

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA,

5 Plaintiff,

No: 1:20cr183-1/2

6 vs.

7 ADAM DEAN FOX,
8 BARRY GORDON CROFT, JR.,

9 Defendants.

10 Before:

11 THE HONORABLE ROBERT J. JONKER
12 U.S. DISTRICT Judge
13 Grand Rapids, Michigan
14 Monday, August 15, 2022
Excerpt of Jury Trial Proceedings
Dan Chappel Testimony

15 APPEARANCES:

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20 On behalf of the Plaintiff;

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25 On behalf of Defendant Fox.

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On behalf of Defendant Croft, Jr.

REPORTED BY: MR. PAUL G. BRANDELL, CSR-4552, RPR, CRR

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08/15/2022

DANIEL CHAPPEL, GOVERNMENT

having been first duly sworn, testified as follows:

(Witness sworn, 9:00 a.m.)

THE COURT: Okay. Please be seated and we'll turn it over to Mr. Kessler for direct.

MR. KESSLER: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. KESSLER:

Q Good morning, Mr. Chappel.

A Good morning.

Q Can you start out by telling the jury how old you are?

A I am 35.

Q And where do you live? I don't mean your address.

A Central Michigan.

Q Okay. And what do you do for a living?

A I am a contractor through the post office.

Q What do you do for the post office?

A I transport mail.

Q Drive a truck?

A I do.

Q And what did you do before you started working as a contractor for the postal service?

A I was a firearms instructor and prior to that I was in the

1 military.

2 Q First off, which branch?

3 A The army.

4 Q What did you do in the army?

5 A I was a 13 Fox fire support specialist or a forward
6 observer.

7 Q Can you tell the jury which -- just what a forward observer
8 is?

9 A So I in-directed artillery, motors, naval gunfire. I was
10 also with infantry, so breaching doors, clearing houses and
11 providing overwatch for friendly coalition forces.

12 Q How long were you in the army?

13 A Five years.

14 Q Did you serve in combat?

15 A I did.

16 Q Where?

17 A In Iraq.

18 Q How long were you in Iraq?

19 A Fifteen months.

20 Q Any particular places in Iraq where you served in combat?

21 A The western sea province and then a lot of our fighting was
22 done up in Sadr City.

23 Q Were you wounded during your time in Iraq?

24 A I was.

25 Q How were you wounded?

1 A I sustained injuries to my lower back, and I had a combat
2 related injury that resulted in titanium from my knee down.

3 Q How were you actually wounded like that?

4 A We took two IEDs in the vehicle I was in. I also took an
5 RPG --

6 Q You are not an agent or anything. You don't testify for a
7 living, do you?

8 A No. No.

9 Q Okay. Now, you said you took your wounds from an IED
10 explosion. What is an IED?

11 A Improvised explosive device.

12 Q So after you got out of the army did you join a militia?

13 A Yes.

14 Q Which one was that?

15 A The Wolverine Watchmen.

16 Q Can you tell the jury why you decided to join them?

17 A Second Amendment, so pro 2A.

18 Q When you say 2A, you mean shorthand for Second Amendment?

19 A I do. Yes. A training environment.

20 Q Now, you say a training environment. Why did you want to
21 get more training?

22 A As being a firearms instructor I was looking for a place to
23 utilize my own skill set and develop them more. They are a
24 perishable skill set. If you don't use it you lose it.

25 Q So you had to practice?

1 A You do.

2 Q How did you find the Wolverine Watchmen?

3 A Through FaceBook. It was an algorithm post that was
4 suggested. So if you are scrolling through FaceBook it was a
5 suggested post to join the group.

6 Q And what did you do with that suggestion?

7 A I clicked on the group seeing that they were a pro Second
8 Amendment page and just liked it for content through just daily
9 content.

10 Q Were you invited to apply for membership?

11 A Yes.

12 Q How did that happen?

13 A Through the FaceBook itself or separately?

14 Q Tell us about the whole process.

15 A So through FaceBook it was a private group. So you had to
16 answer three questions to join the group. I can't recall what
17 those questions were, but after the administrator seen my
18 replies to it I was able to join the page. From there, I
19 believe a day or so later, an individual from the group made a
20 post that if you want to train and utilize property that we
21 should download an app called Wire. I did that. He instructed
22 me it was a vetting process like a job interview, and we went
23 through that process.

24 Q Okay. Now, tell us about this Wire application. What did
25 you know about it?

1 A It was an encrypted chat, so a third-party provider. You
2 would make up your own user name or screen name for it and only
3 the individuals in that group could see what you were posting.

4 Q Did you receive direct messages from the group through that
5 Wire chat application?

6 A I did.

7 Q Can you tell us about their vetting process and what that
8 means?

9 A So it was kind of like being in a job interview. Through
10 the Wire you don't know who is asking the questions or how many
11 people are in the group. So the questions they asked me was
12 what is my political views? I identify as a
13 Libertarian/conservative. They asked me how I thought about
14 the current state of law enforcement. I said we had --

15 MR. BLANCHARD: I am going to object to the hearsay
16 here. He was asked what were the questions he was asked, not
17 what were the answers you gave.

18 THE COURT: Okay. Well, why don't you break it up a
19 little bit I think depending on how long you want to go.

20 MR. KESSLER: I was finishing it, Your Honor.

21 BY MR. KESSLER:

22 Q So after you answered those initial questions were you
23 brought into the Wolverine Watchmen's main chat group?

24 A I was.

25 Q Who did you meet through that?

1 A The leadership chat. Well, the people that were the
2 founders of the Wolverine Watchmen.

3 Q And who were they?

4 A Pete Musico and Joe Morrison, along with Ty Garbin and
5 several others.

6 Q Okay. Let's focus on March of 2020. So did you actually
7 meet these people in real life?

8 A I did.

9 Q And what happened when you met them?

10 A We conducted a training exercise while we were there.

11 Q Where was that?

12 A At the Munith property down by Jackson.

13 Q Whose property was the Munith property?

14 A Joe Morrison and Pete Musico.

15 Q Did Mr. Musico say anything that caused you concern?

16 MR. BLANCHARD: Objection, hearsay.

17 BY MR. KESSLER:

18 Q Did you become concerned about the group?

19 A I became concerned about the group the first day that I
20 downloaded the app Wire. That was a post made by Pete Musico
21 stating --

22 MR. GIBBONS: I am going to object as to hearsay from
23 Pete Musico.

24 MR. KESSLER: This isn't offered for the truth of the
25 assertion. It's offered to show the effect on a listener and

1 why he did what he did next.

2 THE COURT: I think for that purpose it's okay,
3 because what we're trying to find out, and for the jury, this
4 is the purpose of whatever we hear next is what this witness
5 heard or read that gave him concern. We are not trying to
6 probe whether or not whoever posted it truly meant it or
7 whether it was true or not, simply to understand what was in
8 this witness's mind and what caused him the concern for that
9 purpose. Go ahead, Mr. Kessler.

10 MR. KESSLER: Thank you, Your Honor.

11 BY MR. KESSLER:

12 Q So Mr. Chappel, what did you hear and read that caused you
13 concern?

14 A That they were using the training to target law enforcement
15 to kill them.

16 Q What specifically did you -- did you hear or see that made
17 you concerned it was real?

18 A That they wanted to conduct reverse red flag laws and
19 obtain addresses to police officers.

20 Q When you say reverse red flag laws, what do you mean?

21 A The current state that we have red flags right now where if
22 a loved one or coworker, significant other fears that -- the
23 safety or well-being of an individual they might harm
24 themselves or a member of the community that they can notify
25 law enforcement and they will come and retrieve firearms from

1 that individual. Most of these that have happened have
2 resulted in the death of that individual. So them saying that
3 they want to do a reverse red flag law is to kill police
4 officers.

5 Q And did you see them do or say anything that suggested they
6 really found the addresses of police officers?

7 A They were wanting to obtain another app called onX Hunt.
8 So if they have addresses with each other they could share them
9 so that they could obtain the addresses.

10 Q And when you became concerned about this what did you do?

11 A I have a friend that is a police officer. So this
12 conversation happened immediately after the vetting. I sent
13 him a text asking if he was working. He said that he was. I
14 asked if he would stop by the house so he could see the
15 conversation happen in live time. He did. Because of the
16 security sets on the app we weren't able to screen shot any of
17 the messages. He continued to read the conversation. Later
18 that night he asked me --

19 MR. BLANCHARD: I am going to object to the hearsay
20 from his police officer friend. I mean, there can't be Enright
21 findings there.

22 THE COURT: At this point why don't we break it down
23 so we get more of a question and answer. I think the question
24 started out on what he did about it, and he said he went to the
25 police officer, and now we can break it down beyond that.

1 BY MR. KESSLER:

2 Q So you went and talked to your friend who is a police
3 officer and you showed him the images on your phone, correct?

4 A I did.

5 Q How long after that were you contacted by the FBI?

6 A About a week.

7 Q All right. And did you tell them the same thing?

8 A I physically gave them the phone so they could view the
9 conversation that was happening. Yes.

10 Q Did they ask you to do something?

11 A They asked me if I would stay within the group and monitor
12 their activities and be a source for them.

13 Q Did you want to do that?

14 A At first, no.

15 Q Why did you do it?

16 A I had no idea what these individuals were capable of. I
17 knew that they were wanting to target and potentially kill law
18 enforcement, so the safety of not only myself and my daughter
19 were a big concern for myself.

20 Q Did you do this for the money?

21 A No.

22 Q How did you understand your job as a confidential human
23 source for the FBI?

24 A I would maintain accessibility for them so that they could
25 monitor the activities of the group.

1 Q And were you provided with a recording device?

2 A I was.

3 Q What were you supposed to do with that?

4 A Monitor and record all the conversation that were taking
5 place.

6 Q Did you understand that you had to play along?

7 A Yes.

8 Q What did that mean to you?

9 A Maintain a like-minded role with the individuals.

10 Q So pretend that you were what?

11 A A domestic terrorist.

12 Q Let me ask you about the things that you got from the FBI,
13 the equipment specifically. You mentioned a recording device?

14 A Yes.

15 Q Did you get more than one of those?

16 A I had several.

17 Q Okay. Did you get a new telephone?

18 A I did.

19 Q All right. Tell us about that and why you -- what you were
20 supposed to do with that phone?

21 A The phone that I previously, that I had, the battery was
22 failing. The conversation that we were having on the Wire
23 would last all throughout the day. I also had a life outside
24 of this, so I am going to work and the conversations were
25 continuously going. This was during COVID, and so a lot of

1 individuals were either unemployed or unfortunately had lost
2 their job. I was fortunate enough to still be employed, but I
3 had to maintain a role with these individuals. So the battery
4 kept failing, and then it just wouldn't hold a charge after a
5 certain time so the new phone was to help with the
6 conversation.

7 Q Longer battery life?

8 A Yes.

9 Q Did you receive a laptop computer?

10 A I did.

11 Q And what were you supposed to do with that?

12 A Again, when I was home I was able to continue the
13 conversation on that device as well rather than just my phone.

14 Q Did you consider that a gift or a tool?

15 A Tool.

16 Q Did you receive a watch?

17 A I did.

18 Q Tell the jury about that.

19 A That's a Samsung Galaxy 4 watch, a smart watch. It has
20 some built in -- what we were able to do is a secured feature.
21 A lot of them -- more watches now have the same feature. So if
22 you fall it'll call my caller contact to contact. So my
23 emergency contacts were the handling agents for myself. So if
24 I was compromised in a position and I didn't have a live feed
25 device I could call them and it could also record the

1 conversation or they can send help for me.

2 Q And would it actually send your location?

3 A It would turn the phone on so it would physically call them
4 and it would give a location where I was at.

5 Q Did you consider that a gift or a tool?

6 A A tool.

7 Q Let me talk to you a little bit about the compensation that
8 you got. You mentioned that you drove a truck as a contractor
9 for the postal service, right?

10 A I did.

11 Q Did your work for the FBI as a confidential human source
12 require you to miss days of work?

13 A Yes.

14 Q And would you get paid for those days if you didn't show up
15 at work?

16 A I was not being paid by. No.

17 Q Okay. So were you compensated for your lost wages?

18 A Partly. Yes.

19 Q Did you have to change your residence when this case wound
20 up?

21 A I did.

22 Q Tell the jury about that.

23 A One of the individuals from the group had found out where I
24 lived. So for fear and safety of my daughter I sold that house
25 and bought a new residence.

1 Q And before you had bought a new residence where did you
2 have to live?

3 A Through hotels.

4 Q And did the FBI compensate you for the hotel bills?

5 A Afterwards. Yes.

6 Q All right. And any expenses relating to your move?

7 A Yes.

8 Q All right. Let's focus on April 30th of 2020. Did you
9 attend a Second Amendment rally at the Capitol in Lansing?

10 A I did.

11 Q Were you actually inside the building?

12 A We did.

13 MR. KESSLER: All right. If we can put up Exhibit 5
14 for just the witness, please?

15 THE COURT: Do you have any objections to this,
16 Mr. Gibbons?

17 MR. GIBBONS: I do not, Your Honor.

18 THE COURT: Or Mr. Blanchard?

19 MR. BLANCHARD: No.

20 MR. KESSLER: I'm sorry. It's already in.

21 THE COURT: It's admitted.

22 BY MR. KESSLER:

23 Q If we can put up Exhibit 5?

24 Do you recognize this person?

25 A I do.

1 Q Who is that?

2 A That's Adam Fox.

3 Q Is that how he looked that day?

4 A Yes.

5 Q Okay. Do you recognize him here in the courtroom?

6 A I do.

7 Q Can you tell us what he is wearing and where he is sitting?

8 A A gray charcoal colored long-sleeved shirt in the front
9 row.

10 MR. KESSLER: All right. May the record reflect that
11 he's identified Mr. Fox?

12 THE COURT: It may.

13 BY MR. KESSLER:

14 Q Now, you attended this rally as well but did you attend it
15 with Mr. Fox?

16 A No. I did not.

17 Q Did you talk to Mr. Fox that day?

18 A No.

19 Q What was the purpose of the rally?

20 A My understanding was not only a recruitment process for the
21 Wolverine Watchmen but it was a Second Amendment, so a two-way
22 rally.

23 Q What was the purpose of carrying assault weapons?

24 A Exercising their Second Amendment right.

25 Q Okay. How did you communicate with the Wolverine Watchmen

1 when you weren't together with them physically?

2 A Through the Wire app.

3 Q Okay. And you mentioned that that was encrypted, and you
4 also mentioned something earlier about how you couldn't screen
5 shot it, right?

6 A Correct.

7 Q So how did you share that information with the FBI?

8 A I gave them my user name and log in so they can monitor the
9 conversation in live time as well.

10 Q Now, you've talked about Wire being able to text with it.
11 What else can you do with Wire?

12 A You can make audio calls, phone calls, messages. Another
13 feature that they had on there was a ping. So that if you had
14 your phone like on mute -- Joe Morrison had it set up so that
15 if you were compromised by law enforcement you could ping the
16 phone so your notifications would go off and then you could
17 drop your location. So be like a QRF.

18 Q What's a QRF?

19 A A quick reaction force. So again, if they were compromised
20 by law enforcement you would ping your location. It would
21 supersede your device settings and then you would pin drop
22 where you were and people can come to your location.

23 Q In case law enforcement contacted you?

24 A Correct.

25 Q Can you also send photos and video and audio clips on it?

1 A You can. Yes.

2 Q Did it have a self-deleting feature?

3 A It did.

4 Q Can you tell the jury what that is?

5 A Kind of like Snapchat, if you are familiar with that at
6 all, that after a set amount of time by the administrator it
7 would delete conversation. So you can go 24 hours, three days
8 a week and then up to a month.

9 Q Now, in May of 2020, was the group that you were involved
10 in, were you guys already talking about Governor Whitmer?

11 A Yes.

12 Q Let's focus on May 22. And if you can have a look on just
13 the screen in front of you at Government Exhibit 21 for
14 identification? Do you recognize that?

15 A I do.

16 Q Did you receive that post as part of your role in the
17 Wolverine Watchmen?

18 A I did.

19 MR. KESSLER: I'd offer Government Exhibit 21?

20 THE COURT: Mr. Gibbons?

21 MR. GIBBONS: I have no objection, Your Honor.

22 THE COURT: Mr. Blanchard?

23 MR. BLANCHARD: I think it requires some foundation on
24 who sent it. He said, did you receive it as part of the group?
25 I think to be relevant we need to know who it came from.

1 THE COURT: All right. I think the foundation was
2 that he received it as part of his chat communications in Wire,
3 but if that's wrong I'm sure you'll expose it on cross, and if
4 you want to do more, Mr. Kessler, you can, but for now we'll
5 admit it.

6 BY MR. KESSLER:

7 Q So Mr. Chappel, you received this as part of your
8 participation in the Wolverine Watchmen. Do you recognize that
9 blue house on the upper left?

10 A I do.

11 Q Whose house is that?

12 A That is the governor of Michigan's residence.

13 Q And we are going to get to this again later, but how do you
14 know that's the governor of Michigan's private residence?

15 A I physically drove past it.

16 Q With who?

17 A Adam Fox and Eric Molitor.

18 Q But at this point we're all the way back in May, May 22nd,
19 right?

20 A Correct.

21 Q So everybody probably knows this, but who is that to the
22 right of the blue house?

23 A That's the governor.

24 Q Okay. And below that what are we looking at?

25 A A geographical map of where her residence is.

1 Q Do you recognize that location?

2 A I do.

3 Q And there is an address which I am not going to read out
4 loud on the record here, but do you recognize that address?

5 A I do.

6 Q Whose address is that?

7 A That's the governor's.

8 Q And you know that from going there with Mr. Fox as well?

9 A I do.

10 Q And we see the address as well in the lower left. What are
11 we looking at there?

12 A A front photo of the governor's house.

13 Q In a real estate site?

14 A I believe so. Yes.

15 Q Now, you talked about wearing and carrying a recorder. Did
16 you listen to those recordings before you came in here for the
17 trial?

18 A I have.

19 Q Have you reviewed the transcripts that go with those?

20 A I have.

21 Q Do you recognize the voices that are on those transcripts?

22 A Yes.

23 Q Because you were there?

24 A I was. Yes.

25 Q Okay. And do the names go with the right statements from

1 your review of the transcripts?

2 A They do.

3 Q All right. And you have done that for every recording that
4 we are going to review together here?

5 A Yes.

6 Q All right. So let's move forward to the spring. Did the
7 meeting in Dublin, Ohio, come up in your discussions with the
8 Wolverine Watchmen folks?

9 A It did. Yes.

10 Q Did you go to Dublin, Ohio yourself?

11 A No. I did not.

12 Q Who reached out to the Wolverine Watchmen after that?

13 A Periodically was Barry Croft and Adam Fox.

14 Q Okay. And had you met Adam Fox at that point?

15 A I have not. No.

16 Q Okay. How did Adam Fox reach out to the Wolverine Watchmen
17 after Dublin, Ohio?

18 A Through FaceBook to Joe Morrison.

19 Q Were you involved in a telephone call with Mr. Morrison and
20 Mr. Fox?

21 A I was.

22 Q Who else was involved -- who else was on that call?

23 A Ty Garbin and several other Wolverine Watchmen.

24 Q Was it on speaker phone or were you all on separate phones?

25 A It was a speakerphone.

1 Q But Mr. Fox wasn't there with you personally?

2 A No.

3 Q All right. So on June 14th, do you remember the contents
4 of that particular call?

5 A I do.

6 MR. KESSLER: All right. I'd offer Government Exhibit
7 57?

8 THE COURT: All right. Mr. Gibbons?

9 MR. GIBBONS: No objection, Your Honor.

10 THE COURT: Mr. Blanchard?

11 MR. BLANCHARD: I would object as to the statements
12 from Mr. Morrison as violating confrontation because I don't
13 believe the government is going to bring him.

14 THE COURT: All right. It's admitted. Same ruling as
15 earlier.

16 (Audio started, 9:19 a.m.)

17 (Audio stopped, 9:19 a.m.)

18 BY MR. KESSLER:

19 Q When did you first meet Adam Fox in person?

20 A I believe that Thursday at another protest at the Capitol.

21 Q All right. What type of protest was it?

22 A A bunch of militias were getting together a Second
23 Amendment rally.

24 Q So let's focus on June 18th of 2020. I am going to put up
25 just in front of you a photograph that's Government Exhibit 58

1 for identification. Do you recognize that photograph?

2 A I do.

3 Q Does that accurately depict what you saw there that day?

4 A It does.

5 MR. KESSLER: I'd offer Government Exhibit 58, Your
6 Honor?

7 THE COURT: Mr. Gibbons?

8 MR. GIBBONS: I have no objection to that photograph,
9 Your Honor.

10 MR. BLANCHARD: No objection, Your Honor.

11 THE COURT: It's admitted.

12 BY MR. KESSLER:

13 Q What are we looking at here?

14 A That is a photo of Adam Fox wearing a ballistic body armor
15 with an AR-15.

16 Q Okay. I'd like to just focus on a couple of features of
17 what is with him. You said he's got ballistic body armor. Is
18 that this vest he is wearing?

19 A Correct.

20 Q What are these here?

21 A Separate magazines for the AR-15.

22 Q And those are the same kind of magazines you carried in
23 combat, correct?

24 MR. BLANCHARD: I am going to object to the leading
25 nature.

1 THE COURT: It is leading.

2 BY MR. KESSLER:

3 Q How many rounds of ammunition does each one of those hold?

4 A Up to 30 rounds.

5 Q So if he's got one in the rifle and at least three in the
6 vest, we're talking 120?

7 A Correct.

8 Q We have here something that says TQ that's sticking up from
9 his shoulder. What is that?

10 A That's a tourniquet.

11 Q What's this on his -- attached to his vest?

12 A A pistol.

13 Q Semiautomatic?

14 A Correct.

15 Q What are these orange things hanging around his neck?

16 A Hearing protection.

17 Q What do you need hearing protection for?

18 A If you are going to be shooting a firearm.

19 Q What's this wire sticking out of his ear?

20 A Connected to a Baofeng, so a walky-talky.

21 Q And what does this shirt mean to you as part of the
22 Wolverine Watchmen?

23 A Can you point at it again?

24 Q The shirt, the Hawaiian shirt.

25 A That identified as the Boogaloo movement, so kind of their

1 uniform.

2 Q Now, you mentioned last time that carrying the rifles was
3 part of the -- part of these protests here. What did you
4 understand the potential mission to be this time? Just
5 demonstration?

6 A No. That there would be enough militias joining that they
7 could, in fact, kick off the Boogaloo movement.

8 Q It didn't happen, though, right, to be clear? I know you
9 are going to be asked that.

10 A No. Fortunately it did not.

11 Q Now, after that rally on June 18th, did Mr. Fox propose a
12 meeting?

13 A He did.

14 Q Where did he propose to meet with you guys?

15 A At the Vac Shack in Grand Rapids.

16 Q And what did you understand the Vac Shack was?

17 A A place that sold vacuum cleaners, so a business.

18 Q Okay. So let's talk about June 20th then. I would -- did
19 you make recordings at that meeting?

20 A I did.

21 Q Who did you attend it with?

22 A Ty Garbin, Paul Bellar, Adam Fox, his girlfriend at the
23 time, and another individual by McIntosh was the last name.

