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

UNITED STATES OF AMERICA,

Plaintiff, No: 1:20cr183-1/2

vs.

ADAM DEAN FOX,
BARRY GORDON CROFT, JR.,

Defendants.

Before:

THE HONORABLE ROBERT J. JONKER
U.S. DISTRICT Judge
Grand Rapids, Michigan
Friday, August 19, 2022
Excerpt of Jury Trial Proceedings
Testimony of Corey Baumgardner

APPEARANCES:

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On behalf of the Plaintiff;

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On behalf of Defendant Fox.

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MR. JOSHUA ADAM BLANCHARD
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On behalf of Defendant Croft, Jr.

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

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COREY BAUMGARDNER, DEFENSE

having been first duly sworn, testified as follows:

(Witness sworn, 9:13 a.m.)

THE COURT: Please get situated on the stand and we'll turn it over to Mr. Blanchard for direct.

DIRECT EXAMINATION

BY MR. BLANCHARD:

Q Good morning.

A Good morning, sir.

Q Please state your full name.

A Corey Baumgardner.

Q And spell it for the court reporter, please.

A B-a-u-m-g-a-r-d-n-e-r.

Q There are a few ways to spell Corey. Can you do that for him as well?

A C-o-r-e-y.

Q Thank you. You are a special agent with the Federal Bureau of Investigation?

A Yes, sir.

Q And in that role as a special agent you were one of the handling agents for a Steven Robeson, correct?

A Yes, sir.

Q Steven Robeson worked as an informant, is that true?

A Yes, sir.

Q When did Steven Robeson begin working as an informant for

1 the FBI?

2 A October 2019, sir.

3 Q And Mr. Robeson worked as an informant related to the
4 Wolverine Watchmen investigation at one point, correct?

5 A Yes, sir.

6 Q He went to meetings in Wisconsin, Ohio and Michigan,
7 correct?

8 A I don't have experience with him going to meetings in those
9 locations, sir. No.

10 Q You are unaware that Mr. Robeson attended a meeting in --
11 well, let me break it down. Are you aware that Mr. Robeson
12 attended a meeting in July in Cambria, Wisconsin?

13 A I did not have involvement with Mr. Robeson at any meeting
14 in July in Cambria.

15 Q Are you aware of whether he attended a meeting in Cambria,
16 Wisconsin in July?

17 A I understand that he did but I was not involved in handling
18 Mr. Robeson in any way.

19 Q So that's a yes you are aware he went to a meeting in
20 Cambria, Wisconsin?

21 A I am. Yes, sir. That's my understanding.

22 Q And you are also aware that he went to a meeting in Dublin,
23 Ohio in June of 2020, is that true?

24 A I also did not have involvement with any meeting in Dublin,
25 Ohio, sir.

1 Q Right. Are you aware that he went to a meeting in Dublin,
2 Ohio?

3 A It's my understanding that he did, but I did not have any
4 involvement with that.

5 Q Okay. And then one in Peebles, Ohio in July of 2020, you
6 are aware of that, right?

7 A Same situation, sir. I am aware that that happened. I
8 can't speak to the timeframe of it. I didn't have any
9 involvement with it.

10 Q How about in Luther, Michigan in September of 2020?

11 A Again, I am aware that that happened but I was not involved
12 in that.

13 Q When did you become Mr. Robeson's handling agent?

14 A The first contact with Mr. Robeson occurred in
15 approximately mid-July 2020. I was not introduced to him in a
16 formal capacity until approximately the end of July 2020.

17 Q So your first contact was in mid-July, is that what you
18 said?

19 A That was the first time that I -- that I believe I met him,
20 yes.

21 Q What was the situation where you met him if it wasn't a
22 formal contact?

23 A I was tasked with retrieving a rifle from a location in
24 central Wisconsin.

25 Q I see. Is that a 50-caliber sniper rifle?

1 A No, sir.

2 Q Was it a 50-caliber rifle?

3 A No, sir.

4 Q Was it a 300 Blackout?

5 A Can you be more descriptive of the rifle, sir?

6 THE COURT: Why don't you ask him what it was since
7 it's direct.

8 BY MR. BLANCHARD:

9 Q Sure. Can you describe the rifle and maybe if it had any
10 attachments on it?

11 A The rifle that I retrieved was I believe more commonly
12 known as an AR platform. So it would have looked like a 223 or
13 a 5.56 rifle. It had an undermount attachment under the barrel
14 that had a marking on the side that said, I believe, 37
15 millimeter launcher. And it had what appeared to be a
16 suppresser or maybe what is more commonly known as a silencer
17 mounted on it.

