
22 to yourself I'm just following orders, then go F", and he
23 writes the word, "yourself".

24 What did you take that to mean knowing Mr. Brown?

25 A. Well, that they need to follow the rule of law, this and

1 that, and probably do their jobs correctly and efficiently and
2 that if you're not going to come properly, don't come at all.

3 Q. Do you think what he meant by "go F yourself", is that a
4 direct threat to law enforcement?

5 A. I did not perceive that as a direct threat on law
6 enforcement.

7 Q. What -- why not?

8 A. Because as I know him and his smart mouth and with
9 everything that had been going on previously, and --

10 Q. What do you mean by "everything that had been going on
11 previously"?

12 A. Well, I know he had been approached by some -- I think it
13 might have been DHS or somebody previously.

14 Q. What does that have to do with anything?

15 A. Well, that was part of who it was addressed to.

16 Q. You think that this venting wasn't going to comply with
17 law enforcement, he didn't think that they were following an
18 oath?

19 A. No, no, no.

20 Q. Why not?

21 A. Because I know Jeremy and that he would comply.

22 Q. So what did you take as basically the sum and tenor of
23 this note that was in the window?

24 A. Basically like poking a bear and being sarcastic in a
25 smart ass demeanor.

1 Q. Did you take it --

2 A. I'm sorry, did I take it as what?

3 Q. Did you take anything on this morning Mr. Brown was being
4 a smart ass?

5 A. I did not, no.

6 Q. Did you take this at all as a direct threat, a direct
7 threat to law enforcement?

8 A. I did not.

9 Q. And you are law enforcement?

10 A. I am.

11 Q. And knowing Mr. Brown, this was not a threat?

12 A. No, based on knowing Mr. Brown and everything like that, I
13 did not view that as a threat.

14 Q. Did you ever think for a minute that Mr. Brown was
15 threatening law enforcement by that Exhibit 1?

16 MS. ASOKAN: Your Honor, objection, asked and
17 answered.

18 THE COURT: Overrule the objection, but Mr. Sansone,
19 you are being repetitive here, let's move on.

20 BY MR. SANSONE:

21 Q. You can answer the question.

22 A. I did not believe it to be a threat to law enforcement.

23 MR. SANSONE: I have no further questions, Your
24 Honor.

25 THE COURT: All right.

1 Cross-examination.

2 Mr. Sansone, I'm going to place you on mute just to
3 improve the video connection. If you have an objection,
4 just raise your hand or come forward and I'll unmute it.

5 MR. SANSONE: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. ASOKAN:

8 Q. Mr. Ferraccio, can you hear me?

9 A. I can, ma'am.

10 Q. Thank you.

11 You first learned about this sign in October of this year?

12 A. I did.

13 Q. Had you ever seen the sign before October of this year?

14 A. I did not.

15 Q. Had you ever discussed this sign with the Defendant before
16 October of this year?

17 A. I did not.

18 Q. Have you ever had a conversation with the Defendant about
19 this sign?

20 A. I have not.

21 Q. So you have no personal knowledge about this sign?

22 A. Other than what was presented in October, ma'am, no.

23 Q. You've been in law enforcement for at least two decades;
24 is that correct?

25 A. Yes, ma'am.

1 Q. You've dealt with a lot of people, a lot of Defendants,
2 suspects, witnesses?

3 A. Yes, ma'am.

4 Q. Yes?

5 A. Yes, ma'am.

6 Q. As a law enforcement officer, if someone doesn't comply
7 with one of your orders, is that okay?

8 A. To comply?

9 Q. Is it okay to refuse to comply with a Court order or an
10 order from a law enforcement officer?

11 A. No.

12 Q. Would you be surprised to hear that the Defendant refused
13 to comply with the search warrant last week?

14 A. I wouldn't -- what type -- what type of search warrant;
15 for house, property?

16 Q. Doesn't matter. Would you be surprised to learn that he
17 refused to comply with a duly issued search warrant by a
18 Federal Magistrate Judge?

19 A. Can I elaborate on my answer, Madam Prosecutor?

20 Q. It's a yes or no question. Would you be surprised to
21 learn that the Defendant just last week refused to comply with
22 a search warrant which is a court order; yes or no? Would you
23 be surprised to learn that?

24 A. I can't answer that with a yes or no.

25 THE COURT: I'm going to instruct the witness to

1 answer the question and then if you have to elaborate on
2 your answer, you may do so.

3 THE WITNESS: Thank you, sir.

4 THE COURT: Answer the question yes or no and you may
5 elaborate on your answer.

6 THE WITNESS: Would I be surprised if he did not
7 comply with a search warrant; is that the correct
8 question?

9 BY MS. ASOKAN:

10 Q. Yes.

11 A. Yes.

12 Q. Was it your testimony today that because you know Mr.
13 Brown personally that you knew that that sign was not a threat?

14 A. Yes, the question that I was asked about my opinion about
15 that, I stick -- that's based on my knowledge. I'm sorry, you
16 went out, Madam Prosecutor.

17 Q. Go ahead, go ahead, finish your answer.

18 A. That based on what I know of Jeremy and what Defense
19 Counselor had asked, that's why I gave my answer.

20 Q. So, if somebody didn't know that the Defendant was poking
21 the bear or making jokes or had kind of a twisted or diabolical
22 sense of humor, how do you think they would have perceived that
23 sign?

24 A. Well, before or after the execution of the search warrant
25 and arrest of Jeremy Brown?

1 Q. I'm just talking about if you saw that sign posted on the
2 Defendant's door which was posted on the door in March of this
3 year, and you didn't know the Defendant, how do you think
4 someone would have perceived that sign?

5 A. Well, I would assume that if it was addressed to Federal
6 agencies and they were to do something, whether to execute a
7 search warrant or have an arrest warrant for Mr. Brown, that
8 they come in heavy, very heavily armed, if it was a direct --
9 if they took it as a threat on law enforcement.

10 MS. ASOKAN: Nothing further, Your Honor.

11 THE COURT: Mr. Sansone, you've got to unmute
12 yourself before redirect.

13 MR. SANSONE: Can you hear me, Your Honor?

14 THE COURT: I can. You may proceed.

15 REDIRECT EXAMINATION

16 BY MR. SANSONE:

17 Q. Mr. Ferraccio?

18 A. Yes.

19 Q. Would it surprise you if Mr. Brown wanted to speak to his
20 lawyer prior to complying with the search warrant?

21 A. No, that would not surprise me.

22 Q. And is it your understanding that you're here not to talk
23 about any possible person who could, your opinion on what this
24 sign means without context, you're here to talk to the Court
25 about the context being Jeremy Brown only?

1 A. Correct.

2 Q. And based on that, you knew this was not a threat?

3 A. That is correct.

4 MR. SANSONE: I have no further questions, Your
5 Honor.

6 THE COURT: All right.

7 Thank you, Mr. Ferraccio, for your testimony here
8 today. You're excused and we will reconvene in my
9 courtroom in 11-B. Thank you.

10 THE WITNESS: Thank you, Your Honor.

11 (Thereupon, the witness was excused and the
12 proceedings reconvened in the courtroom.)

13 MS. ASOKAN: Your Honor, a housekeeping question. If
14 we don't conclude, is the plan still to resume tomorrow
15 morning?

16 THE COURT: It is.

17 MS. ASOKAN: And am I understanding correctly, Your
18 Honor has another hearing at 10:00 tomorrow?

19 THE COURT: I believe that is the case. I don't have
20 my calendar. We will take a short break for that hearing
21 and we can continue.

22 MS. ASOKAN: Thank you.

23 THE COURT: All right.

24 Mr. Sansone, is the Defendant ready to proceed?

25 MR. SANSONE: Ready to proceed.

1 THE COURT: Ms. Asokan, is the Government ready to
2 proceed?

3 MS. ASOKAN: We are, Your Honor.

4 THE COURT: Let's go back on the record.

5 All right, Mr. Sansone, please call your next
6 witness.

7 MR. SANSONE: The Defense calls Keith Pecha.

8 Thereupon,

9 KEITH PECHA,
10 after having been duly sworn to tell the truth, the whole truth
11 and nothing but the truth, under penalty of perjury, was
12 examined and testified as follows:

13 THE WITNESS: I do.

14 THE CLERK: Please state and spell your name for the
15 record.

16 THE WITNESS: My name is Keith Pecha, last name is
17 spelled P-E-C-H-A.

18 THE CLERK: Thank you, sir, you may be seated.

19 DIRECT EXAMINATION

20 BY MR. SANSONE:

21 Q. Good morning, Mr. Pecha.

22 A. Good morning.

23 Q. Could you please tell the Court what you do for your
24 employment?

25 A. I -- I currently work as a contractor for the Government

1 on base here at Mac Dill.