24 Q So you, Ty Garbin and Paul Bellar were there in what
25 capacity?

1 A As representatives of the Wolverine Watchmen.

2 MR. KESSLER: I'd offer Government Exhibits 60 through
3 66, the recordings of that meeting.

4 THE COURT: All right. So we have 60 and 61 as
5 pictures.

6 MR. KESSLER: I'm sorry. I'm sorry. You are right.
7 Let's do the pictures first.

8 THE COURT: So 60 and 61 are in. Do you want to do
9 62?

10 MR. KESSLER: Sure. I'd offer all of them if there is
11 no objections.

12 THE COURT: 60 and 61 are already in.

13 MR. KESSLER: Okay.

14 THE COURT: Do you have any objections to 62,
15 Mr. Gibbons?

16 MR. GIBBONS: If it's the audio, Your Honor, just a
17 standing objection on confrontation.

18 THE COURT: We are talking about pictures.

19 MR. GIBBONS: No objection to the photographs.

20 THE COURT: Mr. Blanchard? 60, 61, and 62?

21 MR. BLANCHARD: Those are fine.

22 THE COURT: Go ahead. 62 is the only one that hasn't
23 been already on the screen, so go ahead.

24 BY MR. KESSLER:

25 Q Let's put up 60. So that's the place you went?

1 A It is.

2 Q 61. And did you go down this trap door?

3 A I did. Yes.

4 Q When you got there was that open like that?

5 A No. It was not.

6 Q All right. How was it covered?

7 A The plywood off to the right was closed.

8 Q What did Mr. Fox ask you to do before going down into the
9 basement?

10 A To take all of our cell phones and put them in a box, so he
11 was performing OPSEC for the meeting.

12 Q Did you do that?

13 A We did. Yes.

14 Q Let's take a look at --

15 MR. KESSLER: Did we have any objections on 62?

16 MR. GIBBONS: No objection, 62.

17 MR. KESSLER: Okay.

18 BY MR. KESSLER:

19 Q Did you go down here?

20 A I did.

21 Q And is this where you recorded the next couple of exhibits
22 I'm going to be offering?

23 A Yes.

24 Q Okay. And before we play those, you mentioned all the
25 people who were down there. What was Mr. Fox talking about

1 with you down there generally?

2 A Concept and ideas for which eventually would turn into
3 kidnapping the governor. Initially he wanted to assault the
4 Capitol with 200 individuals and execute the governor inside
5 there.

6 Q When did he want to do it?

7 A Before the election.

8 Q Which would have been November of 2020?

9 A Correct.

10 MR. KESSLER: All right. Now, offer Government
11 Exhibits 64, 65 and 66, the recordings from that meeting.

12 THE COURT: All right. Mr. Gibbons?

13 MR. GIBBONS: Just the standing objection on
14 confrontation as expressed prior. Thank you, Your Honor.

15 THE COURT: Mr. Blanchard?

16 MR. BLANCHARD: Each of those contains what I believe
17 to be testimonial statements from Mr. Bellar, Mr. McIntosh and
18 Ms. Keller, which I think violate Mr. Croft's right to confront
19 his accusers and I would object on that basis.

20 THE COURT: So same ruling as previously. They are
21 admitted.

22 MR. KESSLER: Let's take 64, please.

23 (Audio started, 9:25 a.m.)

24 (Audio stopped, 9:26 a.m.)

25 BY MR. KESSLER:

1 Q And did Mr. Fox also talk about the meeting he had gone to
2 in Dublin, Ohio?

3 A He did. Yes.

4 MR. KESSLER: Can we play Exhibit 65, please?

5 (Audio started, 9:26 a.m.)

6 (Audio stopped, 9:27 a.m.)

7 BY MR. KESSLER:

8 Q Did Mr. Fox also talk about using bombs?

9 A He did. Yes.

10 MR. KESSLER: Play Exhibit 66, please.

11 (Audio started, 9:27 a.m.)

12 (Audio stopped, 9:28 a.m.)

13 BY MR. KESSLER:

14 Q So on July 10th through the 12th we've heard a bunch about
15 this field training exercise in Cambria, Wisconsin. Did you
16 attend that?

17 A I did.

18 Q And I'd like to show you in front of you what's been marked
19 as Government Exhibit 89 for identification. Do you recognize
20 that photograph?

21 A I do.

22 Q Is that an accurate depiction of what you saw there?

23 A It is.

24 MR. KESSLER: I'd offer 89, Your Honor?

25 MR. BLANCHARD: No objection.

1 MR. GIBBONS: No objection, Your Honor.

2 THE COURT: It's admitted.

3 BY MR. KESSLER:

4 Q Okay. I'd like to just blow up a couple of people here.
5 First off, can you blow that one up?

6 Who is that?

7 A That is myself.

8 Q Okay. And we see these two people right here. Who are
9 those?

10 A To the left that's Kaleb Franks, and with the ball cap is
11 Ty Garbin.

12 Q Okay. Let's take that one down. Who is that?

13 A That is Barry Croft.

14 Q Okay. And you can see the hat. Who is that?

15 A Which one again?

16 Q This one right here?

17 A Oh, Adam Fox.

18 Q Okay. Let's blow him up.

19 So he had a beard back then?

20 A He did. Yes.

21 Q And let's go back to Barry Croft one more time just for a
22 second. We can blow him up.

23 What's he doing here?

24 A He is holding up three fingers as a sign of the III%ers.

25 Q What did you understand the III%ers to be?

1 A Another militia group.

2 Q I'd like to show you Exhibit 91 for identification just in
3 front of the witness, please. Do you recognize that
4 photograph?

5 A I do.

6 Q Accurate depiction of what you saw that day?

7 A Yes.

8 MR. KESSLER: I'd offer 91?

9 THE COURT: Mr. Gibbons.

10 MR. GIBBONS: No objection, Your Honor.

11 THE COURT: Mr. Blanchard?

12 MR. BLANCHARD: None.

13 THE COURT: It's admitted.

14 BY MR. KESSLER:

15 Q Who is that?

16 A That is Barry Croft.

17 Q And I hadn't asked you before but do you recognize him in
18 the courtroom today?

19 A I do.

20 Q Can you describe where he is and what he's wearing?

21 A He is in the far back row wearing a suit and tie.

22 Q There is a lot of people in the back row wearing a suit and
23 tie. Can you describe anything else about him?

24 A He has glasses on, almost shaved head, limited facial hair.

25 MR. KESSLER: May the record reflect he's identified

1 Mr. Croft?

2 THE COURT: Just describe what seat he is in.

3 THE WITNESS: He is to the right of his attorney on
4 the far row.

5 BY MR. KESSLER:

6 Q To the right from where you're sitting, right?

7 A Yes. Correct.

8 THE COURT: All right. Yes. It may reflect that.

9 MR. KESSLER: Thank you, Your Honor.

10 BY MR. KESSLER:

11 Q He looks a little different in this photograph here. I
12 want to ask you about what he is holding. What do you
13 recognize that to be?

14 A That is his Boogaloo flag.

15 Q Okay. And can we blow up -- first off, it's got a Hawaiian
16 pattern, right? You mentioned that was associated with the
17 Boogaloo?

18 A Correct.

19 Q Can we blow up this device in the middle of it?

20 This igloo here, what's that associated with?

21 A The Boogaloo movement.

22 Q And the soldiers in the flag are wearing Hawaiian shirts?

23 A They are. Yes.

24 Q And they are carrying what?

25 A Modern rifles. AR-15s.

1 Q And what's that?

2 A That would be a belt fed machine gun.

3 Q All right. Was this your first in-person meeting with
4 Mr. Croft?

5 A It was. Yes.

6 Q Let's talk about the first day there. July 11th, what kind
7 of training did you do that day?

8 A We call it reacting to contact, so you would be presented
9 with a force moving towards you, and you would be firing and
10 people would be doing a bounding technique, so you are
11 retreating under a volley of fire.

12 Q Is that something you actually practiced in the military?

13 A Yes.

14 Q Let's take a look at Exhibit 95 for identification for just
15 the witness, please.

16 MR. BLANCHARD: If it helps I have no objection.

17 THE COURT: All right. Any objection, Mr. Gibbons?

18 MR. GIBBONS: No, Your Honor.

19 THE COURT: It's admitted.

20 BY MR. KESSLER:

21 Q Who are we looking at here?

22 A That is Barry Croft.

23 Q Okay. This is with the three cornered hat off, right?

24 A Correct.

25 Q So did Mr. Croft participate in the military exercises that

1 day?

2 A He did. Yes.

3 Q Tell us what he is wearing, holding?

4 A He has ballistic body armor on, so a plate carrier,
5 separate magazines attached to the vest and then he is holding
6 a shotgun.

7 Q And what kind of shotgun is that? It doesn't look like the
8 duck hunting kind.

9 A No. It's a pump action shotgun with a cylinder tube so you
10 can hold more rounds inside of the chamber, and then it has a
11 breaching flash hider at the tip of the barrel.

12 Q And Ms. Wasserott, can you blow up the end of the barrel
13 there?

14 All right. So in the very corner here we see some
15 points that are sticking out from the end of that. Explain
16 what a breaching shotgun is?

17 A So for in the military a breaching shotgun would be for
18 gaining entry to a structure, either a house or a room. This
19 one set up differently than the ones we would have. We would
20 go for the hinges of the doors, three rounds into that and then
21 one on the door lock and we can gain entry. On this one it has
22 a serrated barrel, so you can actually push that into the
23 structure and pull the trigger. With it being serrated like
24 that you can use it for ripping as well.

25 Q You mentioned going for the hinges when you were in the

1 army. What would be the idea of having this breaching shotgun?
2 What would you try to shoot?

3 A So you could physically force it into a structure either if
4 it's a door or any kind of device for that. Typical shotguns
5 are a smooth bore at the end so you couldn't really serrate it
6 into anything. With this being jagged you could use it for
7 ripping and tearing.

8 Q Okay. You mentioned some exercises there. What did you
9 understand a kill house to be?

10 A As a mock shoot house. So you are setting up a structure
11 to gain entry to a building or a structure. It just is -- you
12 can set it for a center fed door, a left fed door or a right
13 fed door.

14 Q Did you use those in Cambria?

15 A We did. Yes.

16 Q Did members of the group video record people going through
17 those for training?

18 A We did. Yes.

19 Q Have you reviewed the video in Exhibit 103?

20 A I have.

21 Q Is that an accurate representation of what you saw and
22 participated in that day?

23 A Yes. It is.

24 MR. KESSLER: I'd offer 103?

25 THE COURT: I don't have 103. Is that the right

1 number?

2 MR. KESSLER: Do you have 105.1? They are --

3 MR. BLANCHARD: I have 103.

4 MR. GIBBONS: I have 103.

5 THE COURT: You both have 103. Any objection?

6 MR. GIBBONS: No, Your Honor.

7 THE COURT: Go ahead and do it, but make sure I get
8 one.

9 MR. KESSLER: Yes, Your Honor.

10 (Video started, 9:35 a.m.)

11 (Video stopped, 9:35 a.m.)

12 BY MR. KESSLER:

13 Q So Mr. Chappel, we see over here pictures of unhappy faces?

14 A Correct.

15 Q Were there also pictures of happy faces, like green ones?

16 A Yes.

17 Q What are the meaning of those things in an exercise like
18 this?

19 A They are signifiers for a shoot/no shoot targets.

20 Q Why would you practice that?

21 A So you wouldn't shoot an individual that you did not intend
22 to shoot.

23 Q Okay. After you all did your practice that day at Cambria
24 did you have dinner at the hotel where you were staying?

25 A We did. Yes.

1 MR. KESSLER: Can we put up Exhibit 88 for the witness
2 only, please?

3 MR. BLANCHARD: No objection on my part.

4 MR. GIBBONS: No objection, Your Honor.

5 THE COURT: It's admitted.

6 BY MR. KESSLER:

7 Q All right. What are we looking at here?

8 A That is a front entrance to the restaurant we were at.

9 Q We see a building over here to the side of the restaurant.
10 What's that?

11 A That's the adjoining hotel that we stayed in.

12 Q All right. So this place called Deno's there, did you eat
13 there that night?

14 A We did. Yes.

15 Q Do you remember who was there with you?

16 A Several members: Ty Garbin, Kaleb Franks, Paul Bellar,
17 myself, Barry Croft, Steve Robeson.

18 Q All right. Do you remember Mr. Croft talking?

19 A I do.

20 Q Do you recognize his voice on the audio?

21 A I do.

22 MR. KESSLER: I'd offer Exhibit 93?

23 THE COURT: Mr. Gibbons?

24 MR. GIBBONS: Subject to an objection to
25 confrontation, Your Honor, for people who are not charged.

1 THE COURT: Mr. Blanchard?

2 MR. BLANCHARD: I think it's admissible as to
3 Mr. Croft.

4 THE COURT: Okay. It's admitted.

5 (Audio started, 9:37 a.m.)

6 (Audio stopped, 9:38 a.m.)

7 BY MR. KESSLER:

8 Q So Mr. Chappel, during that conversation we could hear like
9 plates and silverware clinking. You were in the restaurant,
10 right?

11 A We were. Yes.

12 Q Did you go outside for a little while?

13 A We did.

14 Q Why?

15 A The reason that brought us out there initially was a person
16 had fallen, and so we were checking on their well-being and
17 then we continued the conversation from the dinner table.

18 Q During those conversations did Mr. Croft specifically talk
19 about Governor Whitmer?

20 A He did.

21 MR. KESSLER: Offer Government Exhibit 106, Your
22 Honor?

23 THE COURT: Mr. Gibbons?

24 MR. GIBBONS: Standing objection, Your Honor.

25 THE COURT: All right. Mr. Blanchard?

1 MR. BLANCHARD: I'm sorry?

2 THE COURT: 106.

3 MR. BLANCHARD: Yeah. I think it's admissible.

4 THE COURT: Okay. It's admitted.

5 (Audio started, 9:39 a.m.)

6 (Audio stopped, 9:40 a.m.)

7 BY MR. KESSLER:

8 Q So during this conversation we heard Mr. Croft say he
9 wanted to arrest the governor, put her on trial for treason,
10 which is a hanging offense. Do you recall that?

11 A I do.

12 Q Did you see Mr. Croft using marijuana during this
13 conversation?

14 A I did not. No.

15 Q Did you see him using marijuana at all that day?

16 A No.

17 Q Do you have any reason to believe he was high or otherwise
18 impaired when he said he wanted to take custody of the
19 governor?

20 A No.

21 Q Did Mr. Croft go on during this conversation to talk about
22 governors in general?

23 A He did. Yes.

24 MR. KESSLER: Offer Government Exhibit 109?

25 THE COURT: 109, Mr. Gibbons?

1 MR. GIBBONS: Standing objection, Your Honor.

2 THE COURT: Mr. Blanchard?

3 MR. BLANCHARD: One moment. Yeah. That's fine.

4 THE COURT: It's admitted.

5 (Audio started, 9:41 a.m.)

6 (Audio stopped, 9:43 a.m.)

7 BY MR. KESSLER:

8 Q So Mr. Chappel, did Adam Fox also talk to you about using
9 explosives that night?

10 A He did. Yes.

11 MR. KESSLER: I offer Government Exhibit 100?

12 THE COURT: Mr. Gibbons?

13 MR. GIBBONS: Standing objection, Your Honor.

14 THE COURT: All right. Mr. Blanchard?

15 MR. BLANCHARD: No objection.

16 THE COURT: It's admitted.

17 (Audio started, 9:43 a.m.)

18 (Audio stopped, 9:43 a.m.)

19 BY MR. KESSLER:

20 Q Did Mr. Fox also talk about growing the group and forming
21 squads?

22 A He did. Yes.

23 MR. KESSLER: Offer Government Exhibit 101?

24 THE COURT: Mr. Gibbons?

25 MR. GIBBONS: No -- standing objection, Your Honor.

1 THE COURT: All right. Mr. Blanchard?

2 MR. BLANCHARD: You know, subject to Enright findings,
3 nothing.

4 THE COURT: Go ahead. It's admitted.

5 (Audio started, 9:44 a.m.)

6 (Audio stopped, 9:44 a.m.)

7 BY MR. KESSLER:

8 Q All right. So the next day, July 12th, did you engage in
9 more training there at Cambria, Wisconsin?

10 A We did. Yes.

11 Q Did Mr. Croft talk about elections during that?

12 A He did.

13 MR. KESSLER: I'd offer Government Exhibit 110?

14 THE COURT: Mr. Gibbons?

15 MR. GIBBONS: Standing objection, Your Honor.

16 THE COURT: Mr. Blanchard?

17 MR. BLANCHARD: No objection.

18 THE COURT: It's admitted.

19 (Audio started, 9:45 a.m.)

20 (Audio stopped, 9:45 a.m.)

21 BY MR. KESSLER:

22 Q All right. So after Cambria broke up did you go back home?

23 A I did.

24 Q Did you attend another meeting in Peebles, Ohio on July
25 18th?

1 A Yes.

2 Q And did you record a conversation that happened at that
3 meeting as well?

4 A I did.

5 Q Also familiar with the voices, and they are accurate
6 renditions of what you heard?

7 A I am.

8 MR. KESSLER: I'd offer Exhibits 111, 112, 113 and
9 115?

10 THE COURT: All right. So I have 111 as something
11 other than a recording.

12 MR. KESSLER: You are right. I did it again. Sorry,
13 Your Honor. So --

14 THE COURT: What do you want for the recordings?

15 MR. KESSLER: Yeah. The recordings.

16 THE COURT: Are which numbers?

17 MR. KESSLER: 112, 113, 115.

18 THE COURT: All right. Any objections, Mr. Gibbons?

19 MR. GIBBONS: Confrontation, Your Honor, standing
20 objection.

21 THE COURT: All right. Mr. Blanchard?

22 MR. BLANCHARD: So yeah, as to 112, the foundation
23 that I thought I heard was that it was a recording from
24 Peebles, but it's marked as a phone call on my copy, and then I
25 wasn't clear, was there something after 113?

1 THE COURT: I have 112, 113 and 115 that Mr. Kessler
2 is offering.

3 MR. KESSLER: I can do them one at a time.

4 MR. BLANCHARD: I don't have an objection to 115, but
5 I am showing a call on I think it was 112, which I don't think
6 was the foundation I heard.

7 THE COURT: You want to cover that? The date is
8 different on mine, too, Mr. Kessler.

9 MR. KESSLER: Okay. Sure. Okay. Sure. Let's get
10 111 out of the way first and then I'll just take the others one
11 at the time.

12 THE COURT: Does anybody have an objection to 111,
13 Mr. Gibbons?

14 MR. GIBBONS: No objection, Your Honor.

15 THE COURT: Mr. Blanchard?

16 MR. BLANCHARD: No.

17 THE COURT: It's admitted.

18 BY MR. KESSLER:

19 Q So what are we looking at here?

20 A That is a roster for the meeting.

21 Q Okay. Now, what was the purpose of this meeting in
22 Peebles, Ohio as you understood it?

23 A To solidify targets that would eventually be taking place
24 prior to the election.

25 Q Who invited you to this meeting?

1 A Adam Fox and Barry Croft.

2 Q Not Steve Robeson?

3 A No.

4 Q All right. So 111 that we are looking at here, this is the
5 sign in log, is that right?

6 A Correct.

7 Q Let's blow up just the last couple of names down there?

8 Who is Gunny?

9 A Ty Garbin.

10 Q And then who is Dan?

11 A Myself.

12 Q And can we go to the second page and let's blow up the top
13 couple of names.

14 Barry Croft and Adam Fox?

15 A Correct.

16 Q And who is Keller?

17 A Adam Fox's girlfriend.

18 Q So they were all there at the meeting, correct?

19 A Correct.

20 Q So let's talk about the phone call. Did you talk with
21 Mr. Croft on the phone?

22 A I did.

23 Q And did he talk about governors in that phone call?

24 A He did. Yes.

25 MR. KESSLER: Offer Government Exhibit 112?

1 THE COURT: All right. Mr. Blanchard?

2 MR. BLANCHARD: Can we get the date of this phone call
3 for foundation? Otherwise --

4 BY MR. KESSLER:

5 Q I don't think that's a prerequisite for admission, but do
6 you remember the date?

7 A Not offhand.

8 THE COURT: Why don't you get it and place it in time
9 to the Peebles event.

10 BY MR. KESSLER:

11 Q Was it in time of the Peebles meeting?

12 A It was. Yes.

13 THE COURT: Before or after?

14 THE WITNESS: I believe after.

15 THE COURT: Okay. That's going to be a problem.
16 You're going to have to see if you can refresh him with the
17 text.

18 MR. KESSLER: Okay. Can we show him -- yes. Let's do
19 that. May I approach, Your Honor?

20 THE COURT: Sure.

21 MR. BLANCHARD: Just object to refreshing a witness
22 who hasn't said he didn't remember. He just said it was after,
23 which isn't true.

24 THE COURT: He said I believe after.

25 BY MR. KESSLER:

1 Q Do you recall that conversation now?

2 A I do.

3 Q All right. And do you recall whether it was before or
4 after the Peebles meeting?

5 A It was on the 14th so after.

6 Q Okay.

7 THE COURT: All right. So the 14th is the date of the
8 recording. Whether it's before or after the event will have to
9 be a matter of other evidence, but I think with the date it can
10 be admitted over the other objections.

11 MR. KESSLER: Okay. And I guess we can come back to
12 that one after. Does it matter to the Court?

13 THE COURT: No.

14 MR. KESSLER: All right. Let's go ahead and listen to
15 it now since we have it all cued up.

16 (Audio started, 9:50 a.m.)

17 (Audio stopped, 9:51 a.m.)

18 BY MR. KESSLER:

19 Q Had Mr. Fox actually talked about an attack on Governor
20 Whitmer?

21 MR. GIBBONS: Objection. Croft I believe.

22 THE COURT: I think he is moving to a next topic.

23 MR. GIBBONS: Okay. Just to make sure.

24 BY MR. KESSLER:

25 Q Had Mr. Fox actually talked about an attack on Governor

1 Whitmer specifically at Peebles?

2 A Yes.

3 Q All right. Exhibit 113?

4 THE COURT: 113 is your next one?

5 MR. KESSLER: Yes, Your Honor.

6 THE COURT: And I think you have the objection,
7 Mr. Gibbons. Mr. Blanchard, you as well?

8 MR. BLANCHARD: Yes, Your Honor.

9 THE COURT: All right. So same ruling. Go ahead.

10 (Audio started, 9:52 a.m.)

11 (Audio stopped, 9:56 a.m.)

12 BY MR. KESSLER:

13 Q All right. Mr. Chappel, we just heard Mr. Fox talking
14 about three routes, doing recon on two before snatching the
15 governor?

16 A Correct.

17 Q Do you recall that? Okay. On July 19th did you have a
18 conversation with Mr. Fox about that, about No. 2?

19 A I did. Yes.

20 Q And you recorded that as well?

21 A I did.

22 MR. KESSLER: I offer Government Exhibit 118?

23 THE COURT: Mr. Gibbons?

24 MR. GIBBONS: Standing objection, Your Honor.

25 THE COURT: Mr. Blanchard?

1 MR. BLANCHARD: Sorry. This isn't a recording. This
2 is --

3 MR. KESSLER: It's a recording.

4 MR. BLANCHARD: You said 118?

5 THE COURT: 118 is not a recording on mine either.

6 MR. KESSLER: What am I missing? My typo. 115.

7 THE COURT: So we are talking about 115. Same
8 objection, Mr. Gibbons?

9 MR. GIBBONS: You are correct, Your Honor.

10 THE COURT: Mr. Blanchard?

11 MR. BLANCHARD: I think there is a confrontation
12 problem.

13 THE COURT: All right. Same ruling. It's admitted.

14 (Audio started, 9:57 a.m.)