18 Q Yes. And so you retrieved this from Mr. Robeson's house,
19 correct?

20 MR. O'CONNOR: Objection, leading.

21 BY MR. BLANCHARD:

22 Q Sorry. Where did you receive this from, Agent?

23 A It was in a case that was located on the ground adjacent to
24 a parking lot.

25 Q Just like laying out in the parking lot with nobody around

1 or was there someone around?

2 A It was located on the ground in front of where a pickup
3 truck was parked.

4 Q Were you ever able to ascertain who might have parked the
5 pickup truck there?

6 A Yes, sir. So --

7 Q Who might that have been?

8 A When I arrived the individual that I became introduced to
9 later as Steve Robeson was operating the pickup truck.

10 Q I see. So that was a long way of saying you got the rifle
11 from Steve Robeson?

12 A I -- the first time I saw the rifle, sir, was in the case
13 on the ground in front of the truck. I did not ever see
14 Mr. Robeson handle the rifle.

15 Q Was there anyone else present?

16 A One other agent from my office was present.

17 Q Okay. So it was you, another agent, and Mr. Robeson in a
18 parking lot?

19 A Yes, sir.

20 Q And there was a gun on the ground?

21 A In a case, sir. Yes.

22 Q Did you use any of your investigative skills to form an
23 opinion about how the gun got on the ground?

24 A I believed that what I was tasked with was to retrieve the
25 rifle from Mr. Robeson, but I did not ever see him handle it.

1 Q And that's important because Mr. Robeson you know to be a
2 felon, right?

3 MR. O'CONNOR: Objection. Leading.

4 THE COURT: Well, it is leading, and I am not totally
5 sure I understand the relevance of it all. I know you talked
6 about and there's been other evidence of the way that
7 particular firearm moved from one place to another, but you can
8 continue.

9 MR. BLANCHARD: This will be more efficient if I can
10 have permission to lead. He is identified with the government,
11 and I mean, it's getting a little bit --

12 THE COURT: Stick with open-ended for now.

13 MR. BLANCHARD: I am trying.

14 THE COURT: Whether or not Steve Robeson is a felon,
15 had permission to own it, possess it or otherwise isn't
16 materially adding a lot of information right now, at least as I
17 understand the relevance you are trying to get.

18 BY MR. BLANCHARD:

19 Q This weapon that you recovered from the ground near Steve
20 Robeson, after it came into the FBI's possession in Wisconsin,
21 did it ever go to another state that you are aware of?

22 A Yes, sir.

23 Q What state did it go to?

24 A Delaware, sir.

25 Q How did it get from Wisconsin to Delaware, if you know?

1 A I transported the weapon from Wisconsin to Delaware.

2 Q So Steve Robeson didn't transport it?

3 A No, sir.

4 Q And you transported it. So let me get it right. You
5 transported it from Wisconsin to Delaware, right?

6 A Yes, sir.

7 Q When you got to Delaware, did you give that weapon to
8 anyone?

9 A Yes, sir.

10 Q Who did you give it to when you got to Delaware?

11 A I provided the weapon to Mr. Robeson.

12 Q I see. Was Mr. Robeson given OIA to possess that weapon?

13 A As I understand OIA, yes, sir.

14 Q And so Mr. Robeson is given the weapon in Delaware, right?

15 A Yes, sir.

16 Q Do you know, did he come back and give that weapon back to
17 you?

18 A No, sir.

19 Q Do you know who next came into possession of that weapon?

20 MR. O'CONNOR: Objection. Calls for hearsay.

21 THE COURT: If he knows he can answer. That's the
22 only question right now does he know who it was or I think that
23 was the question.