2 Q. And essentially, what do you do for that military
3 contract?

4 A. I -- I work for Special Operations Command in an entity
5 called their Oversight and Review Board. Essentially, I -- I
6 look at operations and stuff going to the leadership there for
7 approval, give it one final sanity check to make sure that the
8 leadership there has all the information that they need to make
9 an informed decision.

10 Q. Are you currently active duty military?

11 A. I'm not, I retired in 2014.

12 Q. How long were you active duty military before your
13 retirement in 2014?

14 A. Active duty, I had 27 years, had a break in service, so...

15 Q. What branch?

16 A. What branch; Army, United States Army.

17 Q. The whole time?

18 A. Correct, yes.

19 Q. When did you first meet Mr. Brown?

20 A. I met Jeremy in 1996 when he and I attended the Special
21 Forces Qualification Course together.

22 Q. And after that, did you remain in the military service
23 with Mr. Brown?

24 A. No, we both went to different groups. Once we were on the
25 same student detachment there in the Qualification Course,

1 after that, we lost touch until, I don't know, probably 2010 or
2 '11 timeframe here in Tampa.

3 Q. How did you reconnect with him in 2010, 2011,
4 approximately 10 years ago?

5 A. The woman I was dating at the time, her son, we were
6 getting him enrolled in school here in Tampa, and Jeremy at the
7 time had custody of his -- one of his nephews that was having
8 some difficulties and Jeremy was trying to get him on the right
9 path. Anyway, Jeremy was here at the school getting him
10 enrolled in the same school and we happened to run into each
11 other and we reconnected at that time.

12 Q. In this -- in the past 10 years, what's your relationship
13 been like with Mr. Brown?

14 A. We've, you know, following the encounter at the school,
15 went over and played cards at his house a few times, he set up
16 some poker tournaments for some friends to come over, had a
17 great time there.

18 Then, you know, when he decided to run for Congress, he
19 was sitting down in Ybor City at a bar called the Bad Monkey
20 that is run by one of our former general officers there that --
21 anyway, I had my retirement ceremony there in 2014. I guess
22 they still were playing some photos up on the screen there for
23 my retirement ceremony and Jeremy gave me a call and that's --
24 I went down to have a beer with him and that's when he sprung
25 on me that he was running for Congress.

1 Q. And what year did he run for Congress?

2 A. That was this last election cycle, 2020.

3 Q. And did you maintain contact with him after that during
4 that time period?

5 A. Yes, we -- we maintained contact. We were both -- you
6 know, we came down to our Special Forces Association, you know,
7 spoke with the folks there.

8 Q. Why did he come down there to speak with those folks?

9 A. Just to let them know that he was running for Congress and
10 asked them, you know, asked them for their support.

11 Q. How well would you say you know Mr. Brown?

12 A. I'd -- I'd say I know Jeremy fairly well being an SF
13 brother.

14 Q. Being a what?

15 A. A Special Forces brother.

16 Q. In your opinion, what type of person is Mr. Brown?

17 A. I consider Jeremy to be a true Patriot. That term, I -- I
18 hate the fact that it has some negative connotations with folks
19 these days, but I -- I view Jeremy as an individual that loves
20 his country, wants what's best for it and -- and all of its
21 citizens.

22 MR. SANSONE: Your Honor, may I approach the witness?

23 THE COURT: You may.

24 BY MR. SANSONE:

25 Q. I'm showing you a copy of what has been -- I'm showing you

1 a copy of what has been previously been introduced into
2 evidence as Exhibit 1. Okay. That's just a copy of the actual
3 exhibit that's been received into evidence.

4 Do you see that?

5 A. I do.

6 Q. Just take a second to look at it and read it through.

7 (Pause.)

8 A. Yes.

9 Q. Oh, I'm sorry, you've looked at it?

10 A. Yes, I have.

11 Q. And have you seen this before?

12 A. I -- I have.

13 Q. When is the first time that you saw it?

14 A. I don't remember exactly, it was sometime after Jeremy was
15 arrested and -- and being held. It was after that.

16 Q. So the first time you saw Exhibit 1 was after Mr. Brown
17 was taken into custody and this had become part of the Court
18 proceeding?

19 A. Yes, sir, that's correct.

20 Q. Did I send it to you?

21 A. You did, you sent it to me as well, yes.

22 Q. When you say "as well", where else did you get it.

23 A. I believe a -- a -- his girlfriend, Tylene, had sent me a
24 copy of it also.

25 Q. It was after Mr. Brown's --

1 A. Yes, that is correct.

2 Q. -- detention; is that correct?

3 A. Yes.

4 Q. Now, I just want to direct your attention to some parts of
5 this exhibit and have you comment on it. Okay?

6 A. Yes.

7 Q. Okay?

8 A. All right.

9 Q. I want you to look at the very bottom where it says "PS,
10 better bring a bigger tactical package". Knowing Mr. Brown as
11 you do, what are your thoughts as to that sentence?

12 A. Well, you asked me to look at the latter part, I mean, but
13 --

14 Q. You can comment on that.

15 A. The point he's trying to make was in the -- the former
16 part. That latter part there, I mean, that's essentially smack
17 talking to the folks that it's addressed to. I mean, in the
18 services, I mean, in the Armed Forces, I mean, everything is
19 pretty much joint these days, I mean, but there's still -- I
20 don't know, between the services, I mean, Army guys talk smack
21 about the Navy, the Air Force, the Marines, they talk smack
22 about us and I -- I feel that, you know, even though these are
23 law enforcement agencies listed up here, I -- I think that --
24 that people that serve in the Armed Force, you know, consider,
25 you know, civilian law enforcement are -- are brothers as well

1 and -- and I, you know, I believe and hope they view us as the
2 same.

3 Q. Well, let me ask you a few things about what you just
4 said.

5 Do you have any personal knowledge if Mr. Brown views law
6 enforcement as kind of -- what was your term, "brothers"?

7 A. Brothers.

8 Q. Not just based on that, do you have any personal knowledge
9 that he views law enforcement as brothers with military?

10 A. You know, as far as -- you know, I -- I think, you know,
11 when -- when, you know, the few times that, you know, he spoke
12 with me about when they went to his house in an attempt to
13 speak with him, he expressed, I mean, the feeling I got was
14 more disappointment than any type of anger or -- or animosity
15 and I -- I -- I think it's to me the feeling you get is when,
16 you know, somebody that's -- you perceive to be on the same
17 team as you lets you down, I mean, that's -- that all, I
18 mean...

19 Q. Okay.

20 I want to ask you about what you just said there. What do
21 you mean that the people that had come to see him disappointed
22 him?

23 A. Well, the way I understand it, there was a couple of
24 Federal agents, I -- I don't know what organization that came
25 to his house and asked for him to I believe attend some

1 organization meetings for groups and -- and report back.
2 That's my understanding. And I believe that he felt that
3 the -- the groups that they were asking him to report on were,
4 you know, Patriotic organizations that were, you know, loved
5 the country like he does.

6 Q. Did any of your conversations with Mr. Brown about law
7 enforcement coming to him, did he have any animosity towards
8 law enforcement?

9 A. No, not -- not animosity. I mean, I mean, he -- I think
10 he was maybe critical with some of the -- the techniques that
11 they used, but no, I -- I -- I did not perceive any animosity,
12 you know, from him towards those individuals.

13 Q. After you had those conversations with him, you now after
14 that, you've seen this sign, correct?

15 A. Yes.

16 Q. So putting those two together, would you view this as a
17 direct threat to law enforcement?

18 A. I do not. Like I said, I -- I mean, just looking -- I
19 mean, if I would have saw this sign ahead of time I probably
20 would have suggested, "all right, Jeremy, what are you doing",
21 but looking at me, like I said, I -- I think his main point is
22 upfront, you know, just asking folks to think about the oath
23 they took, you know, towards this country and this Constitution
24 and -- and I think that last part was just an afterthought, you
25 know, of -- of like I, you know, described before, talking

1 smack to Brothers in Arms.