15 (Audio stopped, 9:57 a.m.)

16 BY MR. KESSLER:

17 Q All right. I'm sorry I misspoke before. So let's talk
18 about 118 now. On July 19th did you have a chat conversation
19 with Mr. Fox?

20 A I did. Yes.

21 MR. KESSLER: I offer Government Exhibit 118?

22 MR. GIBBONS: No objection, Your Honor.

23 THE COURT: Mr. Blanchard?

24 MR. BLANCHARD: Some confrontation issue but otherwise
25 nothing.

1 THE COURT: All right. Admitted, 118.

2 BY MR. KESSLER:

3 Q Okay. Let's blow up the first box. And who did you
4 understand Deanzzy to be?

5 A Adam Fox.

6 Q Do you know his middle name?

7 A No.

8 Q Okay. So let's read it out loud if you would?

9 A I talked to the chef. Should be able to meet possibly this
10 coming weekend. Next at the latest. I am ready to start
11 baking. Scoping out some shit this week, too.

12 Q Okay. Can we look at the second box then? It says, we
13 gonna day date recon lol we got this bro. I'll pass the intel
14 along. We heard some conversation in the past couple
15 recordings about recon as well. What did you understand the
16 recon to be?

17 A Going up to the governor's residence.

18 Q For reconnaissance?

19 A Yes.

20 Q Is there a second page? Okay.

21 Let me focus your attention now on a couple days
22 later, July 24th. Did Mr. Fox talk about Governor Whitmer's
23 location again then?

24 A He did.

25 Q Did you record that conversation?

1 A He did.

2 MR. KESSLER: I'd offer Government Exhibit 122, Your
3 Honor?

4 THE COURT: Mr. Gibbons?

5 MR. GIBBONS: Standing objection, confrontation, Your
6 Honor.

7 THE COURT: Mr. Blanchard?

8 MR. BLANCHARD: Same.

9 THE COURT: It's admitted. Same ruling.

10 (Audio started, 9:59 a.m.)

11 (Audio stopped, 10:01 a.m.)

12 BY MR. KESSLER:

13 Q Did he talk more about explosives during that conversation?

14 A He did. Yes.

15 MR. KESSLER: I'll offer Government Exhibit 123?

16 THE COURT: Mr. Gibbons?

17 MR. GIBBONS: Same objection, Your Honor.

18 THE COURT: All right. Mr. Blanchard?

19 MR. BLANCHARD: Same.

20 THE COURT: All right. Same ruling. It's admitted.

21 (Audio started, 10:01 a.m.)

22 (Audio stopped, 10:02 a.m.)

23 BY MR. KESSLER:

24 Q Let's move forward a couple days to July 27th. Did you
25 talk specifically about kidnapping the governor with Mr. Fox

1 that day?

2 A Yes.

3 MR. KESSLER: I'd offer Government Exhibit 127?

4 THE COURT: All right. Mr. Gibbons?

5 MR. GIBBONS: No objection, Your Honor.

6 THE COURT: All right. Mr. Blanchard?

7 MR. BLANCHARD: I don't have any objection.

8 THE COURT: All right. It's admitted.

9 (Audio started, 10:03 a.m.)

10 (Audio stopped, 10:03 a.m.)

11 BY MR. KESSLER:

12 Q Did Mr. Fox also talk about the best place to do it?

13 A Yes.

14 MR. KESSLER: Government Exhibit 128, Your Honor?

15 THE COURT: Mr. Gibbons?

16 MR. GIBBONS: No objection, Your Honor.

17 THE COURT: Mr. Blanchard?

18 MR. BLANCHARD: None, Your Honor. Thank you.

19 THE COURT: It's admitted.

20 (Audio started, 10:03 a.m.)

21 (Audio stopped, 10:04 a.m.)

22 BY MR. KESSLER:

23 Q And just to clarify, was the island the plan that everyone
24 eventually settled on?

25 A No. It was not.

1 Q On August 4th did you have a conversation with Mr. Fox
2 about leadership?

3 A Yes.

4 Q Was that recorded as well?

5 A It was.

6 MR. KESSLER: I'd offer Government Exhibit 133, Your
7 Honor?

8 MR. GIBBONS: No objection, Your Honor.

9 THE COURT: Mr. Blanchard?

10 MR. BLANCHARD: No objection.

11 THE COURT: All right. It's admitted.

12 (Audio started, 10:04 a.m.)

13 (Audio stopped, 10:05 a.m.)

14 BY MR. KESSLER:

15 Q We heard Mr. Fox talking about the way he could lead best.
16 Did you ever consider yourself the leader of this group?

17 A No.

18 Q Who was the leader?

19 A Adam Fox.

20 Q On August 9th did you attend another field training
21 exercise in Munith, Michigan?

22 A I did.

23 Q Who was there?

24 A Adam Fox, Sean Fix, Joe Morrison, myself and several other
25 Wolverine Watchmen members.

1 Q Was Ty Garbin there?

2 A He was.

3 Q What kinds of things did you train on there?

4 A Vehicle ambush, so vehicle take over, L-shape ambushes,
5 room clearing and medical.

6 Q Did Mr. Fox talk about his plans at the Munith FTX as well?

7 A He did.

8 Q And were those conversations recorded?

9 A They were.

10 MR. KESSLER: Offer Government Exhibit 138?

11 THE COURT: Mr. Gibbons?

12 MR. GIBBONS: Standing objection, Your Honor.

13 THE COURT: Mr. Blanchard?

14 MR. BLANCHARD: I have no objection to this one.

15 THE COURT: All right. 138 is admitted.

16 (Audio started, 10:06 a.m.)

17 (Audio stopped, 10:06 a.m.)

18 BY MR. KESSLER:

19 Q Did you talk with Mr. Fox about an asset on multiple
20 occasions?

21 A Yes.

22 Q What did you understand that to mean?

23 A The governor.

24 Q Did Mr. Fox talk about taking the offensive?

25 A He did.

1 MR. KESSLER: Offer Government Exhibit 139?

2 THE COURT: Mr. Gibbons?

3 MR. GIBBONS: No objection, Your Honor.

4 THE COURT: All right. Mr. Blanchard?

5 MR. BLANCHARD: I don't have an objection. I'd ask if
6 at some point when it's convenient if we could take a break,
7 though.

8 THE COURT: All right. Go ahead. It's admitted.

9 (Audio started, 10:07 a.m.)

10 (Audio stopped, 10:07 a.m.)

11 THE COURT: Why don't you look for a good stopping
12 point when you get to one.

13 MR. KESSLER: I can stop here, Your Honor.

14 THE COURT: All right. Well, I want you to be able to
15 finish up a topic.

16 MR. KESSLER: Yup.

17 THE COURT: We are about ready for our morning break
18 in any event, and I think it's a good time to take that, so
19 we'll give you your first 20-minute break and come back about
20 10:30.

21 (Jury out, 10:08 a.m.)

22 *****

23 (Resume Proceeding, 10:31 a.m.)

24 (Jury in, 10:31 a.m.)

25 LAW CLERK: The United States District Court for the

1 Western District of Michigan is now in session. The Honorable
2 Robert J. Jonker, United States District Judge, presiding.

3 THE COURT: All right. Welcome back everyone. Took
4 our break in the middle of the direct exam of CHS Dan, and
5 we'll turn it back to Mr. Kessler to continue that exam.

6 MR. KESSLER: Thank you, Your Honor.

7 BY MR. KESSLER:

8 Q So Mr. Chappel, when we left off we were at August 17th.
9 Did you have a phone call with Mr. Fox that day about doing a
10 recon of the governor's house?

11 A I did. Yes.

12 MR. KESSLER: Offer Government Exhibit 158?

13 THE COURT: Mr. Gibbons?

14 MR. GIBBONS: No objection, Your Honor.

15 THE COURT: Mr. Blanchard?

16 MR. BLANCHARD: No objection.

17 THE COURT: All right. It's admitted.

18 (Audio started, 10:33 a.m.)

19 (Audio stopped, 10:33 a.m.)

20 BY MR. KESSLER:

21 Q Let me ask you about two things in here. First, you asked
22 Mr. Fox, we don't need to carry anything like that. What did
23 you mean?

24 A Firearms, body armor.

25 Q All right. And what did you want to happen or not happen?

1 A Not to bring any. So it is a de-escalation of him bringing
2 a firearm with him.

3 Q Okay. And he says, we are just checking out Pure Michigan,
4 bro. What did you understand that to be a reference to?

5 A As being like a tourist, piggybacking of the commercials
6 that used to be aired for Pure Michigan. Going up and north
7 and sight-seeing.

8 Q You were going to pretend to be tourists?

9 A Correct.

10 Q Did Mr. Fox talk about his inspiration?

11 A He did.

12 Q You recorded that as well?

13 A I did.

14 MR. KESSLER: Exhibit 159, please?

15 THE COURT: Mr. Gibbons?

16 MR. GIBBONS: No objection.

17 THE COURT: Mr. Blanchard?

18 MR. BLANCHARD: No objection.

19 THE COURT: It's admitted.

20 (Audio started, 10:34 a.m.)

21 (Audio stopped, 10:35 a.m.)

22 BY MR. KESSLER:

23 Q Did Mr. Fox also tell you how long he had been friends with
24 Mr. Croft?

25 A He did. Yes.

1 MR. KESSLER: I'd offer Government Exhibit 160, Your
2 Honor?

3 THE COURT: Mr. Gibbons?

4 MR. GIBBONS: No objection, Your Honor.

5 THE COURT: Mr. Blanchard?

6 MR. BLANCHARD: No objection.

7 THE COURT: All right. It's admitted.

8 (Audio started, 10:36 a.m.)

9 (Audio stopped, 10:36 a.m.)

10 BY MR. KESSLER:

11 Q So on August 20th did you have a discussion with Mr. Fox
12 about putting a dent in the governor's house?

13 A I did. Yes.

14 Q And what was the context of that discussion?

15 A Maintaining a role within the group for him and just
16 getting ideas for how we can attack the governor.

17 Q Who was it who actually suggested putting a dent in her
18 house?

19 A Ty Garbin.

20 Q Okay. And was it opposed to something else?

21 A Kidnapping and killing the governor.

22 Q All right. So --

23 A So I echoed back what Ty Garbin had said on several
24 occasions.

25 Q Go ahead. I'm sorry. I interrupted you.

1 A No. So Ty Garbin recommended a few instances of putting a
2 round through her window, and then I kind of echoed that back
3 to him, and keeping the conversation going I said, hey, you
4 know, we could use some Tannerite to put a dent in her house.

5 Q Were you suggesting doing that when she was home or when
6 she wasn't?

7 A No. To minimalize so that she would be there and not
8 killing her.

9 Q Okay. On August 21st, did Mr. Fox talk about the
10 governor's address?

11 A He did. Yes.

12 Q All right. And did you discuss that with him in a chat?

13 A He did.

14 MR. KESSLER: I'd offer Government Exhibit 164?

15 THE COURT: Mr. Gibbons?

16 MR. GIBBONS: No objection.

17 THE COURT: All right. Mr. Blanchard?

18 MR. BLANCHARD: I'm sorry. Just, I would object as to
19 confrontation as to the statements made by Michael, who I don't
20 think the government is going to be calling.

21 THE COURT: Same ruling. It's admitted.

22 BY MR. KESSLER:

23 Q Okay. Let's just focus on the bottom part there. Blow
24 that up.

25 Who is Alpha Fox?

1 A Adam Fox.

2 Q Okay. And what does he say here?

3 A I agree. The problem is the legal route will never
4 succeed.

5 Q Do we have a next page on that? No.

6 Okay. So on August 29th -- we have heard all this
7 talk about leading up to a recon of the governor's house. Did
8 you actually attend a reconnaissance of the governor's house on
9 August 29th?

10 A Yes.

11 Q Who did you go with?

12 A Adam Fox and Eric Molitor.

13 Q You said Eric Molitor. Who is that?

14 A One of Adam Fox's members of his group.

15 Q Okay. And were other people invited?

16 A There was. Yes.

17 Q And could those people not make it?

18 A They could not attend. No.

19 Q So let's talk about the trip up there. Who did you drive
20 up there with?

21 A Initially to get Eric I drove myself and Adam to get Eric
22 and then we drove further north to the governor's.

23 Q And did Mr. Fox say whether he would pay for anything?

24 A I can't recall. No. I paid for the fuel.

25 Q And what did Mr. Fox say about how he found her house?

1 A Through news articles that we were searching through.

2 Q So on the Internet?

3 A Correct.

4 Q Did Mr. Fox talk with you during that trip about finding
5 the governor's address?

6 A He does. Yes.

7 Q Was that conversation recorded?

8 A It was.

9 MR. KESSLER: I offer Government Exhibit 195?

10 THE COURT: Mr. Gibbons?

11 MR. GIBBONS: No objection, Your Honor.

12 THE COURT: All right. Mr. Blanchard?

13 MR. BLANCHARD: No objection.

14 THE COURT: All right. It's admitted.

15 (Audio started, 10:40 a.m.)

16 (Audio stopped, 10:40 a.m.)

17 BY MR. KESSLER:

18 Q Whose truck were you driving up there in?

19 A Mine.

20 Q And can you describe it?

21 A It was a Silverado crew cab pickup truck.

22 Q Is that a Chevrolet, right?

23 A Correct.

24 Q What color?

25 A Silver gray.

1 Q Who was driving the truck?

2 A I was.

3 Q And where was Mr. Fox?

4 A He was in the passenger seat.

5 Q And what about Mr. Molitor?

6 A In the back.

7 Q Did you know whether the FBI had surveillance teams in the
8 woods up there by the governor's house?

9 A I was not aware of where they were, but I knew there was a
10 surveillance team up there.

11 Q All right. I'd ask you to take a look at Government
12 Exhibit 173 just for the witness, please, a photograph. Does
13 that accurately represent your truck and where it was that day?

14 A It is. Yes.

15 MR. KESSLER: Offer Government 173, Your Honor?

16 THE COURT: Mr. Gibbons?

17 MR. GIBBONS: No objection, Your Honor.

18 THE COURT: Mr. Blanchard?

19 MR. BLANCHARD: No objection.

20 THE COURT: It's admitted.

21 BY MR. KESSLER:

22 Q So what are we looking at here, Mr. Chappel?

23 A That's a photograph of my truck in front of the governor's
24 house.

25 Q All right. And have you seen a video taken from inside of

1 the truck?

2 A I have.

3 Q Who was taking the video?

4 A Eric Molitor.

5 Q And is it an accurate representation of what was recorded
6 that day?

7 A It is.

8 MR. KESSLER: I offer 174?

9 THE COURT: Mr. Gibbons?

10 MR. GIBBONS: No objection.

11 THE COURT: Mr. Blanchard?

12 MR. BLANCHARD: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (Video started, 10:41 a.m.)

15 (Video stopped, 10:42 a.m.)

16 BY MR. KESSLER:

17 Q What did we just see passing by on the right window?

18 A That was the governor's house.

19 Q Okay. And what's this that we see right here?

20 A So this video was taken by Adam. This was in the passenger
21 seat of the truck, and that is the passenger side mirror.

22 Q Okay. Did Mr. Fox say anything when you passed the
23 governor's house?

24 A At this particular video, no, but he did say something on
25 the video. Yes.

1 Q Have you listened to that audio recording?

2 A I have.

3 MR. KESSLER: Offer Government Exhibit 196?

4 THE COURT: Mr. Gibbons?

5 MR. GIBBONS: Confrontation, Your Honor.

6 THE COURT: All right.

7 MR. GIBBONS: Standing objection.

8 THE COURT: Mr. Blanchard?

9 MR. BLANCHARD: I don't have any objection to 196,
10 Your Honor.

11 THE COURT: It's admitted.

12 (Audio started, 10:42 a.m.)

13 (Audio stopped, 10:43 a.m.)

14 BY MR. KESSLER:

15 Q Now, at the very beginning of that recording I heard a
16 sound that was like boop, boop, boop. What was that?

17 A That was the GPS notification telling us that we had
18 arrived at our destination, so the address that I put in was
19 the governor's house.

20 Q And who did you get that address from?

21 A Adam Fox.

22 Q Did Mr. Fox share pictures from a surveillance with you on
23 a chat later?

24 A He did. Yes.

25 Q Put up 175 for the witness only, please.

1 Do you recognize this?

2 A I do.

3 Q Is that the chat you were just referring to?

4 A Yes.

5 MR. KESSLER: Offer 175?

6 THE COURT: Mr. Gibbons?

7 MR. GIBBONS: No objection, Your Honor.

8 THE COURT: All right. Mr. Blanchard?

9 MR. BLANCHARD: No objection, Your Honor.

10 THE COURT: It's admitted.

11 BY MR. KESSLER:

12 Q Let's take a look at the very top here. Who is Alpha Fuck
13 You?

14 A That's Adam Fox.

15 Q Okay. And what do we see in the pictures here at the
16 bottom?

17 A The top photo is a picture of Adam taken from the passenger
18 seat of the governor's house, and I am in the photo as well.

19 Q And then the bottom one is from the same trip?

20 A Correct. Yes.

21 Q And above that he says what?

22 A For me it is saying in the pics on Wire only had a few.
23 Yours looked good. I'll send them is what he replied.

24 Q Okay. Did he also share additional pictures of the
25 surveillance with you?

1 A He did. Yes.

2 MR. KESSLER: I'd offer -- I'll offer 178 and 181? If
3 we need more foundation I can show them to him individually.

4 THE COURT: Mr. Gibbons?

5 MR. GIBBONS: I have no objection, Your Honor.

6 THE COURT: Mr. Blanchard?

7 MR. BLANCHARD: I have no objection to either of them.

8 THE COURT: All right. They are admitted.

9 BY MR. KESSLER:

10 Q Let's see 178, please.

11 So is this the governor's house?

12 A It is. Yes.

13 Q Let's see 181.

14 Now, it looks like they are from two different sides.
15 Why do we have pictures from two different sides?

16 A We were traveling north up the road and then again coming
17 south. So Adam was taking them from his perspective of his
18 seat.

19 Q So we heard him in an earlier exhibit say, that's it, turn
20 around and do it again?

21 A Correct.

22 Q Is that what happened?

23 A Correct.

24 MR. GIBBONS: Objection. Leading, Your Honor.

25 THE COURT: It is, but it's a summary of what he's

1 already said.

2 BY MR. KESSLER:

3 Q So did you stop to eat lunch somewhere after this?

4 A We did. Yes.

5 Q Where was that?

6 A A tavern right around the corner from the governor's house.

7 Q And what did Mr. Fox do inside the tavern?

8 A He drew a map representing the surrounding area of and
9 representative of where the governor's house was.

10 Q Okay. Let's address something that came up during the
11 opening statements here. Whose pen did he use to draw that?

12 A He used mine.

13 Q And whose pad was it?

14 A That was mine as well.

15 Q Whose idea was it to draw the map?

16 A That was Adam's.

17 Q You didn't tell him to do that?

18 A No.

19 Q What was the purpose of the map?

20 A He wanted to have a to-scale map representation of ingress
21 and egress location vantage points of the governor's house.

22 Q All right. You were just using a little bit of military
23 talk. When you say ingress and egress, what do you mean by
24 that?

25 A So to get in and get out.

1 Q Did you get a picture of Mr. Fox drawing that map?

2 A I did.

3 Q Can we see 187 just for the witness, please?

4 Is that the photograph you took?

5 A Yes.

6 MR. KESSLER: I offer 187, Your Honor?

7 THE COURT: Mr. Gibbons?

8 MR. GIBBONS: No objection, Your Honor.

9 THE COURT: Mr. Blanchard?

10 MR. BLANCHARD: That's fine. Thank you.

11 THE COURT: It's admitted.

12 BY MR. KESSLER:

13 Q All right. So that's Mr. Fox there?

14 A That is. Yes.

15 Q Okay. And is this the pad and the pen we were talking
16 about?

17 A Correct.

18 Q Can we put up 188 just for the witness, please?

19 THE COURT: Do you have any objection to this,
20 Mr. Gibbons?

21 MR. GIBBONS: No, Your Honor.

22 THE COURT: Or Mr. Blanchard?

23 MR. BLANCHARD: I'm sorry. I missed the exhibit
24 number.

25 MR. KESSLER: Oh, I'm sorry, do we have the --

1 MR. BLANCHARD: I don't have a 188.

2 MR. KESSLER: Okay. I am going to skip to 189.

3 BY MR. KESSLER:

4 Q Have you seen a picture of that map?

5 A I have. Yes.

6 MR. KESSLER: I'd offer 189?

7 THE COURT: So we are passing 188. What about 189?

8 Any objections, Mr. Gibbons?

9 MR. GIBBONS: No, Your Honor.

10 THE COURT: Or Mr. Blanchard?

11 MR. BLANCHARD: No, Your Honor.

12 THE COURT: All right. It's admitted.

13 BY MR. KESSLER:

14 Q All right. Tell us what we are looking at here?

15 A This would be a representation of the area surrounding the
16 governor's house from 31 to her drive of where her house was
17 actually located, the body of water, and then a boat launch.

18 Q All right. Let me just point out a couple things here. So
19 this says 31. Is that highway 31?

20 A Correct.

21 Q And you mentioned a body of water. Is that right here
22 where it says Birch Lake?

23 A Yes.

24 Q Okay. And can we blow up just this part down here, please?
25 What does it say there?

1 A That would be Elk Rapids Police Department. Three miles,
2 2.5 minutes, everything else 20 plus miles.

3 Q So tell us about that. How did that come to be on the map?

4 A That would be the response time for local and then county
5 and State Police officers to her house.

6 Q And I want to address something else we heard during the
7 opening statements. Whose idea was it to figure out how far
8 the police were?

9 A That was between Eric and Adam.

10 Q Did you give them that idea?

11 A No.

12 Q Did you actually -- do you know how they figured it out?

13 A We drove by the police department in Elk Rapids and then
14 they were using their phones to find the county and state
15 municipalities.

16 Q Okay. Did you know that the FBI was around taking pictures
17 at this point?

18 A I was. Yes.

19 Q Okay. Let's put 202 for just the witness, please.

20 Is this photograph an accurate representation of where
21 you were after lunch that day?

22 A It is. Yes.

23 MR. KESSLER: I'd offer 202, Your Honor?

24 THE COURT: Mr. Gibbons?

25 MR. GIBBONS: No objection, Your Honor.

1 THE COURT: Mr. Blanchard?

2 MR. BLANCHARD: None. Thank you.

3 THE COURT: It's admitted.

4 BY MR. KESSLER:

5 Q All right. So after lunch you are saying you guys went
6 somewhere else and we'll get to that in a moment. What's this
7 building right there?