24 BY MR. BLANCHARD:

25 Q Do you know who next came into possession of it?

1 A I was not present for the transfer of that weapon, sir.

2 Q Do you know if it came back into the FBI's possession?

3 A No, sir.

4 Q Do you know if it came back into the possession of an
5 informant working for the FBI?

6 A No, sir.

7 Q Do you know what happened to the weapon after you gave it
8 to Steve Robeson?

9 A I know what Mr. Robeson told me happened.

10 Q Well, I can't get into the hearsay. Do you know who next
11 had the weapon after Mr. Robeson?

12 A I have no direct knowledge of that, sir. No. I did not
13 interact with that rifle ever again.

14 Q Do you know if the FBI has that rifle now?

15 A No, sir.

16 Q So you don't know whether it's in FBI evidence across the
17 street or not, fair?

18 A No, sir.

19 Q Can I show the witness only Exhibit 1039?

20 Agent, have you seen this before?

21 A I don't know that I have seen this exact thing before, sir.
22 It appears familiar.

23 Q Okay. Have you seen a business card that bears this image
24 and contact info before?

25 A Like a physical printed business card?

1 Q Either physical or an electronic copy. Have you seen a
2 business card with this layout before?

3 A If not this image, sir, I believe I've seen something very
4 similar to it.

5 Q With the same contact info on it?

6 A I believe so, sir. Yes.

7 Q And do you know is the name Dozer associated with anyone
8 you know?

9 A Outside of making assumptions, sir, I don't know that I can
10 say yes.

11 Q In what context do you believe you have seen a business
12 card like this before?

13 A I have seen this image or one very similar to it as the
14 result of an investigation that I conducted into Mr. Robeson.

15 Q I see.

16 MR. BLANCHARD: I'd move the admission of 1039?

17 MR. O'CONNOR: Objection. I don't think we have a
18 clear foundation of what this is or its relevance or --

19 THE COURT: I sustain the objection. I don't think we
20 have enough foundation for authenticity for context that this
21 witness knows anything about it or that it matters in any
22 material way to the case that would qualify for admissibility
23 in the first place and certainly would be overruled by the
24 considerations of 403.

25 MR. BLANCHARD: I assume the Court doesn't want a

1 record right now on why I think it's relevant?

2 THE COURT: No. We can do that later.

3 MR. BLANCHARD: Thank you.

4 BY MR. BLANCHARD:

5 Q Did there come a time in December of 2020 where you had a
6 meeting with Agents Chambers and Impola and Steven Robeson?

7 A Yes, sir.

8 Q Was that on December 10 of 2020?

9 A Yes, sir.

10 Q Was that at the FBI office in Wisconsin?

11 A Yes, sir.

12 Q And the purpose of this meeting, was it to question
13 Mr. Robeson?

14 A Yes, sir.

15 Q Did you have concerns about his behavior as a confidential
16 human source?

17 MR. O'CONNOR: Objection. Leading.

18 THE COURT: Well, I mean, it's setting something up.
19 That's okay I think. The more fundamental question is, I
20 don't -- if you want to get into the specifics and the concerns
21 I think my earlier rulings or other things would telegraph to
22 you that I'll exclude it unless there's something new, because
23 I don't think this is about what the underlying reasons, if
24 any, the FBI might have had regarding Mr. Robeson's work as a
25 CHS for reasons I can lay out in more detail on another record

1 as well. If that's where you are going with it I don't think
2 it's relevant. So if not, give me the background and context.

3 BY MR. BLANCHARD:

4 Q Was the meeting recorded?

5 A Yes, sir.

6 Q Okay. Can I show the witness -- excuse me. And at this
7 meeting did Special Agent Impola also speak?

8 A Yes, sir.

9 Q Can I show the witness only 1125, please?

10 THE COURT: All right.

11 MR. BLANCHARD: It is a transcript of a portion of
12 that meeting.

13 BY MR. BLANCHARD:

14 Q Please, if you would take a look at that?

15 MR. O'CONNOR: Your Honor, the government will be
16 objecting to this exhibit. This is well after the Defendants
17 were arrested. This is not relevant to any taskings of a
18 confidential source or communications with the Defendants.
19 This is in December of 2020.

20 MR. BLANCHARD: I mean, it shows --

21 MR. O'CONNOR: It's 403.

22 MR. BLANCHARD: It shows then intent of the agents.

23 MR. O'CONNOR: Excuse me.

24 THE COURT: Why don't you set up whatever foundational
25 questions you were going to have for him and then I can rule.

1 MR. BLANCHARD: Thank you.

2 BY MR. BLANCHARD:

3 Q Would you, please, 1125 for the witness, please?

4 You should have a book next to you with Defense
5 exhibits. We're having some tech issues again. If I can
6 approach the witness and assist him?