2 Q. What do you mean by "talking smack"? What does that mean
3 to you, just that phrase?

4 A. You know --

5 Q. What does that phrase mean to you?

6 A. That to me, that means giving a friendly poke to the folks
7 that's on the same side as you, you know. Just, I mean, I
8 mean, I -- I -- I can certainly see how that might appear to
9 somebody that didn't know Jeremy or somebody that was, you
10 know, didn't have any military service or have that type of
11 comradery with folks, but, I mean, I look at it and --

12 Q. Well, I'm asking you how do you look at it knowing who the
13 author is, that's the whole point. And the author is Mr.
14 Brown.

15 A. Knowing Jeremy, that is, I -- I mean, that is -- that's a
16 poke and -- and not a threat, I mean, I --

17 Q. Is there any part of this, knowing that Jeremy wrote it,
18 that you would view as a direct threat to law enforcement that
19 they should be careful if they approach him?

20 A. I do not, and especially given the -- the fact that the --
21 in my eyes, I mean, the -- nobody has to speculate, I mean, the
22 arrest already occurred, you can look at how he conducted
23 himself during the actual arrest to see what his true nature
24 and -- and demeanor was. I'm -- I'm not aware of him
25 threatening anybody or -- or, like I said, that's speculation

1 on my part, I wasn't there, I haven't talked to Jeremy since
2 he's --

3 Q. What's speculation on your part? I'm moving around a
4 little bit. When you say it's speculation on your part, about
5 how he conducted himself at the actual arrest?

6 A. Correct. I mean, I have no knowledge of how that arrest
7 occurred or -- or what was said and what wasn't said.

8 Q. So I'm just asking you about this --

9 A. Correct.

10 Q. -- which is having those conversations with Mr. Brown and
11 knowing that he wrote this, do you view anything in here as a
12 direct threat to law enforcement?

13 A. No, I do not.

14 MR. SANSONE: No further questions, Your Honor.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MS. KRIGSMAN:

18 Q. Good morning, Mr. Pecha.

19 A. Good morning.

20 Q. My name is Cherie Krigsman, I'm an Assistant United States
21 Attorney.

22 I want to ask you, you said you work as a contractor for
23 the Government at Mac Dill for SOCOM; is that correct?

24 A. That is correct, yes.

25 Q. And you work in the Oversight Review Board?

1 A. Correct, yes.

2 Q. And you're given access to classified information in that
3 position?

4 A. I do.

5 Q. And did you have access to classified information when you
6 were a Special Forces soldier?

7 A. I did, yes.

8 Q. And when you were given access to classified information,
9 the Government requires you to execute a nondisclosure
10 agreement; is that correct?

11 A. That is correct, yes.

12 Q. And the nondisclosure agreement basically advises you that
13 this information belongs to the Government, you must protect
14 it, take the appropriate measures, and if you don't, there's
15 Federal Statutes that can be used to prosecute you, correct?

16 A. That is correct, yes.

17 Q. And you were fully briefed on that when you got access to
18 classified information, correct?

19 A. Yes, ma'am.

20 Q. And it's a real problem if people with access to
21 classified information remove classified information and take
22 it to their homes?

23 A. Yes, that's -- that is correct.

24 Q. And are you aware of what the J3X is?

25 A. Yes, I am.

1 Q. And can you tell us, you know, without getting into any
2 sensitive information, just basically what is the J3X?

3 A. Well, the J3, in general, that's the Operations Branch and
4 the J3X portion of it just deals with sensitive activities.

5 Q. Sensitive activities?

6 A. Correct, yes.

7 Q. And you know that Mr. Brown was assigned to that unit
8 before he retired?

9 A. Actually, I -- I did not know that.

10 Q. Fair enough.

11 Now, you said you went to the Q Course with Mr. Brown?

12 A. Yes, I did.

13 Q. And that was in 1996?

14 A. Yes, ma'am.

15 Q. And then you dropped out of contact with him for awhile?

16 A. Yes.

17 Q. But then when you -- when you re -- sort of linked back up
18 with him in about 2010, at that point, you were still in the
19 military, correct?

20 A. Yes, I was.

21 Q. As a Special Forces soldier, you're familiar with M67
22 fragmentation grenades?

23 A. Yes, I am.

24 Q. And have you been trained in how to handle them?

25 A. Yes, I have.

1 Q. And have you ever had to carry them?

2 A. Yes, I have.

3 Q. And are you trained to be careful with them?

4 A. Yes.

5 Q. And why?

6 A. They're an explosive device.

7 Q. A high explosive device?

8 A. I -- actually, I don't know what the explosive, I mean, as
9 far as I believe the crates on them are marked "high
10 explosive", yes.

11 Q. And the purpose of a grenade is to kill and injure?

12 A. It is, yes.

13 Q. And the lethal range of an M67 grenade is approximately
14 16 feet?

15 A. Yeah, probably about 10 to 15 meters.

16 Q. So you don't use an M67 grenade to stun?

17 A. No, an M67 grenade is not a stun device.

18 Q. It's not a flash bang?

19 A. An M67 is not a flash bang, correct.

20 Q. Or smoke grenade?

21 A. It's not a smoke grenade.

22 Q. When you were in the Special Forces, I believe you were a
23 commissioned officer?

24 A. I was.

25 Q. If you learned that one of the soldiers in your command

1 had taken two M67 grenades home to his residence with his
2 family, would that cause you some concern?

3 A. Yes, it would.

4 Q. Sir, with respect to the exhibit that Mr. Sansone showed
5 you, Defense Exhibit 1, the sign that you have been asked
6 about, you never discussed that with Mr. Brown, have you?

7 A. No, I -- I -- like I said, I didn't see this till after he
8 had already been arrested and in jail and I have not spoke with
9 Jeremy since he's been arrested.

10 Q. Okay.

11 And so if Mr. Brown were to describe to Ms. Aldridge --
12 you know who Ms. Aldridge is?

13 A. I do not.

14 Q. Tyleno?

15 A. Oh, yes, yes.

16 Q. And they're partners, right?

17 A. Yes.

18 Q. Okay.

19 So if Mr. Brown were to describe to Ms. Aldridge what he
20 meant by the sign, that would probably be -- that would have
21 more veracity or more weight than your opinion of what the
22 sign meant, not having ever spoken to Mr. Brown about it,
23 right?

24 A. That I -- I don't know, ma'am, I can speculate on the way
25 I interpret this. I -- I don't know that I can comment on what

1 carries more weight in a conversation.

2 Q. Okay, fair enough.

3 But your opinion on it is pure speculation?

4 A. Yes.

5 Q. Okay. Thank you.

6 A. Speculation based on my knowledge of Jeremy.

7 Q. And when you were asked about the sign, you were
8 specifically asked to opine, to give your opinion having
9 knowledge, having known Jeremy Brown, correct?

10 A. Correct.

11 Q. And I believe at one point, you said something to the
12 effect, when I saw this sign, I would have said, "Jeremy, what
13 are you doing"? What did you mean by that?

14 A. Well, what I mean by that is -- is that, you know, these,
15 you know, the folks at the agent level, you know, in these
16 organizations, I mean, they are our Brothers in Arms, and, you
17 know, you know, you got different ways of -- of communicating
18 with folks. I -- I, you know, sometimes, you know, somebody
19 can mean something in humor and one person finds it funny and
20 another group finds it in poor taste. All right.

21 And depending on your audience, it -- it might have the
22 desired effect that you're -- you're trying to have, so that,
23 you know, the -- although I -- I look at this and laugh and see
24 a jab towards Brothers in Arms, you know, other agents or
25 officers may come out and not see the humor in it.

1 Q. They could perceive it, fair to say, they could perceive
2 it as a threat?

3 A. Yeah, for somebody that didn't know Jeremy or like I said,
4 yes, I -- I could very much see where somebody could perceive
5 it that way.

6 MS. KRIGSMAN: May I have a moment, Your Honor?

7 THE COURT: You may.

8 MS. KRIGSMAN: Nothing more, Your Honor.

9 THE COURT: Redirect.

10 MR. SANSONE: Very brief, Judge.

11 REDIRECT EXAMINATION

12 BY MR. SANSONE:

13 Q. Assuming for this question that Jeremy Brown did have two
14 of those fragmentation grenades somewhere in his possession,
15 would that alter what you said about this exhibit which is
16 Exhibit 1?