8 A That is a tavern that we had lunch at.

9 Q And who is this?

10 A That's myself.

11 Q And this?

12 A That's Eric.

13 Q And this?

14 A Adam.

15 Q And he seems to be getting in the passenger seat?

16 A Correct.

17 Q All right. Did you go back to the governor's house for
18 another look?

19 A We did. Yes.

20 Q And did you record Mr. Fox while that was happening?

21 A I did. Yes.

22 MR. KESSLER: I'd offer Exhibit 198, Your Honor?

23 THE COURT: All right. Mr. Gibbons?

24 MR. GIBBONS: No objection, Your Honor.

25 THE COURT: And Mr. Blanchard?

1 MR. BLANCHARD: No objection.

2 THE COURT: It's admitted.

3 (Audio started, 10:50 a.m.)

4 (Audio stopped, 10:50 a.m.)

5 BY MR. KESSLER:

6 Q We heard Mr. Fox referring to someone as Barricade. Who is
7 Barricade?

8 A That would be Eric.

9 Q Is that his nickname?

10 A Yes.

11 Q Whose idea was it to take slow mow photos?

12 A That would be Adam's.

13 Q Video. I'm sorry. Did you guys actually go and do that?

14 A We did. Yes.

15 Q Did Mr. Fox talk more about taking the slow motion video on
16 the way?

17 A Yes.

18 MR. KESSLER: Offer Government Exhibit 199?

19 THE COURT: Mr. Gibbons?

20 MR. GIBBONS: No objection, Your Honor.

21 THE COURT: Mr. Blanchard?

22 MR. BLANCHARD: No objection, Your Honor.

23 THE COURT: It's admitted.

24 (Audio started, 10:51 a.m.)

25 (Audio stopped, 10:54 a.m.)

1 BY MR. KESSLER:

2 Q We just heard Mr. Fox say we don't dare drive by it again
3 though. What were you all worried about?

4 A Raising suspicion with the locals in the area.

5 Q If you drove by it too many times?

6 A Correct.

7 Q We also heard him talking about let's see if there is a
8 beach. Did you all go to the other side of the lake from the
9 governor's house?

10 A We did. Yes.

11 Q And did you get a picture from that?

12 A Yes.

13 Q All right. Let's for just witness, please, Exhibit 191.

14 Do you recognize this photograph?

15 A I do.

16 Q Did you take that picture?

17 A I did.

18 MR. KESSLER: Offer 191?

19 MR. GIBBONS: No objection.

20 MR. BLANCHARD: No objection.

21 THE COURT: It's admitted. 191.

22 BY MR. KESSLER:

23 Q Mr. Chappel, what do we see here?

24 A That's Adam Fox on the shoreline looking across the lake
25 towards the governor's house.

1 Q And did you take a -- did you go look for a beach or a
2 place like that?

3 A We did. Yes.

4 Q What were you looking for in particular?

5 A Avenue of approach to the governor's house.

6 Q I'm sorry, what?

7 A Avenues of approach to the governor's house and extraction
8 methods.

9 Q And what did you find?

10 A In this particular picture here?

11 Q No. What did you find when you started looking for avenues
12 to approach to the governor's house?

13 A That there was several points of entry that we could get
14 either the road or via boat or kayak.

15 Q Let's talk about the boat thing in particular. What did
16 you find that could help you from putting a boat in?

17 A That we could approach her house from the rear.

18 Q I'd like to show you a photo Exhibit 192 just for the
19 witness, please?

20 Okay. Do you recognize that photograph?

21 A I do.

22 Q Did you take that one?

23 A I did.

24 MR. KESSLER: All right. I offer 192?

25 MR. GIBBONS: No objection, Your Honor.

1 THE COURT: Mr. Blanchard?

2 MR. BLANCHARD: I'm sorry. No objection.

3 THE COURT: It's admitted.

4 BY MR. KESSLER:

5 Q Okay. So who is this?

6 A That's Adam Fox.

7 Q And what's this structure here?

8 A A sign I believe for the lake.

9 Q Okay. Did you find a boat launch that day?

10 A We did. Yes.

11 Q Is this the vicinity that you are in right here?

12 A It is. Yes.

13 Q Before we move on I think I skipped over one thing. We
14 heard Mr. Fox talking about the slow motion as you were taking
15 the slow motion video. Did you actually see a copy of that
16 slow motion video yourself?

17 A I did. Yes.

18 Q Was that an accurate representation of what you all did
19 that day?

20 A Yes.

21 MR. KESSLER: I'd offer Government Exhibit 190?

22 THE COURT: Mr. Gibbons?

23 MR. GIBBONS: No objection, Your Honor.

24 THE COURT: Mr. Blanchard?

25 MR. BLANCHARD: No objection.

1 THE COURT: All right. It's admitted.

2 (Video started, 10:56 a.m.)

3 (Video stopped, 10:57 a.m.)

4 (Video started, 10:57 a.m.)

5 (Video stopped, 10:57 a.m.)

6 BY MR. KESSLER:

7 Q Now, we heard Mr. Fox talking a moment ago or we saw the
8 pictures a moment ago of you all on the other side of the lake.
9 Did Mr. Fox have a reaction when you found the boat launch?

10 A He did. Yes.

11 Q What was it?

12 A He was excited.

13 Q Did he talk about it on your recordings?

14 A He did.

15 MR. KESSLER: Offer Government Exhibit 197?

16 THE COURT: Mr. Gibbons?

17 MR. GIBBONS: Standing confrontation objection with
18 the presence of Eric Molitor.

19 THE COURT: Mr. Blanchard?

20 MR. BLANCHARD: I don't have an objection to this one.

21 THE COURT: All right. It's admitted.

22 (Audio started, 10:58 a.m.)

23 (Audio stopped, 10:58 a.m.)

24 BY MR. KESSLER:

25 Q We heard Mr. Fox saying this is perfect, right?

1 A Correct.

2 Q Did he at any time during this conversation talk about
3 needing a helicopter to accomplish this plan?

4 A No.

5 Q We also heard him talking about the beach. Did he look for
6 access to Lake Michigan?

7 A He did. Yes.

8 Q What did he ask you to do?

9 A Drive across the main road. There was a secondary road
10 that ran parallel with the beach, so we drove over there.

11 MR. KESSLER: I'd offer Government Exhibit 238? It's
12 a map.

13 THE COURT: Any objections, Mr. Gibbons?

14 MR. GIBBONS: No, Your Honor.

15 THE COURT: Mr. Blanchard?

16 MR. BLANCHARD: Mine is four pages. Not just a map.
17 Are we putting --

18 MR. KESSLER: I'll go ahead and offer them all if
19 there is no objection, but I am going to focus on page 2 right
20 now.

21 MR. BLANCHARD: Just one second. No. I don't have an
22 objection to any of the four pages.

23 MR. GIBBONS: I would stipulate to their admission in
24 its entirety, Your Honor.

25 THE COURT: Pardon? I didn't hear the last part.

1 MR. GIBBONS: I said I would stipulate to all four
2 pages, Your Honor.

3 THE COURT: So 238 is admitted.

4 BY MR. KESSLER:

5 Q If we can look at page 2, please?

6 All right. Let's point out a couple of things here.
7 We just heard talking about the boat launch and we saw pictures
8 from there. Is that where this was?

9 A Correct.

10 Q And we saw Mr. Fox looking across the lake. Was he looking
11 towards this area?

12 A That's correct.

13 Q And what's that?

14 A The governor's residence.

15 Q All right. And where did he have you -- I think you can
16 touch the screen as well. Where did he have you drive to look
17 for a beach?

18 A From the governor's house we drove over the main road
19 there, and then this was the parallel road that went up and
20 down, and then we ended up finding a foot path that led to the
21 main lake. So Lake Michigan.

22 Q All right. Is it this point right here that says Lake
23 Michigan Access?

24 A Correct.

25 Q And this is highway 31 right here, correct?

1 A Correct.

2 Q All right. Did you drive around town looking for
3 landmarks?

4 A We did. Yes.

5 Q Did you know if the FBI was following you?

6 A Following me? No. I knew there was a surveillance team in
7 the area. Yes.

8 Q All right. Can we put up for the witness only Exhibit 193,
9 please?

10 And do you recognize the truck in this photo?

11 A I do.

12 Q Is that an accurate representation of that day?

13 A It is.

14 MR. KESSLER: Offer 193, Your Honor?

15 THE COURT: Mr. Gibbons?

16 MR. GIBBONS: I have no objection to 193.

17 THE COURT: All right. Mr. Blanchard?

18 MR. BLANCHARD: No objection.

19 THE COURT: It's admitted.

20 BY MR. KESSLER:

21 Q Is this your truck?

22 A It is. Yes.

23 Q There we go. Now everyone can see it. That's your truck?

24 A Yes.

25 Q All right. And we see here a little sign. Can you blow

1 that up?

2 So it says police department there. Was that the Elk
3 Rapids Police Department?

4 A That's correct.

5 Q During this ride did Mr. Fox talk about inspiring other
6 people again?

7 A He did. Yes.

8 Q What are fence sitters in the way he was talking about it?

9 A People that were I guess you could say hemming and hawing
10 about going on with a plan or a course of action, so this would
11 be a motivation for them to go along with it.

12 Q Did Mr. Fox ever talk about sitting on the fence himself?

13 A No.

14 Q All right. What did he want to do with other fence
15 sitters?

16 A He wanted to inspire them to take action.

17 MR. KESSLER: I'd offer Government Exhibit 194?

18 THE COURT: And Mr. Gibbons?

19 MR. GIBBONS: No objection, Your Honor.

20 THE COURT: Mr. Blanchard?

21 MR. BLANCHARD: None, Your Honor.

22 THE COURT: Okay. It's admitted.

23 (Audio started, 11:02 a.m.)

24 (Audio stopped, 11:03 a.m.)

25 BY MR. KESSLER:

1 Q Who was he saying had a choice to make?

2 A Police officers.

3 Q Whether they supported or opposed you?

4 A Correct.

5 Q Did Mr. Fox in the same ride talk about what he wanted to
6 do with the governor?

7 A He did. Yes.

8 MR. KESSLER: Offer Government Exhibit 200, Your
9 Honor?

10 THE COURT: Mr. Croft -- Mr. Gibbons?

11 MR. GIBBONS: No objection, Your Honor.

12 THE COURT: Mr. Blanchard?

13 MR. BLANCHARD: No objection.

14 THE COURT: It's admitted.

15 (Audio started, 11:03 a.m.)

16 (Audio stopped, 11:04 a.m.)

17 BY MR. KESSLER:

18 Q We heard some earlier recordings where Mr. Fox had talked
19 about an earlier iteration of the plan involving Mackinaw
20 Island. Do you recall that?

21 A Yes.

22 Q Did Mr. Fox during this ride express an opinion on how hard
23 that would be to pull off?

24 A He did. Yes.

25 MR. KESSLER: Offer Government Exhibit 1 -- 201, Your

1 Honor?

2 THE COURT: Mr. Gibbons?

3 MR. GIBBONS: No objection, Your Honor.

4 THE COURT: Mr. Blanchard?

5 MR. BLANCHARD: No objection.

6 THE COURT: All right. It's admitted.

7 (Audio started, 11:04 a.m.)

8 (Audio stopped, 11:05 a.m.)

9 BY MR. KESSLER:

10 Q So after the reconnaissance did you all each go home?

11 A Yes.

12 Q So let me focus on August 30th, the next day. Did Mr. Fox
13 send you a video of himself training?

14 A He did. Yes.

15 MR. KESSLER: Offer Government Exhibit 204?

16 THE COURT: So my list says it's August 29th. Is it
17 the same video?

18 MR. KESSLER: Yes, Your Honor.

19 THE COURT: All right.

20 BY MR. KESSLER:

21 Q Do you recall exactly what day it was, Mr. Chappel?

22 A The date, no, but I did receive a video of him training
23 doing drills. Yes.

24 Q And you received that after the reconnaissance of the
25 governor's house?

1 A Yes.

2 THE COURT: Mr. Gibbons?

3 MR. GIBBONS: No objection, Your Honor.

4 THE COURT: Mr. Blanchard?

5 MR. BLANCHARD: No objection.

6 THE COURT: It's admitted.

7 (Video started, 11:06 a.m.)

8 (Video stopped, 11:06 a.m.)

9 BY MR. KESSLER:

10 Q And was this sent only to you?

11 A I am not sure if that was posted in the main chat, but I
12 did receive the video.

13 Q Okay. So it was posted in the main chat. Who else would
14 have been able to see it?

15 A Everybody that was in that group.

16 Q And did other members of the group post similar videos?

17 A They did. Yes.

18 Q What was the purpose of that?

19 A Kind of critiquing yourself and other people. So what he
20 was doing was a dry fire drill simulating that the rifle that
21 he was shooting went empty, so he inserted a new magazine into
22 that platform and then transitioned to his pistol.

23 Q Have you done those kind of drills before when you were in
24 the army?

25 A I have. Yes.

1 Q So what is the purpose of doing this quick transition
2 drill? What are you trying to get better at?

3 A It's twofold. You are installing muscle memory, so when
4 you are in a stressful environment you will default to that.
5 And so it's a muscle -- it's a learned behavior, and it's
6 quicker to transition from a primary to your secondary firearm
7 than reloading that set platform. So he is doing a twofold by
8 simulating he is running it dry so that there is no more
9 ammunition in it and then reinserting the magazine and
10 transitioning to his pistol.

11 Q Would that make you more prepared in a fire fight?

12 A In the long game, yes. You are instilling more muscle
13 memory, yes.

14 Q Was this your idea to do this training?

15 A No.

16 Q Whose idea was it?

17 A Throughout the groups and Adam's.

18 Q Okay. On September 4th, did Mr. Fox discuss with you the
19 gear you would need to abduct the governor?

20 A He did. Yes.

21 Q All right. And if we can put up 208 for just the witness,
22 please?

23 Did he explain that to you in a chat message?

24 A He did. Yes.

25 Q All right. Was that also on the encrypted chat?

1 A Yes.

2 Q All right. Do you recognize 208?

3 A I do.

4 MR. KESSLER: I'd offer that into evidence, Your
5 Honor?

6 THE COURT: Mr. Gibbons?

7 MR. GIBBONS: No objection, Your Honor.

8 THE COURT: Mr. Blanchard?

9 MR. BLANCHARD: No objection.

10 THE COURT: It's admitted.

11 BY MR. KESSLER:

12 Q All right. So take a look at the top. It says, Alpha Fuck
13 You. Is this Adam Fox again?

14 A That's correct.

15 Q All right. What does he say at the top and the left?

16 If we can blow that up?

17 What does he say?

18 A He says, you want to stick it in her pooper.

19 Q And you say, when I work like F, I just F it up, lol?

20 A Correct.

21 Q What does Mr. Fox say next?

22 A Okay. Add this to the equipment list. Flash bangs.

23 Q What are flash bangs?

24 A They are concussion devices that people use as they gain
25 entrance to a building or a room so you disorient a person both

1 audio and visual.

2 Q Okay. And have you used those in Iraq?

3 A I have. Yes.

4 Q And do they work?

5 A Very effective. Yes.

6 Q All right. So you replied, personal, depends on the threat
7 list.

8 Can we go ahead and see the lower left, all the rest
9 of that?

10 Okay. What does he say?

11 A And we need a hood for our asset.

12 Q And let me stop you there. So you already mentioned that
13 the asset earlier was the governor, correct?

14 A Correct.

15 Q And what would the hood be for?

16 A To obscure her vision of where she'd be going.

17 Q And below that he says, I have flex cuffs. What did you
18 understand him to mean by that?

19 A They are similar to handcuffs, but they are a hard plastic
20 material that you can't rip out of.

21 Q And then he says, well, there will be a security detail
22 obviously. What's that?

23 A Her armed detail, the governor's detail.

24 Q And when you say detail, I know it's kind of a term of art,
25 but body guards?

1 A In essence. Yes.

2 Q Okay. So you replied, I say eight high end, ten. We can
3 work six or seven. What were you estimating there?

4 A That her detail might be eight to ten people.

5 Q Okay. And what does he say?

6 A Copy that. Maybe even hit from two ways, four and four.

7 Q All right. Did he discuss this in a group chat about the
8 target?

9 A He has. Yes.

10 Q Can we put up 213 for just the witness, please? All right.
11 And let's blow up the boxed part.

12 Okay. Who is Debased Tyrant?

13 THE COURT: Let's start out if you have objection at
14 all, Mr. Gibbons?

15 MR. GIBBONS: Objection, hearsay, Your Honor.

16 THE COURT: All right.

17 MR. GIBBONS: He is not the Defendant.

18 THE COURT: Anything else, Mr. Blanchard?

19 MR. BLANCHARD: Yeah. I would object on hearsay and
20 confrontation as to the -- it's really Debased Tyrant who I
21 don't expect we are going to hear from. So I think it's a
22 hearsay and confrontation problem. I also think there is an
23 Enright problem.

24 THE COURT: Same ruling, and it can be admitted.

25 BY MR. KESSLER:

1 Q All right. I'll go ahead and read the part from Debased
2 Tyrant, the coconspirator. Ms. Whitty -- who did you
3 understand Ms. Whitty to be, or Mrs. Whitty to be?

4 A The governor.

5 Q Okay. Mrs. Whitty is an order follower and she is not
6 fully autonomous and she is not based -- acting based on her
7 own free will. She is acting on behalf of someone else's
8 agenda. She is a servant. Politicians are puppets and the
9 puppet master has plenty to take their place. I don't think we
10 should waste time chasing puppets bro although they are morally
11 culpable for their actions and it would be totally justified.
12 They are the lowest hanging fruit in the power structure. Find
13 out who her handlers are and go for them instead. That will do
14 way more damage and send a serious message that we know who is
15 in control. If you F with Whitty her handlers are going to
16 laugh at the peasants who keep attacking the disposable house
17 slaves instead of the master himself. But if you get her
18 handlers she will back down and maybe even quit and her
19 handlers will fully understand there is a group somewhere out
20 there that knows who they are. Fear. The media will be less
21 likely to report and get public attention towards this scenario
22 as well, but Whitty, lots of media coverage will be part of her
23 scenario. Would it be justified to do something to her? Yes.
24 But I am thinking we can do more.

25 How did Mr. Fox react to getting that statement from

1 Debased Tyrant?

2 A He replied with, making people disappear is instilling
3 fear.

4 Q All right. On September 7th, did Mr. Fox talk to you about
5 his plans and about the future?

6 A He did. Yes.

7 MR. KESSLER: I'd offer Government Exhibit 215.

8 THE COURT: Go ahead, Mr. Gibbons.

9 MR. GIBBONS: No objection, Your Honor. Sorry.

10 THE COURT: Mr. Blanchard?

11 MR. BLANCHARD: No objection.

12 THE COURT: It's admitted.

13 (Audio started, 11:13 a.m.)

14 (Audio stopped, 11:14 a.m.)

15 BY MR. KESSLER:

16 Q Did Mr. Fox go onto talk about scrubbing your phones?

17 A He did. Yes.

18 MR. KESSLER: Offer Government Exhibit 216, Your
19 Honor?

20 THE COURT: Mr. Gibbons?

21 MR. GIBBONS: No objection, Your Honor.

22 THE COURT: Mr. Blanchard?

23 MR. BLANCHARD: No objection.

24 THE COURT: It's admitted.

25 (Audio started, 11:15 a.m.)

1 (Audio stopped, 11:15 a.m.)

2 BY MR. KESSLER:

3 Q Did Mr. Fox talk about where you would go when the Boogaloo
4 kicked off?

5 A He did. Yes.

6 MR. KESSLER: Offer Government Exhibit 217, Your
7 Honor?

8 THE COURT: Mr. Gibbons?

9 MR. GIBBONS: No objection.

10 THE COURT: Mr. Blanchard?

11 MR. BLANCHARD: I'm sorry, I missed the exhibit.

12 THE COURT: 217.

13 MR. BLANCHARD: My apologies. No objection.

14 THE COURT: It's admitted.

15 (Audio started, 11:15 a.m.)

16 (Audio stopped, 11:17 a.m.)

17 BY MR. KESSLER:

18 Q So when they are -- when you guys are talking about going
19 up to Northern Michigan, what place or whose property are you
20 talking about going to?

21 A Ty Garbin's.

22 Q And that's up near Luther, Michigan?

23 A It is. Yes.

24 Q Did Mr. Fox talk about actually running the operation?

25 A He did. Yes.

1 MR. KESSLER: Government Exhibit 218?

2 THE COURT: Mr. Gibbons?

3 MR. GIBBONS: No objection.

4 THE COURT: Mr. Blanchard?

5 MR. BLANCHARD: No objection.

6 THE COURT: It's admitted.

7 (Audio started, 11:17 a.m.)

8 (Audio stopped, 11:18 a.m.)

9 BY MR. KESSLER:

10 Q And did you and Mr. Fox and Mr. Croft, in fact, do a
11 reconnaissance mission at night?

12 A We did. Yes.

13 Q So let's jump right ahead to that. September 12th to 13th,
14 did you attend a field training exercise at Luther, Michigan?

15 A I did.

16 Q Was that at Ty Garbin's property, the place Mr. Fox was
17 just talking about?

18 A Correct.

19 Q Was there a kill house there as well?

20 A There was. Yes.

21 Q What did you understand that kill house to represent for
22 you -- for your group at least?

23 A It was a representation of the governor's house.

24 Q Did Mr. Fox get everyone together?

25 A He did.

1 Q Did he explain his plans?

2 A Yes.

3 Q All right. So let's talk about that nighttime recon. When
4 you all left Luther where did you go first?

5 A We went to the south to a hotel to meet up with Barry Croft
6 and Steve Robeson.

7 Q Do you remember what kind of hotel it was?

8 A I think it was a Super 8.

9 Q All right. Did you meet them there?

10 A We did. Yes.

11 Q And where did you all go together from there?

12 A From there we traveled north to a Walmart.

13 Q Do you remember what city that was in?

14 A I believe Cadillac.

15 Q And we heard some talk about the next place that you went
16 to. Do you remember where that was?

17 A A VFW hall.

18 Q Okay. When you got there who gave everybody their
19 assignments?

20 A At which location? The VFW hall?

21 Q Um-hum.

22 A That would be Adam.

23 Q Adam Fox?

24 A Correct.

25 Q How many cars were up there?

1 A In total three.

2 Q And what tasks did Mr. Fox give to the people in the three
3 cars?

4 A The prospective routes they would be taking and where they
5 would be going.

6 Q Let's talk about car No. 1. Let's call that car No. 1, the
7 one you were in. Who was in that with you?

8 A Myself, Red, Steve Robeson, Barry Croft and Adam Fox.

9 Q And where did you go when you left?

10 A We went to the boat launch. Well, first we went to the
11 bridge over, I believe, 131 or 31, and Red and Adam got out to
12 take pictures of the under structure.

13 Q Okay. Did Mr. Fox get out of the car while you were still
14 in it?

15 A He did. Yes.

16 Q All right. And what did you see him do?

17 A They exited and traveled down a foot path towards the
18 bridge, and we went around -- the remaining people in the
19 vehicle went around the block.

20 Q And when you all got back together did Mr. Fox show you a
21 picture?

22 A He did.

23 Q Is 233 in already? Can -- can we bring up 233 for just the
24 witness, please?

25 Do you recognize this?

1 A I do.

2 Q Is that the same picture Mr. Fox showed you in the car?

3 A It is. Yes.

4 MR. KESSLER: Offer 233, Your Honor?

5 THE COURT: Mr. Gibbons?

6 MR. GIBBONS: No objection, Your Honor.

7 THE COURT: Mr. Blanchard?

8 MR. BLANCHARD: No objection.

9 THE COURT: It's admitted.

10 BY MR. KESSLER:

11 Q What are we looking at here?

12 A That is the undercarriage of the overpass of the bridge
13 where they got out to take photos.

14 Q All right. And so this is the underside of the bridge?

15 A Correct.

16 Q What highway is on top?

17 A I believe 31. I am not sure if that's the correct
18 nomenclature for the route.

19 Q Okay. So you mentioned that after getting out and taking
20 this picture, did you -- that you went to the boat launch, is
21 that right?