7 THE COURT: Sure.

8 MR. BLANCHARD: You need that volume 2 back there I
9 think.

10 BY MR. BLANCHARD:

11 Q Directing your attention to --

12 THE COURT: It's now up on his screen, too.

13 BY MR. BLANCHARD:

14 Q Yes. So on your screen there you have a transcript from
15 that December 10 meeting. If you would read that over? Is
16 that a fair and accurate portion of something Mr. Impola said
17 at the meeting?

18 A If this transcript is taken from the recording, then yes,
19 sir.

20 MR. BLANCHARD: Okay. I would move the admission of
21 1125?

22 THE COURT: All right. Anything further on your
23 objection, Mr. O'Connor?

24 MR. O'CONNOR: Relevance, 403, well outside the scope
25 of why we are here, no communications with the CHS directing

1 tasking for investigation of conspiracy. This is totally
2 irrelevant.

3 THE COURT: All right. Well, I think I'll admit this.
4 I think that because the statement is of an individual special
5 agent through other testimony establishes had responsibility
6 for the investigation, and the text of the transcript talks
7 about Fox, and the statement is open to argument from both
8 sides. You can talk about what it means or doesn't mean, but I
9 think that's for argument, not admissibility. So you can go
10 ahead and admit it.

11 BY MR. BLANCHARD:

12 Q If we could play the audio for the jury, please?

13 (Audio started, 9:31 a.m.)

14 (Audio stopped, 9:32 a.m.)

15 BY MR. BLANCHARD:

16 Q That was Special Agent Impola's voice, correct?

17 A Yes, sir.

18 Q And he was -- this was from the December 10 meeting,
19 correct?

20 A Yes, sir.

21 Q I would like to show for the witness only Exhibit 1093T,
22 please.

23 Please let me know when you have finished reviewing
24 that.

25 MR. O'CONNOR: Same objections to this exhibit, Your

1 Honor.

2 BY MR. BLANCHARD:

3 Q Is this another excerpt from that December 12 meeting?

4 A It appears so. If this is taken from the recording, then
5 yes.

6 MR. BLANCHARD: I'd move the admission of 1093, Your
7 Honor?

8 THE COURT: All right. So I'll admit it on the same
9 grounds. I think the simple statement that is not from one of
10 the agents on this one is immaterial, is simply a punctuation
11 as much as anything else. I don't think there is a hearsay
12 problem. It's just agent statements. Go ahead.

13 (Audio started, 9:33 a.m.)

14 (Audio stopped, 9:34 a.m.)

15 THE COURT: Oh, I see. I didn't put the screen
16 transcript on. Fortunately the text or the audio was clear.
17 Go ahead.

18 MR. O'CONNOR: The transcript has additional words
19 that were not played through. The audio is the evidence.

20 MR. BLANCHARD: I see that. I don't know if it -- I
21 don't know if -- I assume we are just admitting, then, the
22 audio portion then, correct?

23 THE COURT: Right.

24 MR. BLANCHARD: I'll fix the transcript. I don't know
25 why it clipped early.

1 BY MR. BLANCHARD:

2 Q I'd like to show the witness only 1124T, please.

3 Please review that, Agent. Is this also a clip from
4 the December 10, 2020 meeting?

5 A Same answer, sir. If this is taken directly from the
6 audio, then yes.

7 MR. BLANCHARD: I move the admission of 1124?

8 THE COURT: Mr. O'Connor?

9 MR. O'CONNOR: Same objections. He said this is
10 forward looking as well.

11 THE COURT: In my opinion this one does cross into 403
12 territory. It's definitely less clear and understandable, and
13 the recipients are people who are receiving the information or
14 thinking about it, and what they are thinking about is not
15 clear to me. So I think 403 is the basis for exclusion of
16 this.

17 MR. BLANCHARD: Thank you.

18 BY MR. BLANCHARD:

19 Q If I could show the witness only 1094T?

20 Please review that and let me know what you have. Is
21 this also a clip from the December 10, 2020 interview with
22 Mr. Robeson?

23 A Same answer, sir. If this is taken from the audio, then
24 yes.

25 MR. BLANCHARD: I'd move the admission of 1094?

1 THE COURT: Mr. O'Connor?

2 MR. O'CONNOR: Same objections. This is forward
3 looking. This is not relevant on 403.

4 THE COURT: I sustain the objection. I think this is
5 in a similar land. We are beyond where we're getting any added
6 probative value that's not substantially outweighed by
7 confusion and other problems that would -- that should be
8 avoided. So go ahead.