17 A. It does not. I mean, I mean, I -- what -- I would, you
18 know, if I had known that, I would counsel Jeremy, "hey, you
19 need to get rid of these", but I -- I would not -- it wouldn't
20 change my perception of whether he was a threat to law
21 enforcement. I -- I think maybe, you know, SF guys, you know,
22 and they're not just SF guys, but there are a lot of folks
23 that -- that, I mean, they like to be prepared for any
24 contingency or scenario and -- and -- but I -- I -- I don't
25 and, you know, like said, I -- I -- I don't see -- that doesn't

1 change my perception of the -- of the note on here whether with
2 regards to whether I think it was a jab towards Brothers in
3 Arms just to try to get them to rethink their oath.

4 Q. And that's all you thought it was, was a jab?

5 A. Yes, sir.

6 MR. SANSONE: No further questions.

7 THE COURT: Thank you for your testimony here today.
8 You're excused, but let me remind you that you are not to
9 discuss your testimony with any other witness at this
10 hearing.

11 Do you understand that, sir.

12 THE WITNESS: I do, sir.

13 THE COURT: You may be excused.

14 (Witness excused.)

15 All right.

16 Mr. Sansone, call your next witness.

17 MR. SANSONE: The Defense calls Cathi Chamberlin.

18 Thereupon,

19 CATHI CHAMBERLIN,
20 after having been duly sworn to tell the truth, the whole truth
21 and nothing but the truth, under penalty of perjury, was
22 examined and testified as follows:

23 THE WITNESS: I do.

24 THE CLERK: Please state and spell your name for the
25 record.

1 THE WITNESS: Cathi Chamberlain, C-A-T-H-I
2 C-H-A-M-B-E-R-L-I-N.

3 THE CLERK: Thank you, you may be seated.

4 THE COURT: You may proceed.

5 DIRECT EXAMINATION

6 BY MR. SANSONE:

7 Q. Ms. Chamberlin, good afternoon.

8 A. Hi, how are you?

9 Q. Good.

10 What do you do for your work?

11 A. I'm an author, a speaker and a reporter.

12 Q. Do you know Mr. Jeremy Brown?

13 A. Yes, I do.

14 Q. How?

15 A. He was introduced by -- by a mutual friend back in the
16 summertime.

17 Q. Summertime of what year?

18 A. Of 2021, this year.

19 Q. So you've gotten to know him recently?

20 A. Yes.

21 Q. And what were your interactions with Mr. Brown, briefly?

22 A. I had him on a podcast.

23 Q. And you do podcasts.

24 A. Yes.

25 Q. What was, just briefly again, just the nature of that

1 podcast.

2 A. It -- it had to do with his interaction with a -- with
3 a -- prior to, I think back in December, he had -- it had to do
4 with Governmental interactions with the FBI.

5 Q. Briefly, what were those interactions?

6 A. That they came to his home and they -- they tried to
7 recruit him as an informant against Patriots.

8 Q. Now, you didn't meet Mr. Brown -- you're talking about
9 December of 2020 is the interaction?

10 A. That was his interaction, not mine with him, if that's
11 what you're asking. His interaction with law enforcement.

12 Q. Was in December of 2020?

13 A. From my understanding, correct.

14 Q. And you met him in the summer of 2021?

15 A. Yes, or I didn't actually meet him, but I had him on my
16 podcast.

17 Q. So it was a remote type thing?

18 A. Yes.

19 Q. Was there ever a time that you met Mr. Jeremy Brown in
20 person?

21 A. Yes.

22 Q. When was that?

23 A. That was around, I believe, mid to late September of 2021.

24 Q. Why did you meet Mr. Brown in person then?

25 A. I saw a garage sale that he had advertised and I decided

1 to go see what he had to offer.

2 Q. So you went to his garage sale?

3 A. Yes.

4 Q. Did you buy anything?

5 A. I did.

6 Q. Did you pick it up that day?

7 A. Did I what?

8 Q. Pick the items up that day?

9 A. No, I did not.

10 Q. Did you come back?

11 A. Yes.

12 Q. What day did you come back?

13 A. On September 30th.

14 Q. Is it your understanding that Mr. Brown was later arrested
15 that day?

16 A. Yes.

17 Q. So you were at Mr. Brown's house on September 30th, 2021?

18 A. Correct.

19 Q. Did Mr. Brown speak with you about law enforcement that
20 morning.

21 A. Yes.

22 Q. What did he say?

23 A. He said that he had been contacted by the FBI.

24 Q. When?

25 A. That morning.

1 Q. Okay.

2 And what did he say about that contact?

3 A. I can't really remember specifics, actual specific
4 wording, but I understood from what he had said to me that --
5 that they were calling to find out what his -- what his plans
6 were because he was having that garage sale, my understanding
7 is that they knew that and that they were trying to find some
8 information out from him about what his future plans were.

9 Q. Plans as in moving?

10 A. Yeah.

11 Q. Did Mr. Brown talk to you about whether he expected law
12 enforcement to come to his house?

13 A. I honestly can't remember his exact words, but I remember
14 getting a very clear impression that he would not have been
15 surprised if they had.

16 Q. Okay.

17 And do you recall what led you to that impression?

18 A. It could well be my own deduction of the fact that they're
19 calling, he's having a garage sale, he's, you know, they --
20 that he kind of anticipated to get a visit from them. That was
21 just my own take, I can't really tell you exact words that he
22 used that made me think that, but I came away with that
23 distinct feeling.

24 Q. Did he -- okay, well, let's -- I know that maybe you're
25 trying to be careful, maybe you don't have to give exact words,

1 but did he tell you anything to the effect that he expected law
2 enforcement to come to his house?

3 A. I remember that he made the assumption that they could be
4 here at any time. I do remember certain words that he used
5 that indicated that, yes.

6 Q. Indicated that he expected law enforcement at any time?

7 A. Yes.

8 Q. And he was arrested later that day?

9 A. So I found out, yes.

10 Q. You were not there?

11 A. No, I wasn't.

12 Q. Based on your conversation with Mr. Brown, were you
13 surprised that law enforcement had come to his house?

14 A. Not really.

15 Q. Based on your conversation with Mr. Brown, do you think he
16 was surprised law enforcement came to his house?

17 A. No.

18 MR. SANSONE: That's all I have, Your Honor.

19 THE COURT: Cross-examination.

20 MS. ASOKAN: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. ASOKAN:

23 Q. Ms. Chamberlin, approximately how many conversations have
24 you had with the Defendant?

25 A. Are you talking about from beginning to now or at that

1 particular time or total?

2 Q. In the course of your brief relationship with the
3 Defendant, starting in the summer of 2021, approximately how
4 many times have you guys spoken?

5 A. I'm going to say maybe 15.

6 Q. What's your current job?

7 A. As I said, I'm a speaker, I go around the State speaking
8 and I'm -- I do articles and I'm an author of several books.

9 Q. Are you working for the Defendant right now?

10 A. No.

11 Q. You don't do any work for the Defendant?

12 A. No.

13 Q. You don't render any services for him?

14 A. Oh, well, when you say "work" and you say "services", I
15 need you to define that I guess for me.

16 Q. Let me ask it this way.

17 Since the Defendant has been arrested, have you
18 participated in any types of conversations or organization
19 about preparing his defense or mobilizing anything like that?

20 A. I don't do anything on preparing defense, no, but I -- but
21 I do some volunteer work in my community, and in that regard,
22 there's a lot of -- a lot of folks that I'm involved with who
23 are very interested in Jeremy's case and I have been part of
24 organizing rallies and in support of his cause, yes.

25 Q. When is the last time you spoke to Mr. Brown?

1 A. Yesterday.

2 Q. And before that, do you recall the last time you spoke to
3 him?

4 A. I'm going to guess, just off the top of my head, maybe at
5 least a week, perhaps as long as two weeks.

6 Q. So you've been in somewhat regular contact with the
7 Defendant since he was arrested?

8 A. Yes.

9 Q. When you spoke to the Defendant yesterday, did you talk
10 about your testimony today?

11 A. No.

12 Q. Have you ever talked to the Defendant about your testimony
13 in this Court?

14 A. I can't remember any conversation that specifically had to
15 do with my visit at his place, no.

16 Q. Have you ever had a conversation with the Defendant about
17 his views on detention, being detained by this Court?

18 A. Oh, yeah.

19 Q. Has the Defendant ever shared his views on conditions of
20 bond with you before?

21 A. Yeah.

22 Q. Has the Defendant ever talked to you about whether he
23 thinks certain conditions are constitutional or not?

24 A. For sure.

25 Q. What specifically has he told you about that?

1 A. That there are certain abridgments from the Constitution,
2 certain amendments that he feels are -- have not been fairly
3 followed in that regard.