22 A Correct.

23 Q Okay. Now, let's talk about car No. 2. Do you remember
24 who was in the car with Mr. Garbin?

25 A Kaleb Franks and Brian Higgins.

1 Q And you knew Ty Garbin and Kaleb Franks, right?

2 A I did. Yes.

3 Q And you knew them from where?

4 A Training through the Wolverine Watchmen.

5 Q Did you know Brian Higgins before that weekend?

6 A Prior to that weekend, no.

7 Q Okay. What was their -- what tasks did Mr. Fox give them?

8 A They would drive past the governor's residence.

9 Q All right. Let's talk about when you actually got to the
10 boat launch. What were they supposed to do? The people who
11 were on the other side of the lake, Mr. Garbin, Mr. Franks and
12 Mr. Higgins, what were they supposed to do according to Adam?

13 A They were going to drive past a residence, and they had an
14 IR illuminator so it put out an infrared beam, and we had night
15 vision goggles so that we could see them from the boat launch.
16 And they would also flash their high beams to let us know when
17 they were by her residence.

18 Q So when you say an IR illuminator, is that an infrared
19 flashlight?

20 A Correct. Yes.

21 Q And can you see that with night vision goggles?

22 A Yes. You can.

23 Q All right. So you had the flashlight on one side of the
24 light and you guys had the infrared goggles on the other side?

25 A Correct.

1 Q Did you actually -- when you went to your assigned
2 locations, did you actually see a signal?

3 A We did get eyes on them. Yes.

4 Q Okay. Tell us about that. Who was standing there with you
5 when you actually saw the signal?

6 A Myself, Adam Fox, Barry Croft and Red.

7 Q And did you hear Mr. Croft talking when you all saw the
8 signals?

9 A I did. Yes.

10 Q Was that recorded?

11 A Yes.

12 MR. KESSLER: Offer Government Exhibit 248?

13 THE COURT: Mr. Gibbons?

14 MR. GIBBONS: No objection, Your Honor.

15 THE COURT: And Mr. Blanchard?

16 MR. BLANCHARD: No objection.

17 THE COURT: It's admitted.

18 (Audio started, 11:23 a.m.)

19 (Audio stopped, 11:23 a.m.)

20 BY MR. KESSLER:

21 Q We heard Mr. Croft talking about her house being over by
22 these three dots. What were the three dots you all were
23 looking at when he said that?

24 A There were lights on that was on the shoreline.

25 Q Okay. So after doing this reconnaissance did you meet back

1 at that VFW post?

2 A We did. Yes.

3 Q Now, there was a third car. What was the third car
4 supposed to be doing according to Mr. Fox?

5 A They were like a roamer, and they were driving around, not
6 searching for, but seeing if local law enforcement was in the
7 vicinity.

8 Q Okay. Did everybody meet back at the VFW post?

9 A We did. Yes.

10 Q And did you all sort into different cars at that point?

11 A Yes.

12 Q Okay. So did you go back to Luther?

13 A I did. Yes.

14 Q Let's talk about back at the camp. Was there a discussion
15 of tactics?

16 A There was. Yes, sir.

17 Q Specifically, did anyone talk about the governor's security
18 detail again?

19 A Yes.

20 Q So this is late on the night of September 12th, correct?

21 A Correct.

22 Q All right. Did you record Mr. Croft talking about that?

23 A I did.

24 MR. KESSLER: I'd offer Government Exhibits 249, 250
25 and 251.

1 THE COURT: Mr. Gibbons?

2 MR. GIBBONS: Just one second, Your Honor. No
3 objection.

4 THE COURT: And Mr. Blanchard?

5 MR. BLANCHARD: I'm sorry, was the foundation that
6 this was back at Luther?

7 THE COURT: It was.

8 MR. BLANCHARD: Okay. I would -- I'm sorry, was 251
9 one of those?

10 THE COURT: 249, 50 and 51.

11 MR. BLANCHARD: I think on 251 there is a rule of
12 completeness problem. They literally on the first statement
13 there they cut off Mr. Croft mid-sentence and they clip him
14 mid-sentence and I think they should put in at least his whole
15 sentence there.

16 THE COURT: All right.

17 MR. BLANCHARD: And I have proposed an exhibit that
18 includes all of it.

19 THE COURT: All right. So the earlier ruling of the
20 Court covers those things and they will be admitted.
21 Objections are overruled.

22 MR. KESSLER: Let's start with 249, please.

23 (Audio started, 11:25 a.m.)

24 (Audio stopped, 11:25 a.m.)

25 BY MR. KESSLER:

1 Q Okay. You can leave that up there for just a second. I
2 want to ask you about some of the military terms here. What
3 are incendiaries?

4 A Something that would basically destroy and then melt a
5 structure or an object, so catch on fire.

6 Q And Mr. Croft talks about if you have something shoulder
7 fired you can go on a lead vehicle. What did you understand
8 that to be talking about here?

9 A They could arrange from a wide array of things from an
10 RPG --

11 Q What's an RPG?

12 A It's a rocket propelled grenade.

13 Q Are those -- have those been used in your military
14 experience?

15 A They have. Yes.

16 Q Okay. For what?

17 A The insurgencies would use them against us to take our
18 armored vehicles or structures that we were occupying.

19 Q And you traveled in convoys, is that right?

20 A I have. Yes.

21 Q And was there discussion here about the governor's security
22 detail traveling in a convoy?

23 A There was. Yes.

24 Q So when he says if you have something shoulder fired you
25 can go on a lead vehicle, what was your understanding of what

1 he was talking about?

2 A That you could engage the lead vehicle of that convoy.

3 Q Okay. And you also asked him about, that's what you got,
4 that 37. What were you talking about?

5 A He has a rifle that is outfitted with a 37 millimeter
6 grenade launcher.

7 Q And how is that attached to the rifle?

8 A It's an M-lock device, so it's fixated on the lower
9 platform of the rifle in front of the magazine well.

10 Q All right. Again, a lot military terms. Do you mean
11 generally under the barrel?

12 A Correct.

13 Q And he says, that's what I wanted it played with man. I
14 left it behind. I said look what you got. I don't give an F.
15 Do you have any knowledge of Mr. Croft leaving that behind?

16 MR. BLANCHARD: Object as to foundation.

17 BY MR. KESSLER:

18 Q Did you see him give it to --

19 THE COURT: If he does that's what they are asking
20 about. Go ahead. If he does that's what the questions is
21 about, so if he doesn't have knowledge I'm sure he'll say it.

22 BY MR. KESSLER:

23 Q Do you have any personal knowledge of him leaving that
24 behind?

25 A He gave it to me.

1 Q Okay. And he said, yeah, you take it with you bro. I'm
2 down as F. You are bro?

3 A Correct.

4 Q Did he tell you what he wanted you to do with it?

5 A To train with it. Get familiar with it.

6 Q To train with it you said? Okay.

7 A Correct.

8 MR. KESSLER: I believe we just -- we already admitted
9 250, correct, Your Honor?

10 THE COURT: Right.

11 MR. KESSLER: Let's play 250, please.

12 (Audio started, 11:28 a.m.)

13 (Audio stopped, 11:28 a.m.)

14 BY MR. KESSLER:

15 Q Who did you understand Mr. Croft to be talking about when
16 he said, we need the target's habits?

17 A The governor's.

18 MR. KESSLER: And 251, please.

19 (Audio started, 11:28 a.m.)

20 (Audio stopped, 11:29 a.m.)

21 BY MR. KESSLER:

22 Q And what did you understand Mr. Croft to be talking about
23 when he talked about the big lake?

24 A Lake Michigan.

25 Q And in what sense? What were you all talking about doing

1 on the big lake?

2 A Taking her from Michigan to Wisconsin.

3 Q With a boat?

4 A Correct.

5 Q All right. Was there anything in this conversation where
6 anybody ever said you'd need a helicopter to do this?

7 A In this conversation, no.

8 Q Okay. The next day, September 13th, did you all gather
9 again to talk?

10 A We did. Yes.

11 Q Got a night's sleep in between there?

12 A Correct.

13 Q Did Mr. Croft talk again about the governor's security
14 detail?

15 A He did. Yes.

16 Q And specifically, what was he saying about what kind of
17 security detail she might have after the elections in November?

18 A That she might be appointed like secret service detail.

19 Q Why did she say she would have one of those?

20 MR. BLANCHARD: Object as to speculation as to why he
21 said it. I mean, he said what he said.

22 BY MR. KESSLER:

23 Q What did he say about it?

24 A That she might be appointed a position with the president's
25 cabinet.

1 Q Okay. And you recorded that conversation?

2 A I did. Yes.

3 MR. KESSLER: I'd like to play Exhibit 254?

4 THE COURT: All right. Mr. Gibbons?

5 MR. GIBBONS: No objection.

6 THE COURT: Mr. Blanchard?

7 MR. BLANCHARD: I'm sorry. I've -- you said 254? I
8 don't have an objection to this.

9 THE COURT: All right. It's admitted.

10 (Audio started, 11:30 a.m.)

11 (Audio stopped, 11:31 a.m.)

12 BY MR. KESSLER:

13 Q Did Mr. Fox contribute to this discussion as well?

14 A He did. Yes.

15 MR. KESSLER: Offer Government Exhibit 260?

16 THE COURT: Mr. Gibbons?

17 MR. GIBBONS: Standing objection on confrontation,
18 Your Honor.

19 THE COURT: Mr. Blanchard?

20 MR. BLANCHARD: I think just a rule of completeness
21 objection. It's apparently the same conversation but we are
22 leaving out all the context in between, and so we have these
23 snippets and I don't think it's fair.

24 THE COURT: Same ruling. We can go ahead and admit
25 260.

1 (Audio started, 11:32 a.m.)

2 (Audio stopped, 11:32 a.m.)

3 BY MR. KESSLER:

4 Q Did Mr. Fox get everybody together to talk about plans
5 going forward?

6 A He did. Yes.

7 Q All right. And specifically did he talk about paying for
8 explosives?

9 A Yes.

10 MR. KESSLER: Offer Government Exhibit 264?

11 THE COURT: Mr. Gibbons?

12 MR. GIBBONS: No objection.

13 THE COURT: And Mr. Blanchard?

14 MR. BLANCHARD: Again, the same rule of completeness
15 issue where we're taking these things out of context.

16 THE COURT: All right. Same ruling. Go ahead.

17 (Audio started, 11:33 a.m.)

18 (Audio stopped, 11:34 a.m.)

19 BY MR. KESSLER:

20 Q Let me break that down a little. He says in here the price
21 tag is going to be four grand. What was the four grand for?

22 A To purchase explosives off of Red.

23 Q Okay. And Mr. Fox talks about being opportunistic like
24 it's going to be when the asset arises there. What did you
25 understand that to mean?

1 MR. BLANCHARD: I am going to object as to -- I mean,
2 the meaning of these words is really the critical issue the
3 jury has to decide, and I don't know what it matters what this
4 guy thought about it.

5 THE COURT: Well, he was there and so I think he can
6 express what he thought they meant, but certainly what the jury
7 ultimately concludes is going to be controlling. Go ahead.

8 BY MR. KESSLER:

9 Q So Mr. Chappel, what did you understand that to mean when
10 Mr. Fox said, we've got to be opportunistic and go when the
11 asset arises?

12 A Meaning that when she'd be at her residence. He said
13 before that she's up there at a holiday so we couldn't really
14 say a specific date for her to be there. So it might be a
15 target of opportunity. So if it arised quick we'd have to
16 assemble and then get up there to execute his plan.

17 Q And to that end he talks about local intel and recon being
18 important. What were they important for?

19 A To get the --

20 MR. BLANCHARD: Again, speculation. Now he's asking
21 what Mr. Fox -- why it was important to Mr. Fox. He said the
22 words he said.

23 THE COURT: All right. It's the same question and the
24 same answer and the same ruling. Go ahead.

25 BY MR. KESSLER:

1 Q Go ahead. What was the local intel on the recon for?

2 A To get the overall feeling of how the local community
3 responds or their view of the governor up there.

4 Q Okay. So did the plan involve anymore FTXes in the future?

5 A There was one set up. Yes.

6 Q And when was that supposed to take place?

7 A The following month, so November.

8 Q All right. Was that supposed to be before the election?

9 A It was. Yes.

10 Q Was there disagreement among the members of the group about
11 whether to go before or after the election?

12 A There was. Yes.

13 Q All right. When did Mr. Fox want to go?

14 A He wanted to go before the election.

15 Q Did you all agree to continue training after that?

16 A We did. Yes.

17 Q So after the FTX at Luther broke up, did you all go home?

18 A We did.

19 Q Did you continue training?

20 A Yes.

21 Q Did you have a discussion on the chat with Mr. Fox about
22 training indoors?

23 A I did. Yes.

24 Q And what would be the purpose of that training?

25 A Replicating gaining entry to a building, so multiple room

1 structure.

2 Q Okay. If we can just for the witness put up Exhibit 443,
3 please? Okay. Let's just do from this one to this one. All
4 right. Let me clear that off of there.

5 So again, Alpha Fuck You --

6 THE COURT: Before you go into content, lay the
7 foundation and offer this.

8 BY MR. KESSLER:

9 Q Okay. Do you recognize this chat?

10 A I do. Yes.

11 Q And we see at very top where it says, FAFO, and it's got a
12 bunch of names here. Debased Tyrant?

13 THE COURT: Let's stick with the foundation before we
14 get into content.

15 MR. KESSLER: I was just getting to the next one is
16 me.

17 BY MR. KESSLER:

18 Q Who is me?

19 A That is myself.

20 Q So you were on this chat, correct?

21 A I was. Yes.

22 Q Is this an accurate representation of chat that you saw?

23 A Yes.

24 MR. KESSLER: I now offer 443, Your Honor?

25 THE COURT: All right. Mr. Gibbons?

1 MR. GIBBONS: Subject to confrontation, Your Honor.

2 THE COURT: All right. Mr. Blanchard?

3 MR. BLANCHARD: I'll join in Mr. Gibbons's objection.

4 THE COURT: All right. Same ruling, and it can be
5 admitted.

6 BY MR. KESSLER:

7 Q Okay. On this the second one down here it says, I am going
8 to get the basement of the store cleared, and if anyone wants
9 we can do a CQC training here clearing this big ass building
10 upstairs and down. This is from Alpha F You. That's Mr. Fox
11 again?

12 A Correct.

13 Q What's CQC?

14 A That's close quarter combat.

15 Q Can you explain to the jury a little bit what that means?

16 A Basically it's urban warfare, so going through and clearing
17 houses or structures, multiple rooms. So that would be you are
18 in close proximity of another person, so close quarter combat.

19 Q When he talks about the basement of this store, you have
20 been in the basement of the Vac Shack, correct?

21 A I have.

22 Q All right. Did you understand him to be meaning the Vac
23 Shack?

24 A Yes.

25 Q The next thing he says is, work on acquiring an asset and

1 detaining for extraction. Again, some military terminology,
2 but the asset was the governor, correct?

3 A Correct.

4 Q And to be clear, what's extraction?

5 A Removing the individual from where they are at.

6 Q We see Debased Tyrant responding, that sounds pretty tight,
7 and then Mr. Fox responds, we need all the reps we can get.
8 Have six weeks till election and one week is FTX, so let's
9 utilize the five weekends the best we can. What does reps mean
10 in this context?

11 A So kind of like how he was dry firing before he was getting
12 reps in, so procedure to instill muscle memory.

13 Q So repetitions, is that what that is?

14 A Correct.

15 Q Okay. We heard Mr. Fox in an earlier recording say that
16 you needed to raise \$4,000 for what he wanted to do. So on
17 September 30th did you talk with him about meeting Red?

18 A I did. Yes.

19 Q Did you know at this point that Red was an undercover FBI
20 agent?

21 A I did. Yes.

22 Q Did you tell Mr. Fox to meet with Red?

23 A Yes.

24 Q All right. And what did you pass along to Mr. Fox about
25 that meeting? What should he do?

1 A What we would be meeting Red for?

2 Q Right. What would you be meeting Red for?

3 A He was going to be bringing some gear up. I said that Red
4 was getting done with a training exercise. He would have some
5 gear we could get and to put a down payment for explosives.

6 Q Did you ask him to bring some money?

7 A Yes.

8 Q What would that be for?

9 A Like a good faith for Red.

10 Q Towards what?

11 A The explosives.

12 Q So let's talk about -- did you understand that the purpose
13 of this was a ruse?

14 A Yes.

15 Q Okay. In order to arrest them?

16 A Correct.

17 Q Okay. Did Mr. Fox talk to you about this when you brought
18 the subject up?

19 A Yes.

20 Q And it was recorded?

21 A It was.

22 MR. KESSLER: I'd offer Exhibit 276?

23 THE COURT: Mr. Gibbons?

24 MR. GIBBONS: No objection, Your Honor.

25 THE COURT: Mr. Blanchard?

1 MR. BLANCHARD: No objection.

2 THE COURT: It's admitted.

3 (Audio started, 11:40 a.m.)

4 (Audio stopped, 11:40 a.m.)

5 BY MR. KESSLER:

6 Q All right. And did you talk training again with Mr. Fox
7 about the basement?

8 A I did. Yes.

9 Q And did Mr. Fox respond to you recorded?

10 A Yes.

11 MR. KESSLER: I'd offer Exhibit 278?

12 THE COURT: Mr. Gibbons?

13 MR. GIBBONS: No objection, Your Honor.

14 THE COURT: And Mr. Blanchard?

15 MR. BLANCHARD: No objection.

16 THE COURT: It's admitted.

17 (Audio started, 11:41 a.m.)

18 (Audio stopped, 11:43 a.m.)

19 BY MR. KESSLER:

20 Q All right. Mr. Chappel, we heard him talking about using
21 regular handcuffs so you wouldn't waste flex cuffs. Can you
22 explain that to the jury?

23 A He didn't want to go through and use the materials that he
24 had already acquired, so he wanted to purchase handcuffs
25 separately so we could get repetitions in of obtaining the

1 asset and extracting out.

2 Q Is there a reason he wouldn't be able to reuse flex cuffs?

3 A You have to physically cut them off to remove them from
4 somebody.

5 Q They only go in one direction, right?

6 A Right.

7 Q Okay. And we also heard him talking about acquiring
8 tasers. Did he send you a video having to do with that?

9 A He did. Yes.

10 Q And have you looked at Government Exhibit 283? Is that an
11 accurate rendition of the video he sent you?

12 A Yes.

13 MR. KESSLER: I'd offer 283, Your Honor?

14 THE COURT: Any objections, Mr. Gibbons?

15 MR. GIBBONS: None, Your Honor.

16 THE COURT: Mr. Blanchard?

17 MR. BLANCHARD: None.

18 THE COURT: It's admitted.

19 (Video started, 11:44 a.m.)

20 (Video stopped, 11:44 a.m.)

21 BY MR. KESSLER:

22 Q And he sent that to you on the group's encrypted chat?

23 A He did. Yes.

24 Q So let's talk about October 7th, the day you were talking
25 about meeting Red. Where did you go to meet him?

1 A Meet Red?

2 Q Um-hum?

3 A It was an industrial area, so like a shipping area down in
4 Ypsilanti.

5 Q Ypsilanti, Michigan, on the other side of the state?

6 A Correct.

7 Q And who traveled with you?

8 A Myself, Adam Fox, Ty Garbin, Kaleb Franks and Daniel
9 Harris.

10 Q All right. And was everyone arrested other than you?

11 A They were. Yes.

12 Q Where were you going to meet with Red?

13 A At that structure, and then we were going to go from there
14 to Buffalo Wild Wings to get lunch.

15 Q Did Mr. Fox want to bring anything with him?

16 A Initially he wanted to bring his firearm with him and I
17 talked him down from that and he brought his taser.

18 Q Why did you talk him down from that?

19 A I knew there was going to be an arrest, so to try to
20 minimize the amount of firearms that was already going to be in
21 the area and to try to de-escalate from a gun fight erupting.

22 Q And what about Mr. Garbin and Mr. Franks, did they bring
23 anything with them or want to?

24 A To Ty Garbin's residence -- so I traveled to Grand Rapids
25 and picked up Adam, and then to Ty Garbin's residence. Those

1 two individuals showed up with body armor and long guns. And I
2 told them that we were going to be meeting Red for gear and
3 then going to Buffalo Wild Wings. Buffalo Wild Wings has a no
4 firearms policy. So I told them they should leave the
5 equipment there, as a form of de-escalation as well, and then
6 we were going to be going to Buffalo Wild Wings. That's why
7 they wouldn't be able to have the materials in the vehicle.

8 Q So you were going to the warehouse first, correct?

9 A Correct.

10 Q Did you, in fact, go there?

11 A We did. Yes.

12 Q All right. And everyone was arrested, right?

13 A They were.

14 Q We've heard a lot about entrapment in the opening
15 statements so I want to ask you a couple of questions about
16 that. Did the idea to kidnap the governor originate with you?

17 A No.

18 Q Did the FBI ever tell you to push the plan?

19 A No.

20 Q What did they ask you to do?

21 A Just be -- maintain an asset and observe within the group.

22 Q Okay. Did Adam Fox or Barry Croft, while you were talking
23 to them, ever exhibit any reluctance to kidnap the governor?

24 A No.

25 Q Did you ever have to try and talk them into it?

1 A Talk them into it?

2 Q Um-hum.

3 A No.

4 Q Did you ever offer them money or anything else of value?

5 A I mentioned a credit card that Adam and I was both
6 physically present for in Wisconsin, that Cambria station.
7 Came up as a form of funding, so I echoed back several times
8 that there was a credit card available for us to obtain, but I
9 never offered money to him.

10 Q Was that credit card somehow supposed to be payment for
11 kidnapping the governor?

12 A Correct. It was. Yes. To obtain equipment and materials
13 used to kidnap the governor.

14 Q Like ammunition and things like that?

15 MR. BLANCHARD: I am going to object to the leading
16 nature, Your Honor.

17 THE COURT: It is leading.

18 BY MR. KESSLER:

19 Q What kinds of things could the credit card be used for?

20 A We could purchase firearms with it. My understanding was
21 that several others had used the credit card to purchase 300
22 Blackout rifles that they had.

23 Q Okay. But payment for the Defendants?

24 A No. I never offered.

25 Q And did you ever say anything to persuade them to do this?

1 A From carrying out the plan? As a form to de-escalate I
2 suggested like what Ty said. Excuse me. That they could put a
3 round through a window to de-escalate but never further his
4 plan of kidnapping and killing the governor.

5 MR. KESSLER: Nothing further, Your Honor.

6 THE COURT: All right. What I think we'll do, we are
7 just slightly earlier than we usually are for a break, but
8 before we start cross and interrupt it, I think it will be
9 easier to take our break now. So we'll take a second 20-minute
10 break and come on back to take the third segment of the day.

11 (Jury out, 11:48 a.m.)