9 MR. BLANCHARD: Thank you.

10 BY MR. BLANCHARD:

11 Q Agent, did you ever have contact with Jennifer Plunk?

12 A No, sir.

13 Q You never spoke to her?

14 A No, sir.

15 MR. BLANCHARD: If I could have one moment, Your
16 Honor?

17 THE COURT: Sure.

18 MR. BLANCHARD: I'll pass the witness, Your Honor.

19 THE COURT: All right. Do you have questions of this
20 witness, Mr. Gibbons?

21 MR. GIBBONS: Just a few, Your Honor.

22 CROSS EXAMINATION

23 BY MR. GIBBONS:

24 Q Good morning, Agent.

25 A Good morning, sir.

1 Q You were tasked with handling Steve Robeson as a CHS? Was
2 that your testimony?

3 A Yes, sir.

4 Q Okay. That would -- because you handled Steve Robeson, did
5 you have to have con -- communication with him?

6 A I did not have communication with him as a source, sir.

7 Q You never talked to him?

8 A If by communication you define anything other than
9 in-person meetings, sir, no.

10 Q You had in-person meetings with Mr. Robeson?

11 A Yes, sir.

12 Q Did you ever have text messages with Mr. Robeson?

13 A Not in his capacity as you describe, sir, no.

14 Q What capacity -- what -- let me put it this way. Without
15 regard to capacity, have you ever had a text message with a
16 human being named Steven Robeson?

17 A Yes, sir.

18 Q Okay. How did you accomplish the text messages? What
19 platform?

20 A Sorry. I don't understand.

21 Q How did you send him a text message; on phone or a
22 computer?

23 A Yes, sir. A phone.

24 Q Okay. When you sent the text message from your phone, it
25 was directed electronically to Mr. Robeson, is that how that

1 worked?

2 A Yes, sir. I sent the message to a number that I knew that
3 he had and the response I got I believe was from him.

4 Q Okay. What was that phone number?

5 A If I recall, sir, it was the phone number that was on the
6 image that was presented to me earlier. I don't know that I
7 remember it off the top of my head.

8 Q Okay. Can I have Exhibit 1039 just for the witness, Your
9 Honor?

10 THE COURT: You looking at the same thing that
11 Mr. Blanchard was? That was 1139. You are right. 1039, is
12 that what you are looking for?

13 MR. GIBBONS: The prior image.

14 THE COURT: Exhibit 1039. Go ahead. Do you have it?

15 BY MR. GIBBONS:

16 Q Okay. I think you -- well, I understand you testified that
17 you had a recollection of seeing an image like this in the
18 past?

19 A Yes, sir.

20 Q Okay. And you just indicated to me that the number that's
21 on the bottom of this image is the --

22 THE COURT: Before you get into the content, this is
23 one I already excluded. So unless you are going to add
24 foundation I don't know where you are going.

25 MR. GIBBONS: I believe it's -- he could not identify

1 the name on the card and I thought that was a basis for
2 exclusion.

3 THE COURT: That was one basis. That's
4 authentication. There's still an authentication problem. I
5 mean, I have not heard anymore that changes ultimately the 403
6 problem. So regardless of authentication and everything else,
7 to me there's still a 403 problem with 1039.

8 MR. GIBBONS: Okay. I am going to show the witness
9 and publish for the jury previously admitted Exhibit 1038, Your
10 Honor.

11 THE COURT: Okay.

12 BY MR. GIBBONS:

13 Q Sir, you saw the proposed exhibit that, and now you see
14 this exhibit that's been previously admitted, is that true?

15 A I'm sorry, sir. Maybe I don't understand your question.

16 Q You see this Exhibit 1038?

17 A Yes, sir.

18 Q Okay. And --

19 THE COURT: Well, you can't have him compare it to
20 other content that's not in evidence. That's just another way
21 of putting evidence in that shouldn't be in. So if that's what
22 you are going to I'll sustain what I know will be the
23 objection.

24 MR. GIBBONS: I'm satisfied, Your Honor. Thank you.

25 THE COURT: Okay. Mr. O'Connor?

CROSS EXAMINATION

BY MR. O'CONNOR:

Q Good morning, Agent Baumgardner.

A Good morning, sir.

Q You were asked a series of questions about a meeting that you attended with Mr. Robeson, is that right?