4 Q. What has the Defendant told you about the Second Amendment
5 as it relates to being released on bond?

6 A. About the Second Amendment?

7 Q. Yes.

8 A. I know he has strong views on his Second Amendment Rights,
9 but I -- I can't think of anything specific about the Second
10 Amendment regarding his bond that we've discussed.

11 Q. What about electronic monitoring?

12 A. I -- I can't remember that conversation either.

13 Q. But you have had conversations with the Defendant about
14 whether he thinks certain conditions are constitutional?

15 A. Yeah.

16 Q. And there are some set of conditions that he believes are
17 not constitutional, correct?

18 A. Yes.

19 Q. Do you fund raise for the Defendant?

20 A. Yes, I would call it that.

21 Q. And you do this on a volunteer basis for the Defendant?

22 A. Totally.

23 Q. Have you ever said anything about not wanting to be paid
24 because you were going to testify for him?

25 A. I've made that indication that I don't want any illusion

1 to -- that anything that I'm doing would have any kind of
2 monetary benefit, for sure.

3 MS. ASOKAN: One moment, Your Honor.

4 (Brief pause.)

5 Nothing further, Your Honor.

6 MR. SANSONE: No further questions, Your Honor.

7 THE COURT: All right.

8 Ms. Chamberlin, thank you for your testimony here
9 today. You are excused. Let me remind you you're not to
10 discuss your testimony with any other witness that's going
11 to be testifying at this hearing.

12 THE WITNESS: Thank you, Your Honor.

13 (Witness excused.)

14 THE COURT: All right.

15 Mr. Sansone, call your next witness.

16 MR. SANSONE: Judge, those are the completion of my
17 lay witnesses.

18 I would call Agent Brett Lindsey just to talk and I
19 can proffer briefly if you want to know why.

20 THE COURT: Response?

21 MS. KRIGSMAN: Your Honor, the Defense has not served
22 a subpoena on the Government for the testimony of Special
23 Agent Brett Lindsey. The Department of Homeland Security
24 has its own regulatory scheme for deciding whether its
25 agents can testify or not, that's found at 6 CFR 5.45.

1 Once the Defense provides us with a statement of his
2 expected testimony, we will confer with DHS and DHS will
3 decide whether they would produce the witness or not.

4 THE COURT: All right.

5 Mr. Sansone, you're familiar with *Touhy* regulations,
6 are you not?

7 MR. SANSONE: Yes, Your Honor.

8 THE COURT: You didn't comply with the regulations in
9 this case?

10 MR. SANSONE: No, I did not send a *Touhy* letter.

11 THE COURT: All right.

12 Any other witnesses, Mr. Sansone?

13 MR. SANSONE: A brief moment, Your Honor?

14 THE COURT: You may.

15 (Brief pause.)

16 MR. SANSONE: Judge, Your Honor, based on that, we're
17 not going to call Brett Lindsey, but I just wanted to note
18 for the record, Your Honor, as part of my motion to
19 reopen, I did have an exhibit, actually a couple of
20 exhibits.

21 One of them was the body camera footage -- I'm sorry,
22 it wasn't body camera footage, it was a cell phone of
23 Mr. Brown's arrest and that was -- I don't know if Your
24 Honor had seen that, I have a copy here, and it was just
25 to show the Court the circumstances of his arrest and how

1 law enforcement showed up, I think I reference it, that
2 they were wearing golf shirts his compliance.

3 My questions to the agent would essentially be along
4 the lines of that exhibit. So, I don't know if Your Honor
5 has seen that.

6 THE COURT: You can move that into evidence and I'll
7 ask the Government if there's an objection and then as far
8 as any expected testimony from the agent, if you want to
9 proffer what you believe the testimony would be, I will
10 take that under advisement for purposes of a bond
11 determination.

12 MR. SANSONE: Okay.

13 I would like to move in -- let me just make sure
14 'cause this says exhibits -- the Government was provided a
15 copy as well, Your Honor.

16 THE COURT: Want a brief recess, Mr. Sansone?

17 MR. SANSONE: No, Judge, I can find it right -- I'm
18 sorry -- that's the wrong one.

19 Okay, this is the motion, Your Honor, I apologize.
20 Exhibit 2 is a video that was taken by a cell phone when
21 he was arrested, and on this clip is also an audio which
22 is Exhibit 3 which is a clip of the agent conversation
23 from December stating where the agents tell Mr. Brown on a
24 scale of one to 10 as a potential threat, they viewed him
25 as a zero. These are Exhibits 1 and 2. I would ask those

1 to be moved in evidence for your consideration.

2 And Your Honor, there's also an Exhibit 1 as part of
3 my motion for Pre-Trial release and Your Honor can
4 consider that as a motion to reopen. And those are just
5 still photographs that were taken from the arrest. So I
6 would ask for those three to be admitted today, 1, and 2
7 is the brief proffer that I was -- obviously, I haven't
8 spoken to the agent --

9 THE COURT: All right.

10 Let's get to the proffer in a moment, Mr. Sansone. I
11 just want to make sure the record is clear as to what
12 exhibits you're moving into evidence. Are you going to be
13 providing a copy of those today or are you going to cite
14 the docket entry in which they appear on the docket?

15 MR. SANSONE: I will cite the docket entry, it's
16 Document 27, which was filed on October 26th, and I
17 provided copies to the United States and the Court. It's
18 Exhibit 1, which is A through D, and there's still
19 photographs of Exhibit 2 which is a cell phone video, and
20 Exhibit 3 is a copy of an audio that Mr. Brown was having
21 with Federal law enforcement.

22 THE COURT: Okay.

23 Again, just we need to make sure the record is clear
24 here. Your Exhibit 2 for today's hearing is going to be
25 the exhibits that you filed at docket entry 27-1; is that

1 correct?

2 MR. SANSONE: Yes, Your Honor.

3 THE COURT: All right.

4 And then your exhibit -- Defense Exhibit Number 3 for
5 purposes of today's hearing can be found where, sir?

6 MR. SANSONE: It's the same -- attached to the same
7 document.

8 THE COURT: All right.

9 Let's take a recess.

10 (Brief pause.)

11 (Off the record hearing at sidebar with the Judge and
12 attorneys.)

13 All right.

14 We're back on the record.

15 During the recess, I spoke with counsel about
16 procedurally how the Defense exhibits would be referenced
17 for the record and based on that conversation,
18 Mr. Sansone, have you changed how you would like to admit
19 in evidence Defense exhibits for purposes of this hearing?

20 MR. SANSONE: Yes, Your Honor.

21 I would like to admit as Exhibit 2A, B, C and D, 2A
22 through D, these are still photographs of a cell phone
23 camera.

24 THE COURT: All right.

25 Any objection?

1 MS. ASOKAN: No objection, Your Honor, just we
2 haven't been provided with a copy.

3 THE COURT: All right.

4 Provide counsel for the Plaintiff, or excuse me, the
5 Government a copy.

6 (Brief pause.)

7 Still no objection?

8 MS. ASOKAN: No objection, Your Honor.

9 MR. SANSONE: Your Honor --

10 THE COURT: Hold on. Defense Exhibit 2A, B, C and D
11 have been admitted into evidence.

12 (Thereupon, Defense Exhibits 2A,B,C & D were received
13 and filed in evidence.)

14 MR. SANSONE: And Exhibit 3, which is the actual cell
15 phone recording, would be Exhibit 3.

16 THE COURT: And that is a physical compact disc that
17 you're going to be providing?

18 MR. SANSONE: Correct, Your Honor.

19 THE COURT: All right.

20 Have you shown that to opposing counsel?

21 (Brief pause.)

22 MS. ASOKAN: No objection, Your Honor.

23 THE COURT: All right.

24 Defense Exhibit 3 is accepted into evidence.

25 (Thereupon, Defense Exhibit 3 was received and filed

1 in evidence.)

2 MR. SANSONE: And Ms. Asokan and I briefly just
3 talked about Exhibit 4 which is a very brief audio of Mr.
4 Brown talking with law enforcement in December of 2020.

5 THE COURT: And how is that being provided; in a
6 separate compact disc?

7 MR. SANSONE: It's on the same compact disc.

8 THE COURT: All right.

9 So we are just going to mark that one compact disc
10 Defense Exhibit 3, that's two files, there's a video file
11 and audio file.

12 MR. SANSONE: Thank you, Your Honor, I think that is
13 clear.

14 THE COURT: Any objection, Ms. Asokan?

15 MS. ASOKAN: No objection, Your Honor, just that
16 these be provided to us as new copies and clearly marked
17 tomorrow.