12 *****

13 (Witness retakes stand, 12:36 p.m.)

14 THE COURT: All right. Welcome back. We'll get you
15 back in the stand, and even though we took a break, you are of
16 course still under oath and we'll start the cross exam starting
17 with Mr. Gibbons.

18 MR. GIBBONS: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MR. GIBBONS:

21 Q Good afternoon, Mr. Chappel.

22 A Good afternoon.

23 Q Let me get one more thing before I --

24 I am going to try to proceed in an orderly fashion
25 starting from the beginning of your involvement and moving

1 through the case much like you did on cross exam. Okay?

2 A Yes, sir.

3 Q So I guess the first thing I would suggest is, is if you
4 could put yourself kind of back in the position you were at
5 mentally and think about the things that were going on early in
6 the case in March of 2020, correct?

7 A Correct.

8 Q I won't belabor all of your involvement and how you got
9 there, but you did end up in fair short order working as a CHS
10 for the FBI, correct?

11 A Correct.

12 Q And it's true that your handling agents were -- your
13 primary handling agent was Special Agent Jayson Chambers of the
14 FBI, is that correct?

15 A That is correct.

16 Q Okay. And then you would also have contact from time to
17 time with Special Agent Henrik Impola, is that right?

18 A That's correct.

19 Q Okay. Mr. Impola was a secondary agent on the case,
20 correct, in terms of contact?

21 A Correct.

22 Q Your primary contact was Jayson Chambers?

23 A That's correct.

24 Q Your first contact with the FBI was on/or about March 16th,
25 is that correct?

1 A That's correct.

2 Q Okay. Your first contact with the FaceBook group the
3 Watchmen would have been around March 6, is that right?

4 A That's fair to say. Yes.

5 Q About 10 days prior?

6 A Correct.

7 Q After you contacted the FaceBook group initially, how much
8 time passed between the first time you saw them and clicked, I
9 think I like it, to where you were let in?

10 A Within a day.

11 Q Okay. So you had been involved or observing the Watchmen
12 for a couple weeks before you got to the FBI's office then, is
13 that true?

14 A That's true.

15 Q Okay. The things that concerned you, did you see them
16 right away or did it take a few days?

17 A Immediately. Yes.

18 Q Immediately?

19 A From the time I seen the post targeting law enforcement to
20 when my friend showed up was an hour.

21 Q Okay. The things that would have troubled you was things
22 like red flag, reverse red flag, correct?

23 A Them targeting or wanting to target law enforcement
24 concerned me.

25 Q And that's what that reverse red flagging is, true?

1 A True.

2 Q And their attempts to get addresses, correct?

3 A Correct.

4 Q You have a background that the Wolverine Watchmen I guess
5 found to be interesting, correct?

6 A True.

7 Q They welcomed you almost instantly, correct?

8 A Yes.

9 Q Your military service had a lot to do with that, true?

10 A That is true.

11 Q Your knowledge of firearms had a lot to do with that?

12 A True.

13 Q Your knowledge of tactical skills training had something to
14 do with that, correct?

15 A True.

16 Q And your experiences in combat, true?

17 A That's correct.

18 Q You would agree that by the end of the month -- you have
19 been in contact with the Watchmen starting at the end of the
20 first week of March. By the end of March you are participating
21 with the leaders, correct?

22 A That's true.

23 Q And you are in their leadership chat?

24 A True.

25 MR. GIBBONS: And I would ask you to -- for the

1 witness, Your Honor, Exhibit 1001?

2 THE COURT: So I already have 1001 as admitted.

3 MR. GIBBONS: I didn't think it came in at that time,
4 Your Honor.

5 THE COURT: It didn't. All right. Do you have any
6 objection?

7 MR. KESSLER: No, Your Honor.

8 THE COURT: All right. It's admitted.

9 BY MR. GIBBONS:

10 Q Have you had an opportunity to review your text messages
11 and your chat stream with Jayson Chambers from the summer of
12 2020?

13 A I have. Yes.

14 Q Okay. And you did receive this text from Jayson Chambers
15 to your phone, correct?

16 A Correct.

17 Q This is a message to you from your handling agent, correct?

18 A Correct.

19 Q And he indicates here to you, yes, tracking on the vetting?

20 A That is true.

21 Q What does that mean, tracking on the vetting?

22 A We were having a vetting process going on with an
23 individual joining the Wolverine Watchmen, and I contacted him
24 to make sure that he was monitoring the vetting chat that was
25 taking place.

1 Q Okay. And he could monitor that in real time, correct?

2 A Yes.

3 Q And normally the way it would work is you would be in an
4 encrypted chat and only members of the group could see it,
5 correct?

6 A Correct.

7 Q So the idea is it's secure, right?

8 A That's true.

9 Q But in this instance, because you are working for the FBI,
10 you are able to provide the FBI with access to the chats,
11 correct?

12 A That is correct.

13 Q And hence he is tracking on the vetting?

14 A Correct.

15 Q Can I have for the witness 1002?

16 Did you receive this text also that day from Jayson
17 Chambers?

18 A I did. Yes.

19 MR. GIBBONS: I would move for its admission?

20 MR. KESSLER: No objection, Your Honor.

21 THE COURT: It's admitted.

22 BY MR. GIBBONS:

23 Q You received this text, great job adding relevant
24 questions?

25 A Correct.

1 Q What did that mean to you?

2 A The kind of questions I was asking, if they -- the members
3 wanting to join, if they had a CPL license, their medical
4 experience, any military experience, type of vehicle that they
5 are driving, and maintaining my role within the group.

6 Q Right. So you are fully participating, correct?

7 A Correct.

8 Q And you are engaging with the Watchmen?

9 A I am.

10 Q And you are helping them vet who gets in and who gets out
11 of the group, correct?

12 A I was monitoring who was wanting to join the group. Yes.

13 Q But you had input on it, did you not?

14 A I was asking questions such as if they had firearms
15 training or if they had a CPL, anything that might help with
16 the FBI monitoring who is coming onto join the group.

17 Q Okay. And that was part of your tasking initially,
18 correct, was to monitor?

19 A Correct.

20 Q To be a fly on the wall so to speak?

21 A True.

22 Q For the Watchmen, correct?

23 A Correct.

24 Q And let me just give you some names so that we are
25 familiar. So the leaders, the leader of the Watchmen was a guy

1 named Joe Morrison, is that correct?

2 A That's correct.

3 Q He was in charge?

4 A He was.

5 Q And then he had a father-in-law, Pete Musico?

6 A Correct.

7 Q And they lived together, is that right?

8 A That's true.

9 Q Shared a residence in Munith?

10 A Correct.

11 Q So we've heard about these FTXes at Munith. That's their
12 place, correct?

13 A Correct.

14 Q When you entered into the Watchmen group, it is true that
15 there was about 40 members on-line in that group, correct?

16 A That's fair to say. Yes.

17 Q How many people were in the leadership chat when you got
18 in?

19 A Maybe five or six.

20 Q It was a very small group, correct?

21 A Correct.

22 Q And so you entered in first as a member of the general
23 group, correct?

24 A Correct.

25 Q And really almost immediately were pushed through into the

1 leadership group, correct?

2 A Correct.

3 Q You monitored the Watchmen with chats? You would text with
4 them so that the FBI could see what they were seeing in their
5 chat group, right?

6 A I would.

7 Q And then you also had a recording device, is that true?

8 A That's true.

9 Q You would call them on the phone sometimes?

10 A Sometimes. Yes.

11 Q And you would take that recorder also to meetings that you
12 would have with them, right?

13 A That's true.

14 Q Can I have Defense Exhibit 1003 just for the witness, Your
15 Honor?

16 This is towards the end of April. Do you recognize
17 that text instruction you got?

18 A I do.

19 Q And did this come from Jayson Chambers?

20 A It did. Yes.

21 MR. GIBBONS: Okay. I would move for its admission?

22 MR. KESSLER: No objection.

23 THE COURT: It's admitted.

24 BY MR. GIBBONS:

25 Q And when you are working for the FBI, and you're working

1 with Special Agent Chambers, you are basically an investigative
2 tool for him, correct?

3 A I am.

4 Q And he uses you to do certain things, true?

5 A True.

6 Q And that's called tasking. He asks you to do things,
7 correct?

8 A Correct.

9 Q You did receive this text from him on 4-25. Get him
10 talking about the setting of the theoretical insurgency and/or
11 talk about what side he wants to study more, the insurgent or
12 counterinsurgent. Correct?

13 A Correct.

14 Q Who is him?

15 A So this text message was Joe Morrison. Special Agent
16 Chambers was monitoring the live chat that was happening at
17 that time. Joe reached out to me and wanted me to instruct him
18 on insurgency. So this text was in real time as our
19 conversation was taking place.

20 Q Okay.

21 A As if he wanted to do counter-insurgencies or insurgency
22 and Joe replied back with wanting to do with insurgency.

23 MR. GIBBONS: Can I have for the witness, Your Honor,
24 1004?

25 THE COURT: Do you have any objection, Mr. Kessler?

1 MR. KESSLER: No, Your Honor.

2 THE COURT: All right. It's admitted.

3 BY MR. GIBBONS:

4 Q And then you are invited by Special Agent Chambers to seek
5 an in-person meeting, is that correct?

6 A That's correct.

7 Q Okay. Did that happen?

8 A At the training event. Yes. It happened. I don't believe
9 the conversation occurred.

10 Q Okay. When you were with the Watchmen one of the things
11 you were supposed to do is go to the events that they were
12 going to, right?

13 A That's correct.

14 Q And keep an eye out and make sure that the FBI had access
15 to what they were talking about and what they were doing?

16 A That's true.

17 Q The FBI was concerned that they were threatening or would
18 be committing crimes, is that true?

19 A That's true.

20 Q Okay. On April 15th there was a rally in Lansing, correct?

21 A Yes.

22 Q That was at the Capitol?

23 A That's correct.

24 Q You were with the Watchmen, true?

25 A I was.

1 Q Did the Watchmen go into the rotunda that day?

2 A On that specific day I don't believe so.

3 Q That was all outside?

4 A I believe so. Yes.

5 Q And that was a legitimate political rally that they
6 attended?

7 A Correct.

8 Q They didn't go by themselves, correct?

9 A No.

10 Q There were a lot of other people there?

11 A They used the rallies as a recruitment center to try and
12 recruit people to join the Watchmen.

13 Q You will agree that it's not illegal to recruit people to
14 join a club?

15 A To a club, but vetting people out to see if they wanted to
16 be domestic terrorists I feel that's a problem.

17 Q If that's what they were doing, yeah, it might be a
18 problem.

19 A It was.

20 Q Okay. No crimes committed that day, though, would you
21 agree?

22 A No. None.

23 Q April 30th, if we can have Government Exhibit's 6? It's
24 already admitted.

25 You were at the Capitol with the Wolverine Watchmen?

1 A I was.

2 (Video started, 12:48 p.m.)

3 (Video stopped, 12:48 p.m.)

4 BY MR. GIBBONS:

5 Q This is Adam Fox in the rotunda, is that correct?

6 A That's correct.

7 Q You didn't know him that day, did you?

8 A I didn't. No.

9 Q You won't know him for another month and-a-half to almost
10 two months, correct?

11 A That's fair to say.

12 Q The Wolverine Watchmen were there?

13 A We were. Yes.

14 Q Adam Fox had no connection to the Wolverine Watchmen at all
15 when you were in Lansing that day, did he?

16 A No.

17 Q Again, that was a legitimate political rally?

18 A Yes.

19 Q No laws were broken?

20 A No.

21 Q No one trespassed?

22 A No. We were permitted to go inside the Capitol I feel with
23 my presence being there. There was talks of storming the
24 Capitol an hour out. I was able to echo that through the live
25 feed device that I had. And then as it got closer and closer

1 they were talking about getting a stack team up to breach the
2 building and then they were allowed to go in as a form of, I am
3 feeling, de-escalation by the FBI reaching out to MSP.

4 (Video started, 12:49 p.m.)

5 MR. GIBBONS: Well, play it without sound so we don't
6 have to listen to that.

7 BY MR. GIBBONS:

8 Q The State Police are there, correct?

9 A They are.

10 Q Did they come to the building because you tipped the FBI
11 off an hour before you went in?

12 A I feel that the more heavier presence with us being there,
13 yes, that they were --

14 Q They were there because you called the FBI?

15 A I let the FBI know that there was talks of storming the
16 Capitol. Yes.

17 Q And all these other people, they are not there with the
18 Watchmen, are they?

19 A They were not. No.

20 Q And they got lucky to get into the rotunda because you
21 thought the Watchmen might be storming the Capitol so the
22 authorities let them in?

23 A There was talks of them wanting to storm the Capitol within
24 an hour, and as I got closer they kept echoing, in 45 minutes
25 we are going to take the capitol, and then they split

1 themselves up into teams on how they were going to breach the
2 Capitol.

3 Q And how many people were involved in that?

4 A I believe it got up to about 10 people.

5 Q And who were they all?

6 A Members of the Wolverine Watchmen and other associates they
7 had with them.

8 Q And they were stacking up to breach the Capitol?

9 A They were. Yes.

10 Q And you warned the authorities?

11 A I did.

12 Q And it's your testimony that they let them in?

13 A They did.

14 Q So they put security inside the building before they let
15 people in, right?

16 A I am assuming they already had security there with our
17 presence being there at the rally. The FBI was aware that we
18 were going there to protest and recruit people. So I would
19 assume that the State Police beefed up their security protocol
20 for us sheer presence being there.

21 Q That's pretty quick action.

22 A Well, they knew --

23 Q An hour?

24 A They knew we were coming ahead of time. This was a week in
25 advance that we were continuing really to discussing this on

1 Wire. The FBI had direct access to the conversations, so they
2 were able to plan and coordinate with the local and state
3 municipalities that we were going there.

4 Q Adam Fox is not with them, correct?

5 A He is not with them. No.

6 Q Okay. After this event on the 30th, where the storming the
7 Capitol was averted, you -- the Watchmen went to Lake Orion to
8 a Black Lives Matter rally, is that correct?

9 A Members of the group did. Yes.

10 Q And their purpose in going there was to protect people at
11 the Black Lives Matter rally from the police, is that correct?

12 A I was not there at that protest so I don't know what their
13 purposes were.

14 Q Well, you were part of the group. Did you have an
15 understanding of why they would possibly go there?

16 A I could. Yes.

17 MR. KESSLER: And I am going to object to getting into
18 any hearsay, Your Honor.

19 THE COURT: Well, I think it is unless there is some
20 other basis on which he would know beyond what the people told
21 him

22 BY MR. GIBBONS:

23 Q Well, there was a lot of stirring the air and unrest
24 socially because of the pandemic, correct, in May of 2020?

25 A There was. Yes.

1 Q So there was this event in Lake Orion, Michigan, and you
2 know that some of the Watchmen went, correct?

3 A Some of them did. Yes.

4 Q And then there was another demonstration going on in
5 Detroit, correct?

6 A At a later time. Yes.

7 Q Yes. That would be towards the end of the month, correct?

8 A Correct.

9 Q And the Watchmen went to that?

10 A We did. Yes.

11 Q Locale?

12 A Say again?

13 Q They went to that locale? They went to Detroit?

14 A We went to that location. Yes.

15 Q And you went with them this time, right?

16 A I did.

17 Q And the purpose in going to Detroit was to protect
18 protestors in the event the police were going to be brutal to
19 the protestors, correct?

20 MR. KESSLER: Calls for hearsay, Your Honor.

21 THE COURT: Well, if he was there and he certainly can
22 express what his purpose was if he had one.

23 BY MR. GIBBONS:

24 Q Is that true?

25 A That's true. If the police started using pepper gas or

1 rubber bullets the group that I was with would go direct action
2 and get into a gun fight with them. Yes.

3 Q And you would agree that the Watchmen are not white
4 supremacists?

5 A They are not. No.

6 Q Their aim in going was to make sure that people are
7 protected from what they believe is an abusive government, is
8 that correct?

9 A That was the reasoning. Yes.

10 Q And it doesn't matter to them whether you are a white
11 person or a person of color, everyone deserves to be free from
12 government brutality?

13 MR. KESSLER: This is argument, Your Honor.

14 THE COURT: Well, it's repetitive for sure.

15 MR. GIBBONS: I'll move on, Your Honor.

16 BY MR. GIBBONS:

17 Q So you are -- let me just go back. Nothing about Lake
18 Orion and the chats criminal in nature, correct?

19 A No.

20 Q And Detroit -- let me just get this clear. You showed up
21 at Detroit, correct?

22 A We did.

23 Q You parked in a parking lot?

24 A Yes.

25 Q You parked with the Watchmen?

1 A I did.

2 Q You are altogether?

3 A Correct.

4 Q You waited in the truck, right?

5 A Yes.

6 Q Then you had someone in at the demonstration or the protest
7 who would call for help, correct?

8 A Correct.

9 Q And so you are really just staging in case you get this
10 call, true?

11 A We were staging. At one point we exited the vehicle. We
12 donned ballistic body armor and got long guns out of the bed of
13 the truck and waited.

14 Q And after a while you took the armor off and put the guns
15 away, correct?

16 A Correct.

17 Q And then you got back in your trucks and drove home?

18 A That's correct.

19 Q Nothing happens?

20 A Fortunately nothing happens.

21 Q No crimes?

22 A None.

23 Q The Watchmen are enthusiastic about your presence in the
24 group by the end of May, true, or early June?

25 A True.

1 Q There is a meeting, a training at Munith on June 3rd, is
2 that correct?

3 A June 3rd?

4 Q Yes.

5 A At Munith?

6 Q I believe so.

7 A I think we had a leadership meeting at Ty Garbin's
8 residence on June 3rd.

9 Q Okay. I'm sorry. A leadership meeting?

10 A Correct.

11 Q Okay. At that meeting you were voted by the leadership
12 team, they wanted you to be the commanding officer, correct?

13 A There was talks of that. Yes.

14 Q Okay. And in fact, they offered you the position, true?

15 A Several of them did. Yes.

16 Q Okay. You declined that position, correct?

17 A It was Joe's group from the start.

18 Q I understand that, but you declined the position, true?

19 A I did.

20 Q You did accept a position as XO, correct?

21 A I did.

22 Q And so you would have been second in command within this
23 structure, true?

24 A True.

25 Q With Morrison being your superior in the organization,

1 true?

2 A That's true.

3 Q And you declined that position of CO because as an
4 informant working for the FBI you are not supposed to be in
5 charge of the group, correct?

6 A I declined that position because it was Joe's group to
7 begin with. He was already the commander.

8 Q But you are also not supposed to be the leader, right?
9 Isn't that part of the admonitions?

10 A That's true, but I was never the leader of the group. I
11 served on a leadership panel but the group was Joe's. I never
12 started the group.

13 Q When you became XO you reported that to your handling
14 agents, is that correct?

15 A I did.

16 Q And Henrik Impola in particular, he was aware, true?

17 A Yes.

18 Q With regard to this position within the group, you did
19 understand that as an informant you are not supposed to be in
20 charge, true?

21 A True.

22 Q Thank you. And isn't it true that in response to assuming
23 this position within the group, second in command, you were
24 given some further rules or admonishments from Special Agent
25 Impola, correct?

1 A That's correct.

2 Q He advised you that you were not to initiate any ideas,
3 correct? Don't suggest ideas --

4 A Correct.

5 Q -- to the group?

6 A True.

7 Q You were not to help develop attack plans?

8 A That's true.

9 Q And you were not to help maintain control of the group?

10 A True.

11 Q So that's June 3rd. I'd like to move forward in time to
12 around June 4 -- 14. On June 14th you made two phone calls on
13 that day to Adam Fox, correct?

14 A There was two phone calls. One was made for Adam Fox to
15 Joe on a speakerphone, and then later that day I made a phone
16 call to Adam Fox.

17 Q And when you talked with Adam Fox the second time, you were
18 at the FBI office when you made that phone call, correct?

19 A That's true.

20 Q And it was recorded in its entirety, was it not?

21 A It was.

22 Q The phone call, that was the first call that you say you
23 had with Adam with Joe that was also recorded, was it not?

24 A It was.

25 Q And in its entirety?

1 A Correct.

2 Q You initiated the second call, you'll concede that?

3 A I did.

4 Q Okay. On that phone call did you suggest to Adam Fox that
5 he get on the encrypted chat Wire?

6 A I can't recall if that's the time.

7 Q Well, let me put it -- well, let's just make that -- did
8 you suggest to Adam Fox that he get on the chat encrypted app
9 Wire so that he could communicate with the Watchmen?

10 A I did. Yes.

11 Q Okay. And did you also suggest to Adam Fox or tell him
12 that you would pass Adam's information on so that Joe and the
13 Watchmen could communicate with him on Wire?

14 A That's true.

15 Q And the reason you made those suggestions is because Adam
16 was independent, true?

17 A True.

18 Q He was not part of the group?

19 A That's true.

20 Q He stood apart?

21 A Yes.

22 Q In that call on the 14th Adam Fox had some conversations
23 about storming the Capitol, is that correct?

24 A I believe so. Yes.

25 Q On the 18th of June there is another event, correct?

1 A Another protest, yes, at the Capitol.

2 Q And you would agree on the 14th you'd talked to Adam about
3 meeting you and the Watchmen there at that group, right?

4 A There was talks of that at the Munith residence with Joe.
5 Yes.

6 Q Okay. And there was one other point on this 14th call that
7 I thought was significant. You would agree that you extended
8 to Adam the opportunity to train with the Watchmen at the
9 Morrison property in Munith on -- at the end of the month,
10 right?

11 A I said he should come to training some time. He already
12 knew when and where the location was at.

13 Q So you are suggesting, then, that he should go do that?

14 A I said you should come to training some time. Yes.

15 Q And he wanted to do that to be fair, true?

16 A Yeah.

17 Q So on the 18th of June you were tasked -- Adam Fox, is he
18 part of your focus now with your agents? Did they want you to
19 develop a relationship with Adam and provide access to what's
20 going on with him and his associates?

21 A That's true.

22 Q On June 18th Adam Fox didn't have a Michigan Patriot III
23 Militia group, did he?

24 A I am not sure if he did or not.

25 Q Did he have a page on FaceBook?

1 A I am not sure at that point.

2 Q Okay. He eventually, though, did come to identify as the
3 CO of the Michigan Patriot III% Militia, did he not?

4 A As a FaceBook page, yes. We recognized him as Michigan's
5 contact for the movement prior to that. Even on June 14th Adam
6 was the Michigan's contact.

7 Q He was Michigan's contact.

8 A Yes.

9 Q And that would have been with the national III% Patriot
10 Militia group, correct?

11 A I believe so. Yes.

12 Q Michigan guy?

13 A Yes.

14 Q And so why don't we just take a second and digress and
15 we'll get hit on this for a minute. In terms of that -- and
16 you met a lot of those broader national Patriot Militia people
17 over the summer, correct?

18 A I have.

19 Q You went to Cambria?

20 A I did.

21 Q You went to Peebles, Ohio?

22 A I did.

23 Q You know who Steve Robeson is?

24 A I am aware of him. Yes.

25 Q And you came to learn in the course of your involvement in

1 the militia movement that summer that Steve was the CO of the
2 Wisconsin Patriot IIIers, true?