A Yes, sir.

Q And that meeting occurred two months after these Defendants were already arrested and charged with the crimes, is that right?

A That's right.

Q The Defendants were arrested in early October. This meeting was in December of 2020, right?

A Yes, sir.

Q And as part of this meeting you were telling Mr. Robeson --

MR. BLANCHARD: I'm going to object as to hearsay the things this agent told Mr. Robeson.

THE COURT: That's what you introduced as statements. If that's what you are referring to, Mr. O'Connor, then I think it's fine. If you have other information you can lay some more foundation, but I think you're entitled to the December meeting. Go ahead.

BY MR. O'CONNOR:

Q At this meeting you were -- you and Hank were telling

1 Mr. Robeson what the Defendants were claiming?

2 MR. BLANCHARD: Objection, Your Honor. Again, that's
3 not what --

4 THE COURT: If it's what the Defendants were claiming
5 that's not hearsay when it's coming on the government side of
6 the case.

7 MR. BLANCHARD: Sure.

8 THE COURT: That's a proper question. Go ahead.

9 THE WITNESS: Can you restate, sir?

10 BY MR. O'CONNOR:

11 Q Yes. During this meeting with Mr. Robeson, you were
12 conveying to him two months after the arrest what the
13 Defendants were claiming?

14 A Yes, sir.

15 Q And you were confronting Mr. Robeson about what they were
16 going to say?

17 A Yes, sir.

18 Q And isn't it true that the context of this statement was
19 that the Defendants aren't going to get the facts in the way of
20 a good story?

21 A Yes, sir.

22 Q The FBI doesn't have a saying, don't let the facts get in
23 the way of a good story, does it?

24 A No, sir.

25 Q This was a conversation with Mr. Robeson about what these

1 Defendants were asserting in this case?

2 MR. GIBBONS: Objection. Argumentative, Your Honor.
3 It seems to me he is arguing about language of the exhibit as
4 opposed to what it means.

5 THE COURT: It's also cumulative. He's already
6 answered it, so I think both sides will be able to make their
7 argument from that.

8 BY MR. O'CONNOR:

9 Q And another reason you were there, sir, you personally were
10 there, is you were investigating an entirely separate matter
11 involving Mr. Robeson, isn't that right?

12 A Yes, sir.

13 MR. O'CONNOR: Thank you.

14 THE COURT: All right. Mr. Blanchard?

15 MR. BLANCHARD: Yes, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. BLANCHARD:

18 Q Let's start with that last issue. You were investigating
19 another matter into Mr. Robeson, correct?

20 A In December. Yes, sir.

21 Q What was that issue?

22 MR. O'CONNOR: Objection.

23 THE COURT: Yeah. That's irrelevant. He said it was
24 unrelated to the case and I don't see any basis for admission
25 that survives 403 for sure.

1 BY MR. BLANCHARD:

2 Q Okay. You just told the jury that this meeting in December
3 was about what these Defendants were asserting, correct?

4 A That was part of the purpose of the interview and meeting,
5 sir, yes.

6 Q Are you aware when Mr. Croft first appeared in court in
7 this district?

8 A No, sir.

9 MR. BLANCHARD: I ask the Court to take judicial
10 notice from ECF 131 that Mr. Croft's first appearance in the
11 district was January 13, 2021?

12 THE COURT: I'll only do that if we also take judicial
13 notice of his first appearance in any district.

14 MR. BLANCHARD: Well, he couldn't have been asserting
15 a Defense --

16 THE COURT: You got my ruling so I am not going to do
17 it otherwise. Go ahead.

18 MR. BLANCHARD: So I would like the Court to take
19 judicial notice of his first appearance in the district of
20 Delaware as well as the first appearance in this district when
21 he first had counsel?

22 THE COURT: Well, you can make your record later, but
23 I don't see -- we are not going to go there.

24 MR. BLANCHARD: Okay. Thank you, Your Honor.

25 THE COURT: Do you have anything else, Mr. Gibbons?

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MR. GIBBONS: No, Your Honor. Thank you.

THE COURT: Do you have anything else, Mr. O'Connor?

MR. O'CONNOR: No, Your Honor. Thank you.

THE COURT: You may be excused.

THE WITNESS: Thank you, sir.

(Witness excused, 9:48 a.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

Paul G. Brandell, CSR-4552, RPR, CRR

U.S. District Court Reporter

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