18 THE COURT: All right.

19 Mr. Sansone, would you please comply with your
20 obligation and provide copies to the Government?

21 MR. SANSONE: Yes, Your Honor.

22 THE COURT: All right.

23 If you could bring those forward to my Courtroom
24 Deputy.

25 (Brief pause.)

1 Any other exhibits you're moving into evidence at
2 this time, Mr. Sansone?

3 MR. SANSONE: No, Your Honor.

4 THE COURT: All right.

5 Then was there a proffer that you'd like to make for
6 the record?

7 MR. SANSONE: Your Honor, yes.

8 Even though I don't know exactly what the agent was
9 going to say, but essentially, I was going to talk to him
10 about if he was aware of the sign prior to September 30th
11 when he executed the arrest warrant. My understanding is
12 he did, though, I'm not a hundred percent sure, but
13 regardless, I'm going to talk to him about whether -- it
14 shows on the video whether Mr. Brown was compliant and
15 told them that he had a firearm on himself and was
16 compliant and they did not come with tactical gear, they
17 were wearing golf shirts and he was compliant while being
18 arrested.

19 Essentially, that was it, Your Honor.

20 THE COURT: Thank you, Mr. Sansone.

21 Is there any other witnesses or evidence that the
22 Defense would like to present for the purposes of this
23 hearing?

24 MR. SANSONE: No, Your Honor.

25 THE COURT: All right.

1 Defense rests then?

2 MR. SANSONE: Yes, Your Honor.

3 THE COURT: All right.

4 Ms. Asokan, how would you like to proceed?

5 MS. ASOKAN: Your Honor, I can begin my presentation
6 at this point if Your Honor is okay with that.

7 THE COURT: You'd like to begin your presentation?

8 MS. ASOKAN: Yes, Your Honor.

9 THE COURT: All right, you may.

10 MS. ASOKAN: Thank you.

11 One moment, Your Honor.

12 THE COURT: Take your time.

13 (Brief pause.)

14 MS. ASOKAN: May I resume?

15 THE COURT: You may.

16 MS. ASOKAN: Your Honor, it remains the United
17 States' position that under Section 3142(e), there are no
18 conditions or combinations of conditions that would
19 reasonably assure the Defendant's appearance and the
20 safety of the community and any other person.

21 At the beginning of today's proceedings, I handed up
22 several exhibits to both Your Honor and to this Court's
23 deputy and all these exhibits are noted on the exhibit
24 list as well.

25 And at this time, we intend to offer them for

1 purposes of the hearing just like we did at the first
2 hearing and provided counsel copies as well. And so at
3 this time, I'd like to just move to admit all of them so
4 we don't have to do it piecemeal throughout the hearing.

5 THE COURT: All right.

6 For the record, would you state what exhibits you're
7 moving into evidence?

8 MS. ASOKAN: Yes, Your Honor. The United States
9 moves into evidence Government Exhibit 9A, Government
10 Exhibit 9A-T, and just for the record, the T is merely a
11 transcription of the audio found in the preceding exhibit.
12 Government's Exhibit 9B, Government's Exhibit 9B-T,
13 Exhibit 9C, Exhibit 9C-T, Exhibit 9D, Exhibit 9D-T,
14 Exhibit 9E, Exhibit 9E-T, Exhibit 9F, Exhibit 9F-T,
15 Exhibit 9G, Exhibit 9G-T, Exhibit 9H-T, and Your Honor,
16 for the record, there's no Exhibit 9H, we would be only
17 offering the transcript and when that time comes, Your
18 Honor, I will ask for permission for sidebar to have that
19 conversation under seal.

20 THE COURT: I'm sorry, you lost me there. You're
21 moving it in evidence, but you want to talk about it at
22 sidebar?

23 MS. ASOKAN: The actual discussion of the contents of
24 the exhibit I'd like to have that conversation at sidebar.

25 THE COURT: All right.

1 MS. ASOKAN: Exhibit 10, Exhibit 12, Exhibit 13,
2 Exhibit 14, Exhibit 15, Exhibit 16, Exhibit 17 and Exhibit
3 18.

4 THE COURT: All right.

5 I believe you have marked here Exhibit 11 and I
6 didn't hear you say that. Are you moving that into
7 evidence as well?

8 MS. ASOKAN: Yes, Your Honor, Exhibit 11, my
9 apologies.

10 THE COURT: All right.

11 So all the exhibits that are identified on your
12 exhibit list which you provided to the Court and just
13 stated on the record, you're moving into evidence.

14 Are there any objections, Mr. Sansone?

15 MR. SANSONE: Yes, Your Honor.

16 And I spoke with Mr. Brown at length about this.
17 Kind of harking back to the very beginning of this hearing
18 when the Government talked about they were very shocked by
19 a jail recording and I just happened to know the contents
20 of that and proffered to the Court how they misconstrued
21 it, there's a number of these calls that I have not heard
22 the clip or the full recording and been able to go through
23 with Mr. Brown.

24 So I talked to him about, procedurally, how we might
25 go forward with that objection. I said one thing that we

1 could do is ask for a bifurcated hearing in order to give
2 me time to go over these calls with him and listen to the
3 whole call and we could talk about it. And I informed Mr.
4 Brown that if Your Honor agreed to a bifurcated hearing,
5 it was likely that, I mean, he's going to have to stay in
6 custody and depending on the Court's calendar, I'm
7 assuming that this would have to be done after the
8 holidays, after the new year into the first of the year.

9 And with that knowledge which we still want to ask
10 for a bifurcated hearing to give me time to talk to him
11 and be prepared for the Government's presentation, and he
12 indicated he would like to bifurcate the hearing and to
13 have me have time to go over these, especially the calls
14 with him, and to be better prepared going forward, knowing
15 full well he's going to stay in custody and we don't know
16 when the Court will be able to reconvene.

17 THE COURT: All right.

18 What I'd like to do, Mr. Sansone, then is I'm going
19 to overrule the objection and I'm going to allow the
20 Government to present the evidence that they brought here
21 today and that they now moved into evidence. I'm going to
22 let them make their argument.

23 For a rebuttal, though, if you'd like the
24 continuance, then I will continue this hearing and allow
25 you an opportunity to prepare a rebuttal to the

1 Government's presentation.

2 Is that understood?

3 MR. SANSONE: Yes, Your Honor.

4 THE COURT: All right.

5 We'll schedule that when we have a moment, but I'm
6 going to allow Ms. Asokan to please continue and the
7 Government's Exhibits that have been stated on the record
8 beginning with Government's Exhibit 9A and continuing
9 through to Government's Exhibit 18 have been admitted.

10 (Thereupon, Government's Exhibits 9A, Exhibit 9A-T,
11 Exhibit 9B, Exhibit 9B-T, Exhibit 9C, Exhibit 9C-T, Exhibit 9D,
12 Exhibit 9D-T, Exhibit 9E, Exhibit 9E-T, Exhibit 9F,
13 Exhibit 9F-T, Exhibit 9G, Exhibit 9G-T, Exhibit 9H-T,
14 Exhibit 10, Exhibit 11, Exhibit 12, Exhibit 13, Exhibit 14,
15 Exhibit 15, Exhibit 16, Exhibit 17 and Exhibit 18 were received
16 and filed in evidence.)

17 MS. ASOKAN: Thank you, Your Honor.

18 Your Honor, at some point during these proceedings,
19 the Government will present additional evidence bearing on
20 the Defendant's dangerousness, but at this time, we'd like
21 to talk about a different -- a different issue with the
22 Court that bears on the factors in 3142(g) and that's
23 something that was alluded to at the beginning of this
24 hearing which is the Defendant's willful disobedience and
25 refusal to comply.

1 And specifically, it's our position that if this
2 Court were to find that there were some conditions that
3 could assure his appearance and the safety of the
4 community that he would not comply with those conditions.

5 At the initial hearing, Defense Counsel stated there
6 are some conditions that exist that the Court could impose
7 that would assure his appearance and the safety of the
8 community including electronic monitoring, surrendering
9 his weapons, regularly reporting to Pre-Trial Services and
10 all that is found at Government's Exhibit 17 which is the
11 transcript from the last hearing, the transcript at page
12 42.