3 A I learned of his involvement as a CHS after the takedown,
4 the arrest.

5 Q No. No. That's not what I asked you.

6 A What's your question?

7 Q I asked you, you learned that he was the CO of the
8 Wisconsin Patriot III Militia, that state charter, right?

9 A Correct.

10 Q He was also on the national board, correct?

11 A I believe so. Yes.

12 Q He was on the national board with Jenny Plunk, true?

13 A I am not sure if her name was mentioned as a national board
14 member.

15 Q She was mentioned as the head for the state of Tennessee?

16 A She might have been.

17 Q She was a volunteer, correct? C.M. Phillips, you are
18 familiar with him?

19 A I am.

20 Q He was the CO for Missouri, correct?

21 A That is correct.

22 Q Frank Butler?

23 A I am familiar with him.

24 Q He was the CO for Virginia?

25 A That's correct.

1 Q And then Adam Fox was Michigan's guy?

2 A That's correct.

3 Q Frank Butler is also a target, is he not, of the
4 investigation? He was someone that was being investigated?

5 A Yes.

6 Q And you have had undercover conversations with Frank
7 Butler, correct?

8 A I did. Yes.

9 Q And you have been in his presence with recorders, true?

10 A True.

11 Q C.M. Phillips is actually another CHS, correct?

12 A I was not aware of that. No.

13 Q You weren't aware of that?

14 A During the investigation, no.

15 Q Okay. You are aware of that now?

16 A I am now. Yes.

17 Q Okay. So let me get this -- I would like to try to just
18 air this out. So when I talk about what you know, I am asking
19 what you know now.

20 A I was going --

21 Q I don't want you to pick a date and time and say, well, I
22 was thinking about July 20 so I don't know.

23 A I apologize, because at the beginning you said take my
24 mind-set back to when the investigation began, so that's how
25 I've been treating this was fluid month by month, not going

1 back and knowing what I know now.

2 Q Let me move forward. Adam Fox, you met him personally then
3 on June 18th, right?

4 A Say again?

5 Q June 18th you met Adam Fox for the first time?

6 A I did.

7 Q You are wearing a recording device?

8 A I was.

9 Q It worked --

10 A Yes.

11 Q -- true? The entire meeting is recorded and you've heard
12 it?

13 A Yes.

14 Q Now, not just sticking to what you know -- what you knew
15 that day, but just what you came to learn over the course of
16 the summer, at least on the 18th you did not understand Adam
17 Fox was associated with any militia, correct?

18 A No.

19 Q He was just -- he was there with his girlfriend Amanda?

20 A Correct.

21 Q He wasn't there with any other guys or militia guys?

22 A No. He was affiliated at one point with the Michigan Home
23 Guard and was kicked out of that group and now was his own
24 Michigan's chapter individual and was recruiting people.

25 Q Yeah. He was asked to leave with Matthew Keepers, wasn't

1 he?

2 A I am not sure who he was asked to leave with. I just know
3 they removed him from the group because of his attitude and
4 hostile nature.

5 Q Do you know much about that?

6 A Not much. No.

7 Q Okay. He was pro Second Amendment. He shared some values
8 with the Watchmen, is that correct?

9 A That's true.

10 Q And with you?

11 A He did.

12 Q Adam, you found him to be kind of eager to please,
13 enthusiastic as an individual?

14 A He was very passionate about what he talked about. Yes.

15 Q Talked a lot?

16 A Yes.

17 Q Exaggerated opinions?

18 A What do you mean by exaggerated?

19 Q He talked big?

20 A He was talking. He was passionate about what he was
21 wanting to do.

22 Q Right. You came to learn that Adam didn't have a ton of
23 experience with firearms, correct?

24 A That's true.

25 Q And end of July you showed him how to properly sight his

1 rifle?

2 A Say again?

3 Q You showed him how to properly sight his rifle the end of
4 July, that July 27th meeting at the Vac Shack?

5 A I can't really sight a rifle in there, but I showed him
6 some of the features on his rifle. Yes.

7 Q He had it set up wrong, correct?

8 A I can't recall how he had it set up.

9 Q You also showed him how to clean his gun, correct?

10 A Properly break it down, yes, perform a function check.

11 Q And then put it back together so the safety still works,
12 true?

13 A True.

14 Q Those are things that you generally learn like the first
15 thing you learn, when you get a gun, right?

16 A They can be, yes, but they don't need to necessarily be
17 known to be able to shoot or kill somebody.

18 Q In basic training that's probably one of the first things
19 you learn when they get you into the weapons training, correct?

20 A Well, again, because we want to maintain that our platform
21 stays up and operational during engagement with enemy
22 combatives.

23 Q That's what you learn in basic training, right?

24 A We want to maintain that the platform stays ready in case
25 we want to use them against enemy combatives. Yes.

1 Q In any event, you are aware and -- that Adam is going to
2 have a meeting with -- to unite the militias on June 20th at
3 the Vac Shack, right?

4 A Say again?

5 Q Adam is going to have a meeting at the Vac Shack on June
6 20, right?

7 A Yes.

8 Q And the idea -- Adam is having this to meet people and to
9 unite the militias and come up with ideas?

10 A True.

11 Q You would agree it was kind of like a brainstorming
12 session?

13 A Fair to say.

14 Q He invited a lot of people to the meeting, did he not?

15 A I am not sure how many people he invited.

16 Q You understood that it was going to be quite a few, though,
17 from your interaction with him on the 18th?

18 A At the Vac Shack?

19 Q On the 18th when you met him and he invited you -- he was
20 talking about the meeting you had the impression there was
21 going to be a lot of people there?

22 A True.

23 Q And when you agreed when you showed up there was only one
24 other person there, Jim McIntosh, correct?

25 A Right.

1 Q You had two of the Watchmen with you, correct?

2 A They went with me. Yes.

3 Q So you are responsible for three of the four people that
4 are there that are not Adam Fox or Amanda Keller, right?

5 A Yes.

6 Q There is a lot of marijuana smoking on the part of Mr. Fox
7 and Ms. Keller that afternoon?

8 A They smoked briefly. Yes.

9 Q Like, through the whole movie -- meeting practically,
10 correct?

11 A No. Off and on.

12 Q Did he smoke when you first got there?

13 A No. He was not smoking when we first got there.

14 Q Did the subject of whether it was okay to smoke marijuana
15 in front of people come up at the meeting?

16 A They brought it up. Yes.

17 Q Like one of the first things that ever came up, right?

18 A We had been there for a good amount of time before we moved
19 downstairs and that's when they brought it up.

20 Q When you went downstairs?

21 A Yeah.

22 Q And then they proceeded to smoke marijuana, correct?

23 A They smoked a little. Yes.

24 Q When scheduling that meeting initially you would agree that
25 you had a work conflict. Adam was going to have it in the

1 afternoon on Saturday, correct?

2 A I believe it was myself and also another member of the
3 Wolverine Watchmen that had a scheduling conflict.

4 Q Okay. You were able to resolve those conflicts, right?

5 A We were.

6 Q And you did report that contact and resolving that conflict
7 about maybe not being able to go to the meeting? You resolved
8 that, true, and you reported that to Jayson Chambers?

9 A I was.

10 Q And he sent back a couple responses.

11 Exhibit 1006. Any objection?

12 THE COURT: Any objections?

13 MR. KESSLER: No, Your Honor.

14 THE COURT: It's admitted.

15 BY MR. GIBBONS:

16 Q 1007 is next.

17 But he said, boom, right?

18 A Correct.

19 MR. GIBBONS: And then 1007?

20 THE COURT: Any objections, Mr. Kessler?

21 MR. KESSLER: No, Your Honor.

22 THE COURT: They are both admitted.

23 BY MR. GIBBONS:

24 Q You are the man, correct?

25 A Correct.

1 Q So Jayson Chambers is excited and satisfied and patting you
2 pretty warmly on the back that you are able to work it out that
3 you could get there, correct?

4 A He is complementing me, yes, on able to get time off from
5 work to maintain my role within the group. Yes.

6 Q And didn't at that time you also sent back in response to
7 that you wanted to let Jayson Chambers know that you were
8 trying to do a good job? Did you send him a text back stating
9 something to the effect if you needed it to happen I'll make it
10 happen?

11 A Pertaining to me getting time off from work, yes.

12 Q Correct. You are eager to please?

13 A I was willing to maintain my role for them within the
14 group. Yes.

15 Q So the Vac Shack meeting continues. Jim McIntosh is there,
16 correct?

17 A He is.

18 Q You hadn't heard of Jim McIntosh prior to the meeting, had
19 you?

20 A I had not. No.

21 Q And you never heard a thing about him after the meeting, is
22 that correct?

23 A I don't believe he ever came up again. No.

24 Q You went to this meeting at the Vac Shack. You never been
25 to a meeting before at the Vac Shack, correct?

1 A That's correct.

2 Q And you have never been -- you stopped by to visit Adam at
3 the Vac Shack after June 20, right?

4 A I have had meetings there. Yes.

5 Q But you had never gone to a militia meeting with more than
6 just you and Adam at the Vac Shack, correct?

7 A No.

8 Q And can I have 62, Pam?

9 Does that look like Adam's living space in the
10 basement of the Vac Shack?

11 A That's where he stayed periodically. Yes.

12 Q Okay. And eventually he broke up with his girlfriend,
13 correct?

14 A Correct.

15 Q And that's where he lived, right?

16 A That's where he stayed. Yes.

17 Q And he broke up with her a lot, did he not?

18 A Because of his involvement and how passionate he was about
19 this movement. Yes.

20 Q I didn't ask you why. You don't know that. How do you
21 know that?

22 A Because one time when I had a phone call with Adam she
23 became very upset with him that we were going to be talking.

24 Q You had a lot of contact with Adam Fox, is that true?

25 A We communicated daily. Yes.

1 Q And I guess what you are telling me is your presence in
2 Adam's life became an issue for her?

3 A No. I think Adam's passionate, the way he was wanting to
4 do, became an issue in the relationship.

5 Q That's because if you called he'd dropped everything and
6 pick up your call, right?

7 A We were communicating daily.

8 Q Right. And if you called he'd literally stop talking to
9 her and pick up the phone?

10 A He instructed me to call him. Yes.

11 Q And that irritated her, didn't it?

12 A It did.

13 Q Can I have Exhibit 64? Just the transcript.

14 This is a snippet from that you testified to just this
15 morning. Do you recognize it from the Vac Shack?

16 A I do.

17 Q And isn't it true at the bottom there Adam Fox says, we are
18 just brainstorming to see?

19 A Correct.

20 Q And his fixation at this point probably was more leaning
21 towards kind of an assault on the Capitol with a lot of men,
22 right?

23 A Yes.

24 Q Okay. He wasn't really giving you specific objectives, is
25 that true?

1 A At that point, no.

2 Q But you did press him for specific objectives at that
3 meeting, did you not?

4 A As far as?

5 Q Your participation in the meeting towards the end. You
6 pressed Adam for an objective stating, correct?

7 A I don't recall what was said. No.

8 Q Do you recall saying something like you know you can train
9 for everything but what's the point?

10 A True.

11 Q You specifically asked him for an objective, did you not?

12 A I believe so. Yes.

13 Q Okay. Following that meeting -- and you were wearing a
14 recording device, correct?

15 A I was.

16 Q And you also had a live wire on you, correct?

17 A I did.

18 Q And that meant that that's a device where the FBI Agent
19 Chambers could listen to the meeting in real time, true?

20 A That's true.

21 Q And it's also true that at the Capitol on the 18th of June
22 and the other events you went to you were wearing live wire at
23 those events, correct?

24 A That's true.

25 Q And it's further true that at every event that you were at

1 with Adam Fox you were wearing a live wire, true?

2 A True.

3 Q In addition to a recording device?

4 A True.

5 Q The FBI has the ability to capture the live wire feed as a
6 recording, does it not?

7 A They do.

8 Q Okay. And then you have your recording as backup or
9 primary, whatever; you have a recording, right?

10 A That's true.

11 Q Following up with the Vac Shack meeting, you confirmed with
12 Jayson Chambers that the audio was working, right?

13 A Yes.

14 Q And you asked Jayson Chambers if he had any thoughts about
15 where you were at with Adam Fox, is that correct?

16 A I believe so.

17 MR. GIBBONS: Okay. Can I have Exhibit 1008?

18 THE COURT: Any objections?

19 MR. KESSLER: No, Your Honor.

20 THE COURT: It's admitted.

21 BY MR. GIBBONS:

22 Q His response was, got to get Adam focused, correct? That's
23 a yes or no question.

24 A Yes.

25 MR. GIBBONS: And then 1009?

1 THE COURT: Mr. Kessler?

2 MR. KESSLER: No objection.

3 THE COURT: It's admitted.

4 BY MR. GIBBONS:

5 Q You were tasked to get him in a leadership chat, correct?

6 A Correct.

7 Q The leadership chat, that's a reference to the Wolverine
8 Watchmen leadership chat that you were in?

9 A I was a member of that. Yes.

10 Q Right. The Watchmen put you in it almost immediately,
11 correct?

12 A They did.

13 Q Because of your skill set, your experience, and your
14 background, correct?

15 A Correct.

16 Q And you are a fairly serious person, true?

17 A Maintaining that persona with them. Yes.

18 Q You have just testified that you did extend an offer for
19 Adam to come on out to Munith on the 28th for training, right?

20 A I said you should come to training some time, and he was
21 already aware of the location and time.

22 Q That would be on tape, right?

23 A It would be. Yes. It followed right after that statement.

24 Q You are in contact with the Watchmen and the leadership
25 chat at this time, correct?

1 A I am.

2 Q You have been that way -- you have been in the leadership
3 chat since March?

4 A True.

5 Q The vetting occurs. There is a vetting chat, too, is there
6 not?

7 A I was part of that. Yes.

8 Q And people can be vetted in the vetting chat?

9 A They are vetted in there. Yes.

10 Q And there has been times when people would be discussed --
11 whether they should be in or out would be discussed in the
12 leadership chat, right?

13 A That's true.

14 Q You had a chat with Adam -- about Adam Fox with the
15 leadership on the 27th of June, is that correct?

16 A We did. Yes.

17 Q And you vouched for him, is that true?

18 A I did.

19 Q And it was your opinion that the Watchmen shouldn't reject
20 Adam Fox; they should accept him?

21 A I told them that we were already tied to him with
22 communicating and everything.

23 Q Right. And you also made an indication that you thought
24 that although his skills were bad he could -- somebody -- he
25 has potential?

1 A Yes.

2 Q That you guys could work with him?

3 A Fair to say.

4 Q Bring him along. And on that day Jayson Chambers is
5 monitoring these chats, correct?

6 A Yes.

7 MR. GIBBONS: Okay. Can I have Exhibit 1010?

8 THE COURT: Any objections?

9 MR. KESSLER: No objection, Your Honor.

10 THE COURT: It's admitted.

11 BY MR. GIBBONS:

12 Q And he says to you in a text, you did a great job with both
13 the leadership and Adam today, correct?

14 A That's correct.

15 Q Because you are trying to get done what he wants done,
16 right?

17 A There was a lot of communication that was going on within
18 the leadership chat, the Wolverine Watchmen chat as a whole,
19 and with Adam. So he uses -- you know, I am one person in a
20 group of several people, so he's just complementing me. Yes.

21 Q And one of those things he wants is he wants you to try to
22 get Adam into this leadership chat, correct?

23 A He put that out. Yes.

24 Q Okay. And you responded to that with enthusiasm. You
25 responded something about building your resume and -- is that

1 correct?

2 A I believe so. Something along those lines. Yes.

3 Q Awesome. Building my resume. And then Special Agent
4 Chambers responds to that with Exhibit 1010 isn't it? 1011?

5 THE COURT: Mr. Kessler?

6 MR. KESSLER: No objection.

7 THE COURT: Pardon?

8 MR. KESSLER: No objection, Your Honor.

9 THE COURT: It's admitted.

10 BY MR. GIBBONS:

11 Q #crushingit?

12 A He did reply to that. Yes.

13 Q I thought that was interesting that you used the term
14 resume with respect to your efforts and what you were trying to
15 accomplish. You don't work in law enforcement do you?

16 A I do not. No.

17 Q Okay. You work -- you drive truck for a company that
18 provides services to the post office, right?

19 A I do.

20 Q You don't actually work for the post office, correct?

21 A No. I am a contractor.

22 Q Right. Contractor work -- well, you are not the
23 contractor? Abraham & Sons are, true?

24 A True.

25 Q And you work for them?

1 A I do.

2 Q And they have a contract to haul bulk mail for the post
3 office, true?

4 A That's true.

5 Q And that's the work you perform?

6 A That's The work that I prefer.

7 Q Okay. Do you want to work in law enforcement?

8 A I have no desire to work in law enforcement.

9 Q Okay. Do you recall -- you took criminal justice courses
10 in community college after the service, is that correct?

11 A I have.

12 Q You have an associate's degree in criminal justice?

13 A I do.

14 Q People generally tend to go to criminal justice classes
15 because they have an interest in law enforcement, is that true?

16 A I have a -- yeah. You would say that. But I am a firearms
17 instructor prior to what I have been doing. I worked in
18 conjunction with them. I wanted to understand the legal system
19 for people that were coming through the classes.

20 Q And part of your course work was driving around in police
21 cars, correct?

22 A No.

23 Q You never did that?

24 A I never provided any form of training as that.

25 Q None of your criminal justice involved you doing

1 ride-alongs with the police?

2 A No.

3 Q Okay. So despite after a criminal justice degree you have
4 no interest in pursuing a career in law enforcement?

5 A I have been offered numerous times to be sponsored to go
6 through the police academy and I rejected them each time. I
7 don't have any desire to work in law enforcement.

8 Q Okay. June 28th is the FTX at the Morrison's property for
9 the Watchmen, right?

10 A That's correct.

11 Q And Adam is supposed to come out?

12 A Yes.

13 Q To go to that, correct?

14 A Correct.

15 Q You encounter a hitch in that program, is that true?

16 A Yes.

17 Q And that is, is that Joe Morrison has a wife, correct?

18 A He does.

19 Q And Joe's wife is Jada, is that right?

20 A True.

21 Q And it becomes known to you that Adam is not really welcome
22 at the property, correct?

23 A Because of his lack of OPSEC. He put the location and
24 address of the Munith residence out on his FaceBook page.

25 Q Okay. So they didn't want him there because he had really

1 bad OPSEC?

2 A But they allowed him to come.

3 Q And that happened because you made a phone call to Jada,
4 correct?

5 A What happened?

6 Q He was allowed to come to the property because you made a
7 phone call to Jada and talked to her, did you not?

8 A No. On that phone call they wanted us to black bag Adam.
9 Meet him in an off-site location and bring him in.

10 Q So you worked out a protocol for Adam to come onto the
11 property?

12 A We met him at an off-site location and he followed us in.

13 Q The we is you?

14 A True.

15 Q Mr. Garbin?

16 A True.

17 Q And who else went? Was it Franks or Harris?

18 A Joe Morrison, the owner of the property.

19 Q You guys went up and got him at the gas station?

20 A We did.

21 Q And is it your testimony that Jada Morrison was not the one
22 that was the problem?

23 A What do you mean?

24 Q She wasn't the one saying he couldn't come to the property;
25 it was Joe?

1 A They were not happy with his lack of OPSEC.

2 Q Right. And you would agree if it weren't for your advocacy
3 Adam wouldn't have been allowed on the property?

4 A I don't know how I advocated him -- for him. They told me
5 that they were going to meet in an off-site location and black
6 bag him and bring him in and I said okay.

7 Q Phone call is recorded, true?

8 A It is.

9 Q That meeting -- the ideas at that meeting focused on the
10 assault on the Capitol type thing?

11 A That's true.

12 Q Adam was still kind of on his program from the Vac Shack.
13 Lots of men, lots of --

14 A Kidnapping tyrants. Yes.

15 Q Did he say kidnapping tyrants at the Vac Shack?

16 A Kidnapping tyrants at the Vac Shack. I don't believe at
17 the Vac Shack.

18 Q No. No. He didn't, did he?

19 A At the Munith property he has.

20 Q Oh, he did?

21 A He has.

22 Q You sent a text message to Jayson Chambers after that
23 meeting, did you not?

24 A I believe so.

25 Q Did you characterize Adam's plan as storm the Capitol

1 thing?

2 A I am not sure what we texted through there.

3 Q Is it your testimony Adam Fox said kidnap at June 28th?

4 A I know at the Munith property he opened up with who is down
5 for kidnapping tyrants?

6 Q There is a tape of that then, right?

7 A Yes.

8 Q Oh, there is, okay. Good. At that meeting Sean Fix was
9 there, too, correct?

10 A Yes.

11 Q Adam has a militia now, right?

12 A He does.

13 Q And it's the Michigan Patriot III% Militia, is that
14 correct?

15 A I believe so. Yes.

16 Q Brand new, right?

17 A I am not sure how long it was established.

18 Q Well, he wasn't even in it, was he?

19 A As far as taking an oath.

20 Q At June 28th he really wasn't in his own militia at that
21 point, was he?

22 A Adam wasn't in his own militia?

23 Q No. Because you gave him the oath to get in, correct?

24 A No. I read his oath that he had. Prior to all that he was
25 already dubbed as Michigan's commander.

1 Q And you applied the oath, true?

2 A I read his oath that he had for his group. Yes.

3 Q And you read the oath, Adam's oath, you read Adam's oath to
4 Sean Fix, as well, correct?

5 A I did.

6 Q Okay. Adam Fox didn't swear himself in, did he?

7 A For his group? No.

8 Q You did?

9 A I read his oath. Yes.

10 Q Thank you. Sean Fix, you came to know him over the course
11 of the summer, correct?

12 A I did.

13 Q He is nothing more than a truck driver, isn't that true?

14 A Now, yes.

15 Q Okay. After that meeting was over you did debrief and have
16 contact with Special Agent Chambers about what was going on, is
17 that correct?

18 A I did.

19 Q And one of the things that you advised Special Agent
20 Chambers is that Paul Bellar might be leaving the group to
21 start his own group, correct?

22 A That's true.

23 Q So Paul Bellar was a Watchmen on the leadership team,
24 correct?

25 A He was.

1 Q And he had indicated that he would -- your understanding
2 was he would be leaving to start his own group?

3 A There was a split driving between the groups. Yes.

4 Q Adam has his brand new group, right?

5 A He has his group. Yes.

6 Q And you asked Agent Chambers if it would be a good idea to
7 put Adam and Paul together, is that right?

8 A I am not sure of the contents of that. No.

9 Q Pardon?

10 A I am not sure of the contents. No.

11 Q If I show you the text message might it refresh your
12 memory?

13 A It would.

14 MR. GIBBONS: If I may, Your Honor?

15 THE COURT: Sure.

16 THE WITNESS: Thank you.

17 MR. GIBBONS: Thank you, sir.

18 THE WITNESS: Thank you.

19 BY MR. GIBBONS:

20 Q You see that text message. Does this refresh your memory?

21 A It does.

22 Q And did you not text something to the effect, have Paul get
23 with Adam?

24 A I said, have him get with Adam. Yes.

25 MR. GIBBONS: Okay. And if I can have 1012 for the

1 witness, please?