13 We can also look at Government's Exhibit 18 which is
14 the Defendant's Motion for Revocation of your Detention
15 Order which was filed with District Judge Bucklew. In
16 this motion, the Defendant has also represented that this
17 Court erred in not adequately considering the alternatives
18 to incarceration that he set forth before and he set out
19 the same conditions, electronic monitoring, reporting to
20 Pre-Trial Services, surrendering his firearms and other
21 restrictions on his ability to travel.

22 As the Court is well aware, these are the common
23 conditions that are imposed in addition to a bond or a
24 monetary amount to secure the Defendant's appearance if he
25 is released.

1 Now the most concerning thing that the Court needs to
2 be aware of at this point is that despite these
3 representations that have been made, he's made -- the
4 Defendant has made express statements to third parties
5 that these very constitution -- excuse me -- that these
6 very conditions that he's represented on more than one
7 occasion that he would comply with are actually
8 unconstitutional. And to be very clear, the Defendant is
9 entitled to think whatever he wants about the
10 constitutionality of these conditions and the Government's
11 conduct generally. That's not the issue that we're
12 bringing before the Court's attention.

13 The reason why it's relevant here is it goes directly
14 to what he intended in putting that sign in front of his
15 door which was previously Government's Exhibit 8. That
16 sign caused Your Honor so much concern at the first
17 hearing. That was the sign that the Defendant called six
18 witnesses here to explain what he really meant by it and
19 what his views of law enforcement are.

20 Your Honor, I'm going to start playing a few calls
21 for you to listen to that have transcripts to aid in the
22 Court's review of the calls and these calls will show you
23 what the Defendant thinks about these conditions and also
24 it will go back to what the Defendant actually meant when
25 he put that sign up.

1 So at this time, Your Honor, I'll refer the Court to
2 Government's Exhibit 9D which is also accompanied by 9D-T
3 which is a transcript.

4 This is a call --

5 MR. SANSONE: I'm sorry, Ms. Asokan, which one is
6 that?

7 MS. ASOKAN: 9D, from October 27, 2021, with Erin
8 Olzewski, O-L-Z-E-W-S-K-I, and this is a clip from the
9 whole call. Defense Counsel has a copy of the whole call.
10 These were provided and produced in discovery.

11 The clip starts at 13 minutes, four seconds and it
12 ends at 16 minutes, 36 seconds. I'm going to play it now.

13 (Playing tape.)

14 "JB: Um, we submitted the motion for a new bond
15 hearing, um, either Monday afternoon or yesterday. I'm
16 not sure yet. Tylene is going to talk to my attorney
17 today. Um --

18 EO: Okay.

19 JB: -- and that will be dependent on the Judge's
20 calendar. You know? Hopefully he doesn't have any golf
21 matches or, uh, you know charity --

22 EO: Yeah.

23 JB: -- events to attend. Um, but the worst case the
24 no later than is November 5th, which is my arraignment and
25 what he said is -- that if for some reason we can't get on

1 Judge Flynn's calendar before the 5th then that
2 arraignment will also act as bond hearing. And that will
3 be in front of my actual -- the District Judge who is
4 gonna actually try the case. The Judge I have been before
5 up to this point is just the Magistrate Judge.

6 EO: Hum.

7 JB: And so, if it goes November 5th, I'll be in
8 front of, uh, a Judge Buckler I think is her name. She is
9 like a 77-year-old-woman. Um. And that will act as a --
10 hopefully it doesn't go that long. I was hoping to maybe
11 get a hearing this week, but I mean, honestly, as I lay
12 here and I'm thinking -- okay, I mean, I don't want to be
13 Owen Shroyer and just be like I'll do whatever you want,
14 just let me out. Um. The reality is what they are gonna
15 likely do is they're going to put unconstitutional
16 restrictions on me.

17 EO: Yeah.

18 JB: And, you know, and at that point now, I have a
19 moral dilemma. Do I accept these unconstitutional limits
20 like a gag order, like, or a fucking ankle bracelet?
21 Because I mean, the Fourth Amendment says that I am not
22 allowed to be deprived of life, liberty or property
23 without due process. Well -- that part of that is the
24 Eighth Amendment requirement that you can't have excessive
25 bond. Well, you are going to strip me of my

1 Constitutional Rights simply because I wanna be out and
2 prepare for my case as an innocent man until proven
3 guilty? Like --

4 EO: Right.

5 JB: -- it's all, it's all -- fuck. It all builds on
6 itself and, of course, because everyone has gone along
7 with it for so long to even say that you are violating my
8 First, my Second, my Fourth, my Fifth, my Sixth, my Eighth
9 Amendment Rights, you can't do that. People are like,
10 well, they do that all the time. It's like that doesn't
11 matter. (Laughs.)

12 EO: Yeah.

13 JB: It doesn't matter.

14 EO: Yeah.

15 JB: Like they can't do it, so... I'm like should I
16 just --

17 EO: Oh.

18 JB: -- reject bond? And then that would put me in a
19 position to now be able to challenge all these
20 constitutional grounds, but then it's like, all right,
21 well, do we even take that case up or should I just get
22 out and just do what everybody else does, just go along,
23 to get along. (sighs) It's just --

24 EO: Well --

25 JB: -- it's frustrating because I don't want to be

1 in here but I also don't want --

2 EO: Do you want?

3 JB: -- to obey the man --

4 EO: Yeah.

5 JB: -- telling me that I have to do things that I
6 don't have to do. So, I have --

7 EO: I think that --

8 JB: -- to talk to my attorney about it.

9 EO: I think that the -- the number one thing that
10 they absolutely hate is public attention. Um. That's why
11 --

12 JB: Well, right, that's the reason why they gag
13 everybody.

14 EO: Yeah. I mean -- they look at -- they put a gag
15 order on me and I talk anyway.

16 JB: Right.

17 EO: So, I'm like fuck you. Like -- you -- you're do
18 -- this is wrong and you know it.

19 JB: Right.

20 EO: And so like -- who cares".

21 (Tape concluded.)

22 MS. ASOKAN: For the record, that was Government's
23 Exhibit 9D and 9D-T which was a transcript.

24 The next call I'd like to play, Your Honor, goes
25 exactly to the same issues, is Government's Exhibit 9E,

1 and the accompanying transcript is 9E-T, that's Chamberlin
2 who testified earlier today. That call again was provided
3 in its entirety, but it's been clipped at 20 minutes and
4 ends at 23 minutes, four seconds.

5 I want to the note the date, Your Honor, this was on
6 November 11th, this was after the Defendant filed the
7 Motion for Revocation where he's stated which conditions
8 that he would absolutely abide by.

9 (Brief pause.)

10 One moment, Your Honor.

11 (Playing Tape.)

12 "JMB: The sense I get is that the District Judge is
13 allowing him to correct himself so she doesn't have to
14 overturn him.

15 CC: Got it, okay.

16 JMB: You know what I'm saying?

17 CC: Yes, I do.

18 JMB: Because, the bottom line is he knows he's wrong
19 which is why when I asked him on Friday, I said, "Can you
20 please restate the grounds on which I'm being held"?
21 Right, remember, remember?

22 CC: Yep.

23 JMB: He refused to answer it. (Chuckle.)

24 CC: Yep.

25 JMB: He gave the old, "I've already explained that

1 to the Judge", right, 'cause he knows that he's wrong.

2 CC: Yeah, right.

3 JMB: And so, uh, that's why we've ordered the
4 transcripts --

5 CC: (Clearing throat.)

6 JMB: -- in order to get his exact words because in
7 his initial ruling on October 5th, he -- he throws out all
8 the reasons the Federal Government gave. He said I'm not
9 a flight risk, he said, uh, that he doesn't agree with any
10 of the things that the (UI), but the one thing was that
11 sign. So I wanna --

12 CC: Yes.

13 JMB: -- have Bill have that transcript and his words
14 because what -- what he's probably gonna try to do when he
15 does give me bond is put a bunch of restrictions on me
16 that again are unconstitutional like an ankle monitor or
17 seizing all my firearms and then I'm gonna say, "Well, no
18 wait a minute. You said that none of those reasons were
19 the reason I was denied bond --

20 CC: Yes.

21 JMB: -- so why are you violating my Constitutional
22 Rights"? And, and --

23 CC: Yeah.

24 JMB: -- and I wanna make the case that why is it
25 that the Second Amendment is the only Amendment that they

1 seem to want to ever revoke in these situations, so I'm
2 innocent until proven guilty, right? So, I'm an innocent
3 man.