2 THE COURT: Any objections, Mr. Kessler?

3 MR. O'CONNOR: No, Your Honor.

4 THE COURT: It's in.

5 BY MR. GIBBONS:

6 Q Jayson Chambers responds, good idea?

7 A He did.

8 MR. GIBBONS: 13?

9 THE COURT: Any objections?

10 MR. KESSLER: No, Your Honor.

11 THE COURT: It's admitted.

12 BY MR. GIBBONS:

13 Q Excellent work, right?

14 A Right.

15 MR. GIBBONS: And 1014.

16 MR. KESSLER: No objection, Your Honor.

17 THE COURT: It's admitted.

18 BY MR. GIBBONS:

19 Q Look at you bringing people together. Correct?

20 A He did send that. Yes.

21 Q Pardon?

22 A He did send that. Yes.

23 Q Yes. He did. I'd like to talk to you just a minute about
24 the chats. Leadership chat for the Watchmen, correct?

25 A Correct.

1 Q On Wire?

2 A I am. Yes.

3 Q You are in it?

4 A I am.

5 Q Leaders are in it, encrypted chat, right?

6 A True.

7 Q Adam was not allowed to participate in that chat, true?

8 A He was not part of the leadership. No.

9 Q He was never allowed access into the leadership chat, true?

10 A On the leadership, no.

11 Q From the summer of 2020 to now he has never been allowed in
12 that encrypted chat group leadership chat for the Wolverine
13 Watchmen, correct?

14 A The leadership chat, no, he was not in.

15 Q Okay. The Watchmen chose not to invite him, true?

16 A Onto the leadership?

17 Q Yes.

18 A No. That was the Watchmen's leadership chat. He was on
19 other chat windows.

20 Q Yes. He was. Which we are going to talk about that.

21 General Watchmen chat on the Wire, right? That's another chat
22 group for the Watchmen, true?

23 A That's true.

24 Q And that's basically all the members of the Watchmen,
25 right?

1 A True.

2 Q Adam was not ever a member of that chat group, was he?

3 A On the main one? I don't believe so. No.

4 Q You had private chats on Wire with Adam Fox, true?

5 A I did.

6 Q And at some point that got converted to another platform
7 called Threema, right?

8 A Another encrypted chat. Yes.

9 Q But whether you are on Wire or Threema, it's really all
10 kind of the same thing; it's you and Adam texting, correct?

11 A We were communicating. Yes.

12 Q So there really is no distinction between whether it was
13 done on Threema or Wire; it's all private communication just
14 you and Adam, correct?

15 A For myself and him, yes. He was communicating with other
16 people as well.

17 Q And that private chat was encrypted, right?

18 A Yes.

19 Q You would agree in June you sent approximately 50 or so
20 text messages to Adam Fox privately?

21 A That's probably fair to say.

22 Q And that would be messages that just you and Adam would
23 share? Nobody else would see those, correct?

24 A In June?

25 Q Yes.

1 A Yes.

2 Q Private chat. You would agree in the month of July 2020
3 you sent nearly 300 text messages directly to Adam Fox
4 privately, is that correct?

5 A We had the full month of July. Yes. I met Adam the end of
6 June, so yes, we would have had fewer text messages in that
7 month.

8 Q Yup. And more in July, right?

9 A Correct.

10 Q Like a lot more because it's the whole month, right?

11 A True.

12 Q And then would you agree in August you had about 300 more
13 private messages from Adam Fox?

14 A Fair to say.

15 Q And in September that bumps up again to about 400. Does
16 that sound right for the month of September, 400 text messages
17 you would have sent to Adam Fox?

18 A That we would have sent together. Yes.

19 Q No. No.

20 A That I would have replied to. Yes.

21 Q Just you. Because Adam Fox would reply to those?

22 A I would be replying to his. Yes.

23 Q Or he'd send you a text and then you reply?

24 A That's how it works. Yes.

25 Q So we're only talking about the ones that you actually hit

1 send on. You agree with these numbers?

2 A They are fair to say. I wasn't counting them.

3 Q You weren't just communicating with Adam Fox on private
4 chats; you were also communicating with him in FAFO?

5 A That was a private chat. Yes. It was an encrypted chat.

6 Q That's a group?

7 A True. True.

8 Q And the members of FAFO would be some Watchmen?

9 A Correct.

10 Q But not all?

11 A True.

12 Q And Mr. Fix and Adam Fox, correct?

13 A True.

14 Q Patriot III%ers of Michigan?

15 A True.

16 Q There would be people who really weren't formally in the
17 groups but people who hung around, right?

18 A They were doing more training than just the people on the
19 main chat. Yes.

20 Q Okay. It is true in September that Adam deleted himself
21 from the FAFO chat accidentally, did he not?

22 A He might have. I am not sure.

23 Q Okay. Do you recall him seeking to get back into the chat?

24 A He might have. I am not -- I can't remember.

25 Q You were the administrator for that chat group. He would

1 have contacted you to get back into the chat, correct?

2 A I believe I was one of the administrators. Yes.

3 Q Okay. So you agree you were the administrator for FAFO?

4 A I was one of them. Yes.

5 Q Okay. Adam Fox was not an administrator for FAFO, was he?

6 A I don't believe so. No.

7 Q Thank you. I don't want to belabor the point, but there
8 was another sub chat that developed at the end of August. The
9 Brick Squad is what it ultimately became. Are you familiar
10 with the Brick Squad?

11 A I am.

12 Q Okay. The Brick Squad was members of the Watchmen who
13 decided to splinter off from that group and do their own thing?

14 A The Wire chat had become compromised so they got onto
15 Threema to reestablish to make sure the communications was
16 secure.

17 Q Yeah. But didn't they leave the group? They left the
18 Watchmen totally, didn't they?

19 A They did.

20 Q Yeah. And they -- and you went with them, right?

21 A I did.

22 Q To maintain contact and access?

23 A True.

24 Q Ty Garbin was in that group?

25 A He was.

1 Q Kaleb Franks was in that group?

2 A He was.

3 Q Ty Garbin's roommate, Alex Davidson, was in it?

4 A I believe he was. Yes.

5 Q There was some other former members of the Watchmen in it?

6 A True.

7 Q And you were in it, right?

8 A I was.

9 Q You would agree Adam Fox was not in it?

10 A No.

11 Q Those Watchmen, former Watchmen took a vote, did they not?

12 A We took --

13 Q On Adam Fox's participation in the group?

14 A On that particular group chat, yes.

15 Q And after having that vote Adam did not get in the group,
16 did he?

17 A In that group, no. There was a subgroup that was made for
18 him.

19 Q FAFO?

20 A Yes.

21 Q And that group FAFO existed in late June?

22 A I believe so. I am not sure of the timeline.

23 Q All of July?

24 A True.

25 Q All of September?

1 A True.

2 Q Up to the date of the arrest?

3 A True.

4 Q The Brick Squad existed not until the end of August, August
5 31st, I mean, it was right at the end of the month, wasn't it?

6 A It might have been named The Boys and renamed the Brick
7 Squad, so I think that might have been the timeframe for it.

8 Q Right. And Adam was in FAFO the whole time?

9 A On that one, yeah.

10 Q Never got into the Watchmen chats?

11 A No.

12 Q And he didn't get into Brick Squad?

13 A The -- well, that was the original group that left Wire.
14 Like, our leadership chat that was there, so when they created
15 The Boys it was just for them.

16 Q Okay. But if you could just answer the question. It
17 doesn't really call for a narrative.

18 A I feel I am, sir.

19 Q Adam Fox was never allowed into the Watchmen chats, true?

20 A True.

21 Q Never allowed into the Brick Squad, true?

22 A True.

23 Q Cambria, that's an event you went to, correct?

24 A I did.

25 Q You met Steve Robeson there?

1 A I did.

2 Q Steve Robeson was hosting the event?

3 A I am not sure who was hosting it, but it was held in
4 Wisconsin.

5 Q He is Wisconsin's guy, right?

6 A Yes.

7 Q He helped run the training?

8 A He did.

9 Q Generally kind of all over the place, wasn't he?

10 A As far as at the training?

11 Q Yeah. At the event at Cambria, the FTX?

12 A I am not sure on his exact whereabouts throughout the
13 event.

14 Q He addressed the group as the leader, right?

15 A He did.

16 Q You recall, like, them gathering people and explaining if
17 you are going to do the training this is what you got to do,
18 blah, blah, blah, and gave everybody safety requirements and
19 stay hydrated and things like that, right?

20 A True.

21 Q That was Steve Robeson?

22 A Yes.

23 Q It wasn't Adam Fox, was it?

24 A No.

25 Q There were quite a few people there, is that true?

1 A There was.

2 MR. GIBBONS: Can I have Exhibit 131 for the witness?

3 MR. KESSLER: Did you say 131?

4 MR. GIBBONS: 1131.

5 MR. KESSLER: Okay. No objection, Your Honor.

6 THE COURT: It's admitted.

7 BY MR. GIBBONS:

8 Q And you recognize this picture, sir?

9 A I do.

10 Q Where is that?

11 A It is in Cambria at the training location.

12 Q This is not Steve Robeson's property, true?

13 A I don't believe. No.

14 Q Belonged to a member of his militia in Wisconsin?

15 A I am not sure who it belonged to.

16 Q Okay. Steve Robeson would have arranged for the use of the
17 property, correct?

18 A He did. Yes.

19 Q Okay. All of those trucks that are there, and there is a
20 camper, all of those people are at this FTX, correct?

21 A That's true.

22 Q And people that came in the trucks, it just wasn't militia
23 members, men and woman, it was also girlfriends, wives and
24 kids, true?

25 A That's true.

1 Q There was a pool there?

2 A I believe so. Yes.

3 Q And grills going down by the tents? See the canopies
4 there? Isn't there grills and a seating area?

5 A That was up on the deck. That was a training medical
6 portion was being done under the tents there.

7 Q Oh, okay. There was food for everybody, right; plenty of
8 food?

9 A There was. Yes.

10 Q There were informal meetings of the various groups of
11 people that were there all weekend on the side, people get
12 together and gather, talk, break up and move around, is that
13 correct?

14 A That's true.

15 Q You were involved in some of those?

16 A I was.

17 Q UCE Mark is there, correct?

18 A Yes.

19 Q You didn't know -- did you know he was an agent?

20 A I know there would have been an undercover agent there. I
21 did not know who he was. No.

22 Q But you now know he is an FBI Agent Mark?

23 A Correct.

24 Q And you now know Steve Robeson is a CHS?

25 A I do. Yes.

1 Q And Jenny Plunk was there?

2 A I believe so. Yes.

3 Q And you know she is a CHS?

4 A I do.

5 Q At this event you are wearing a recorder and a wire?

6 A Yes.

7 Q During and through the course of the day you did have an
8 occasion to sit with the Wolverine Watchmen, the guys that you
9 came with, right?

10 A We did. Yes.

11 Q And you pushed them to discuss the possible objectives that
12 they could work towards, is that correct?

13 A I don't know the conversation that we had. I can't recall.

14 Q I'll ask you one question on that point. Do you recall a
15 conversation where you would have said things like, we drove
16 out here seven hours, what's our point? What's our objective?
17 Do you remember saying things like that to those boys?

18 A Not to that degree. No.

19 Q Okay. You don't remember challenging them?

20 A I can't remember the conversation. It -- it's been quite
21 some time.

22 MR. GIBBONS: Okay. Can I have Exhibit 1130 for the
23 witness, Your Honor? 1130.

24 MR. KESSLER: No objection, Your Honor.

25 THE COURT: It's admitted.

1 BY MR. GIBBONS:

2 Q Do you recognize that person?

3 A I do.

4 Q Who is that?

5 A That is myself.

6 Q All right. And you are at the shoot house in Cambria, is
7 that correct?

8 A Correct.

9 Q And that's an accurate depiction of what you looked like
10 that day?

11 A It is.

12 Q That's in your character as the XO for the Wolverine
13 Watchmen, correct?

14 A That's in my character as an individual asked me to
15 simulate going through a room as a single person, so that's
16 what I was doing for him.

17 Q Okay. And they asked you because you were the one
18 providing the training, correct?

19 A I was not providing the training. No.

20 Q You were not providing the training?

21 A I was not providing the training there. No.

22 Q Who was providing the training?

23 A There was a couple individuals that were providing it.
24 Members that were out of Wisconsin, but who was actually
25 hosting it I am not -- I am not sure.

1 Q Cambria, you drove there, correct?

2 A I did.

3 Q You rented a van, is that right?

4 A I rented a Suburban.

5 Q Okay. Federal government pay for that?

6 A They reimbursed me for renting that. Yes.

7 Q You rented a hotel room?

8 A I am not sure if I paid for that or if Ty Garbin paid for
9 it.

10 Q Okay. You brought Ty Garbin, Harris, Franks and Caserta
11 with the Watchmen, the four of them?

12 A They went with me. Yes.

13 Q They went with you. You picked them up in your Suburban?

14 A They met with me and I drove them. Yes.

15 Q You drove them back?

16 A I did.

17 Q Door to door service?

18 A I drove them back to where they met with me. Yes.

19 Q Okay. Did you pick Brandon Caserta up at his house?

20 A I did.

21 Q Picked Ty Garbin up at his house?

22 A I believe so.

23 Q Okay. When you got to Cambria you would agree that the
24 shoot house was already set up, is that correct?

25 A I believe it was. Yes.

1 Q It belonged to whoever it is that owned the property, is
2 that how you understood it?

3 A It's fair to say. I don't know who was responsible for the
4 construction or who actually had possession of the plywood to
5 make the shoot house.

6 Q Okay. It's something they had used before; it didn't look
7 like new?

8 A No.

9 Q It might have been put together before, right?

10 A It's been used before. Yes.

11 Q Okay. So something that whatever this militia group was
12 doing in Wisconsin seemed to be kind of what they do, is that
13 right?

14 A That's fair to say. I don't know what kind of training
15 they do over there.

16 Q It was not designed to replicate the governor's house,
17 true?

18 A At that time, no, I don't believe so.

19 Q And there was no effort to detain a subject in the shoot
20 house and extract them, correct?

21 A At that shoot house, no.

22 Q And in fact, you would agree that that never happened in
23 any shoot house in the summer of 2020?

24 A We had a shoot house was mocked for the governor's house in
25 Luther. Yes.

1 Q I didn't ask you that. I asked you, it is true that in no
2 shoot house that you were ever in the summer of 2020 did anyone
3 practice extracting a target from a room, true?

4 A From a room. No.

5 Q Or a structure?

6 A Or a structure. No.

7 Q You never practiced kidnapping anybody?

8 A We --

9 Q Or securing a person?

10 A We practiced going in and killing individuals.

11 Q No objective was reached at Cambria between the Watchmen
12 and Adam Fox, is that true?

13 A I don't believe so. No.

14 Q No objective was reached between the Watchmen and Barry
15 Croft, correct?

16 A As far as kidnapping the governor?

17 Q No. Just any type of objective. Did they have a plan?

18 A We were training for the governor. Yes.

19 Q In Cambria?

20 A I believe so. Yes.

21 Q Somebody would have told you that?

22 A Barry Croft.

23 Q How do you know that?

24 A Barry Croft made a statement when we had dinner in Cambria
25 stating you all know why we're here. We are targeting the

1 governors.

2 Q I am not going to talk about Barry Croft. He is not my
3 client. Anything Adam Fox say that lead you to believe that
4 you are practicing kidnapping of a governor?

5 A I don't believe so. No.

6 Q At Cambria?

7 A I don't believe so.

8 Q Okay. Adam Fox was not at that dinner with Barry Croft,
9 correct?

10 A He was there. Yes.

11 Q Huh?

12 A He was there at dinner.

13 Q He was at that dinner?

14 A Adam Fox, yes.

15 Q Because we had some wire transcripts of that, correct?

16 A Yes.

17 Q Transcripts of those recordings? You would agree Adam
18 Fox's voice on the ones inside are not heard, is that correct?

19 A I can't recall if he was heard or not.

20 Q Okay. You next went to Peebles, Ohio, is that right, with
21 the group?

22 A We did go there. Yes.

23 Q Steve Robeson hosted that event at Peebles?

24 A I am not sure who hosted the event. We were invited to go
25 there.

1 Q Okay. Adam Fox didn't host the event, did he?

2 A No. He did not.

3 Q Okay. Could we have exhibit, I have it as 1084, but the
4 government has a different number. To have the attendance
5 list. The number for the attendance list at Peebles.

6 THE COURT: What do you want? Are you looking for the
7 map?

8 MR. GIBBONS: I got it right here, 111, Your Honor is
9 just fine.

10 THE COURT: Okay.

11 BY MR. GIBBONS:

12 Q Do you recognize this document?

13 A I do.

14 Q And this is the sign in sheet, the attendance log for the
15 meeting?

16 A It is. Yes.

17 Q Is that good OPSEC?

18 A No.

19 Q People put their real names down, right?

20 A Some of them did. Yes.

21 Q And somebody made an effort to document the real names on
22 it, right?

23 A Fair to say. Yes.

24 Q And there is phone numbers on there, true?

25 A There is.

1 Q And can we have the bottom piece with the Watchmen at the
2 bottom, Pam?

3 Gunny, Harris, those are -- those are their actual
4 phone numbers, right?

5 A I believe so.

6 Q And you are there?

7 A I am.

8 Q And that's your real phone number, right?

9 A Yes.

10 Q That would be horrible OPSEC, wouldn't it?

11 A I was complying with what they had put out for us, yes.

12 Q Okay. Can you put up the whole thing? Can you highlight
13 the top half of the page?

14 This is Mr. Butler here, is that true?

15 A That's true.

16 Q You were assigned or tasked to keep tabs on him to a
17 degree, is that correct?

18 A To a degree. Yes.

19 Q Okay. Mr. -- this Bradley guy, he is with Steve Roby, is
20 he not?

21 A I am not sure to be honest with you.

22 Q Okay. Can we go down?

23 Jenny Plunk is there. She is a CHS. She is at the
24 meeting, right?

25 A She is.

1 Q She is representing Tennessee and the Patriot Militia
2 system?

3 A She might have been. I wasn't really sure what capacity
4 she was representing.

5 Q Okay. And then Chris Phillips, we just talked about him.
6 He is Missouri, right? He is there. He is a CHS?

7 A I learned of that later. Yes.

8 Q All right. And then go down. Then there is you. You are
9 a CHS, correct?

10 A I was.

11 Q And then if we go to the second page. Barry Croft and Adam
12 Fox, that's these guys here. Sean Fix is the -- is the guy
13 that says he is a navy seal, right?

14 A That's the persona that he put out. Yes.

15 Q That's Adam Fox's guy. That's the only person he brought
16 along with his girlfriend, Amanda Keller, correct?

17 A Yes.

18 Q Adam Fox at Cambria brought Mark, right? Did you know that
19 Mark was attached to Adam?

20 A I don't know if he brought him or not.

21 Q Okay. You didn't perceive that he was there because Adam
22 had invited him?

23 A Possibly. Yes.

24 Q Okay. And Sean Fix was there with Adam, right?

25 A He was there.

1 Q There really wasn't any other of Amanda's -- of Adam's men
2 there, correct?

3 A The Null brothers were there as well.

4 Q The Null brothers. They are in another militia, correct?

5 A One that Adam was part of. Yes.

6 Q You were a part of that one, too?

7 A The Michigan Home Guard. That's one that he was part of
8 that he was kicked out. That's how they had known each other.

9 Q Okay. But Adam wasn't in that militia, correct?

10 A No.

11 Q So they came with a different militia?

12 A Through Adam my understanding.

13 Q Okay. Also on that list was the three Watchmen. They were
14 your -- you were assigned to watch them, too, correct?

15 A I was tasked with them. Yes.

16 Q And you guys all came down together, correct?

17 A In Peebles, yes.

18 Q And you were the XO for the group, the Watchmen?

19 A So that -- that chain of command there was only just like
20 manifested at Ty Garbin's residence. It never left that house.
21 We were all just part of the leadership. So yeah, yes, the
22 leadership individuals were down there in Ohio.

23 Q Adam Fox understood at all times you were the XO for the
24 Watchmen, correct?

25 A I was part of the leadership with the Watchmen. Yes.

1 Q And you were his contact with the Watchmen, correct?

2 A As well as Joe. Yes.

3 Q Okay. At that meeting in Peebles there were some speeches
4 made that day, correct?

5 A There was.

6 Q Can we have Exhibit 113, and then can you play it, too?
7 Can you play the part where he says Robeson? Just play the
8 whole thing.

9 I'd like you to listen to it.

10 (Audio started, 1:56 p.m.)

11 (Audio stopped, 1:56 p.m.)

12 BY MR. GIBBONS:

13 Q Whose voice is that?

14 A Which one?

15 Q The loud voice there.

16 A Adam Fox.

17 Q Who is saying, who's that, who's that?

18 A I am not sure.

19 MR. GIBBONS: Play it a little more.

20 (Audio started, 1:56 p.m.)

21 (Audio stopped, 1:56 p.m.)

22 BY MR. GIBBONS:

23 Q Who said that?

24 A Steve Robeson.

25 Q Okay. He is a pretty loud guy at these meetings?

1 A He gets vocal.

2 Q Do you remember there being discussions about how mask
3 mandates were being imposed and going into effect that night in
4 Ohio?

5 A Vaguely.

6 Q And that people could be arrested after six o'clock if they
7 were caught in public without a mask?

8 A True.

9 Q Do you recall there being conversations or speeches made at
10 that, announcements made at that meeting?

11 MR. KESSLER: Hearsay and relevance, Your Honor.

12 THE COURT: Right. Well, I am surprised we didn't
13 draw the objection earlier because I don't understand the
14 evidentiary basis for it on either relevance or hearsay basis.

15 MR. GIBBONS: I'll stand on the government didn't
16 object to the first one and I'll move on with my questioning.

17 THE COURT: When you get to a good stopping point we
18 are almost at two o'clock.

19 MR. GIBBONS: Okay.

20 BY MR. GIBBONS:

21 Q You challenged the group at that meeting in Peebles, is
22 that correct?

23 A I believe so.

24 Q You said you can have an FTX but what are we training for,
25 something along those lines, true?

1 A Might have been. Yes.

2 Q We have to leave with a direction, correct?

3 A I can't recall now.

4 Q You implored the group to focus, is that right?

5 A I can't recall that now.

6 MR. GIBBONS: Can I have Exhibit 1084?

7 MR. KESSLER: Before we put it up, Your Honor, I am
8 going to object to this one. I don't think there is any
9 relevance to showing where this particular witness lives. He's
10 already had to move once. Unless there is some actual
11 relevance to it, I don't see why we need to put him in danger
12 again.

13 MR. GIBBONS: Your Honor, what I would like to do is
14 I'll take my break and I believe that the same exhibit exists
15 in the Government's 283, page 3 or 4, and I'll just use that
16 tomorrow morning when we kick off.

17 THE COURT: All right. All right. We'll take our
18 break now then. So thank you for your ongoing attention. I
19 know sitting all day is hard work, and you know that now, too.
20 So we will hope that you can have a good evening, good rest and
21 we'll start again tomorrow morning at 8:30. Thank you.

22 (Jury out, 1:59 p.m.)

23 THE COURT: Okay. See you at 8:30.

24 LAW CLERK: Court is in recess.

25 (Proceeding concluded, 2:00 p.m.)

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REPORTER'S CERTIFICATE

I, Paul G. Brandell, CSR-4552, Official Court Reporter for the United States District Court for the Western District of Michigan, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a full, true and correct transcript of an excerpt from the proceedings had in the within entitled and numbered cause on the date hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared by me or under my direction.

/s/ Paul G. Brandell

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