4 CC: Yep.

5 JMB: I'm on constitutionally protected bond as an
6 innocent man. But then what gives you the grounds to
7 confiscate my weapons and violate my Second Amendment.
8 You have -- you aren't confiscating any of my other
9 rights. So why is there --

10 CC: Uh-hum.

11 JMB: -- only one of the 10. So to me, that's an
12 equal protection under the law argument as well as a
13 violation of the Second Amendment argument. Because in
14 essence the Court is saying, "while you are innocent,
15 we're gonna deny you the right to self-defense by having
16 you arbitrarily give up your weapons. Even though there's
17 no, uh, there's no evidence of any violence or anything
18 like that". And they're likely going to have Tylenne also
19 give up her weapons. Right? Because I'm staying --

20 CC: Yeah, yeah.

21 JMB: -- in the house with her. So since when does
22 somebody associated with you lose their Constitutional
23 Rights simply because you're innocent until proven guilty
24 beyond a reasonable doubt? So, these are some --

25 CC: Well, if it's a condition of the Judge for your

1 release and you're staying with her, um, that would kinda
2 make sense.

3 JMB: Right, but it's an unconstitutional condition.

4 CC: Yeah, okay, okay, well, yeah.

5 JMB: I mean, just because you're accused of a crime
6 doesn't mean that you, ah, forfeit your Constitutional
7 Rights.

8 CC: Right, right, right. How are you feeling about
9 everything?

10 JMB: Now, if you're convicted of a crime, obviously
11 then you lose things, so...

12 CC: Yeah, obviously. Yeah, I got you. Yeah, it
13 goes back to the guilty until proven innocent.

14 JMB: Right".

15 (Tape concluded.)

16 MS. ASOKAN: For the record, Your Honor, that was
17 Government's Exhibit 9E and accompanying transcript of
18 9E-T.

19 Your Honor, this next call ties everything together.
20 I know in the interest of time, I think this will be my
21 last piece of evidence for today before continuing again
22 tomorrow.

23 And I just mention that this ties everything together
24 and it does that because we just heard what the
25 Defendant's views are about conditions of release, common

1 conditions of release that this Court imposes all the time
2 if someone is not held during trial. And now we're going
3 to hear what he meant by the sign on his door.

4 This is Government's Exhibit 9-G. This is a call
5 again that was produced in discovery, from November 3rd,
6 2021, and this is with Ms. Tylene Aldridge, who we
7 understand to be his girlfriend and live-in partner. And
8 now the clip begins at 22 minutes, 30 seconds and it ends
9 at 24 minutes, 16 seconds.

10 MR. SANSONE: Ms. Asokan, I can't read that
11 handwriting. Which one is that?

12 MS. ASOKAN: G.

13 MR. SANSONE: G?

14 MS. ASOKAN: G, yes.

15 MR. SANSONE: Okay.

16 (Playing Tape.)

17 "JB: So, the way it's supposed to work is they
18 charge you with --

19 TA: (Coughs.)

20 JB: -- a crime. They arrest you. They tell you what
21 your charges are. They issue a bond. Right? Like, for
22 example, uh, your house. Your -- your bond is set at
23 \$377,000.

24 TA: Right.

25 JB: With Federal cases, they don't actually pay the

1 337, but if I don't show up to trial, then they take your
2 house. That's how it works.

3 TA: Right.

4 JB: So therefore --

5 TA: I know.

6 JB: -- there is no reason for me to be held in jail.
7 There is no reason for me to have an ankle monitor. There
8 is no reason for any of this shit because that's what bond
9 serves the purpose of doing. It's insuring --

10 TA: Right.

11 JB: -- that you show up to your trial.

12 TA: Right.

13 JB: And so, their entire purpose -- their entire
14 reason for denying bond, unconstitutional.

15 TA: Right.

16 JB: Because the Judge even admitted, "I don't think
17 you're a flight risk. I don't think this. I don't think
18 that". The only thing that he denied me bond on was that
19 stupid sign and the only reason he could deny me that bond
20 on that stupid sign is because he, in his opinion, he felt
21 that it could possibly be a threat. Well, I'm not being
22 charged with a threat. And --

23 TA: Right.

24 JB: -- the sign was an if/then statement. If you
25 violate the law, you better -- you better bring a bigger

1 tactical package. That's it.

2 TA: (UI)

3 JB: It didn't say if -- if you're -- you just happen
4 to be wearing a badge, I am going to attack you. It
5 didn't say that.

6 TA: Right. Hum.

7 JB: So, the whole purpose, the whole reason he
8 denied the bond was completely ridiculous. He knows it
9 which is why he said "uh, all right, we will have another
10 bond hearing".

11 MS. ASOKAN: For the record, that was Government's
12 Exhibit 9G and the transcript at 9G-T.

13 Your Honor, just briefly, I want to refer back to
14 Exhibit 17 which is the transcript from the first hearing.
15 And through that transcript, Defense Counsel repeatedly
16 said that this statement was made in jest, that was a
17 professional jab, that's at the transcript, page 61.

18 We heard from several witnesses today what they
19 thought that the sign meant, that it was a joke, in poor
20 taste, I think that was the general consensus today,
21 showed poor judgment. But the best evidence of what the
22 Defendant meant by that sign is what the Defendant says
23 that he meant by that sign.

24 We don't need to hear from translators or people who
25 didn't even know this sign existed to tell us what the

1 Defendant thinks about that sign, what he thinks about the
2 law and his view of the law and what is lawful and
3 unlawful and what he's going to do about it.

4 Your Honor, at the last hearing, this Court said that
5 the biggest issue it has grappled with is how to fashion
6 any kind of conditions of release short of incarceration
7 when the Defendant has flat out put the Government and
8 other law enforcement on notice that if they're going to
9 come see, they better bring a bigger tactical package.

10 Your Honor, based on these calls we have played for
11 you, and we have more tomorrow, but these ones are
12 particularly important and concerning. The reality is
13 there are no conditions because the Defendant is not going
14 to abide by them. They're unconstitutional in his view,
15 we know that, he said that. And in the last hearing, he's
16 even said he's never had animosity towards law enforcement
17 for them performing their duties in a lawful manner. That
18 was at page 61.

19 Again, he couches, he caveats in what he thinks is
20 lawful, his perception of when law enforcement is doing
21 their job within the bounds of the Constitution. He even
22 said, I'm not anti-Government, anti-tyrannical Government
23 and anti-unconstitutional Government. We know what he
24 thinks about the Sixth and Fifth Amendments and what he
25 thought allowed him and permitted him to disobey a search

1 warrant last week and disobey a Court order, even today
2 when Your Honor asked him if he was going to comply, he
3 continued to maintain his position about the
4 constitutionality of whether he had to comply with that
5 order.

6 And now he's clarified in his own words in a
7 conversation with the person who's closest to him in the
8 entire world that if you violate the law, which in this
9 case would be someone enforcing perceived unconstitutional
10 restrictions like Pre-Trial Services or whoever the Court
11 or law enforcement has to show up at his house if he's
12 released on bond, then you better bring a bigger tactical
13 package. Again, words from his own mouth, he didn't mince
14 words, there's no joke.

15 So against this backdrop, you've heard exactly what
16 the Defendant thinks about conditions of release. We've
17 already heard from the witnesses about what they think
18 this sign meant and that what they interpreted it to mean
19 despite having no personal knowledge of the sign. But we
20 know what he thinks and that he will only follow the rules
21 when he thinks the rules are lawfully applied to him. If
22 they're unlawful, if they violate the Constitution, we've
23 seen his acts of disobedience, he's not going to comply.

24 And with that, Your Honor, we will conclude our
25 presentation for today, but reserve for tomorrow's

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continued presentation.

THE COURT: All right. Thank you.

We'll reconvene at 8:30 tomorrow. We're adjourned.

(Thereupon, the proceedings concluded.)

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CERTIFICATE

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, CLAUDIA SPANGLER-FRY, Official Court Reporter for the United States District Court, Middle District, Tampa Division,

DO HEREBY CERTIFY, that I was authorized to and did, through use of Computer Aided Transcription, report in shorthand the proceedings and evidence in the above-styled cause, as stated in the caption hereto, and that the foregoing pages numbered 1 to 167, inclusive, constitute a true and correct transcription of my shorthand report of said proceedings and evidence.

IN WITNESS WHEREOF I have hereunto set my hand in the City of Tampa, County of Hillsborough, State of Florida, this 21st day of December, 2021.

Claudia Spangler-Fry
CLAUDIA SPANGLER-FRY, Official Court Reporter