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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

UNITED STATES OF AMERICA, : **CASE NO. 1:20-CR-0077**
 :
 Plaintiff, : **JURY TRIAL, DAY 7**
 vs. :
 : **6th of February, 2023**
 LARRY HOUSEHOLDER, et al. :
 :
 Defendant. :

- - -

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE

- - -

APPEARANCES:

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5 Also present: Larry Householder
6 Matthew Borges
7 Blane Wetzel, FBI Special Agent
Kelly Terry, paralegal
PJ Jensen, trial tech

8 Law Clerk: Cristina V. Frankian, Esq.

9 Courtroom Deputy: Rebecca Santoro

10 Stenographer: Lisa Conley Yungblut, RDR, RMR, CRR, CRC
11 United States District Court
12 100 East Fifth Street
13 Cincinnati, Ohio 45202
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Proceedings recorded in stenotype.

Transcript produced with computer-aided transcription.

PROCEEDINGS

(Proceedings held in open court at 9:28 a.m.)

THE DEPUTY: All rise. This United States District for the Southern District of Ohio is now in session, the Honorable Timothy S. Black, District Judge, presiding.

THE COURT: Thank you. Please be seated. Here in the open courtroom on the record outside the presence of the jury. Welcome back. I hope you had at least some rest.

Are we ready to proceed to get the jury first from the government's perspective?

MS. GLATFELTER: Yes, Your Honor.

THE COURT: From the defense?

MR. GLICKMAN: Yes, Judge.

MR. SCHNEIDER: Yes.

THE COURT: All right. I've excused Mr. Marein at his request from today. Do you wish me to say anything to the jury or just let it go?

MR. BRADLEY: No need to say anything, Judge.

THE COURT: Thank you. Let's call for the jury.

(Pause.)

THE COURT: I'm going to need to break at 11:45 a.m., a little early for lunch.

THE DEPUTY: All rise for the jury.

(Jury entered the courtroom at 9:32 a.m.)

THE COURT: Jurors can be seated as they join us.

1 You may all be seated. Thank you. To the 15 members, all
2 of them who have joined us timely this morning, good
3 morning. Thank you for your timeliness. I hope you had
4 some rest this weekend. I am smiling at you behind my mask.
5 We are going to prepare to proceed with the witness who's
6 been on the stand when the government is ready to proceed.

7 MS. GLATFELTER: Yes, Your Honor.

8 THE COURT: If the witness would be willing to
9 retake the stand.

10 (Witness took the stand.)

11 MS. GLATFELTER: Good morning, Agent Wetzel.

12 THE WITNESS: Good morning.

13 **DIRECT EXAMINATION (CONT.)**

14 **BY MS. GLATFELTER:**

15 **Q** Last week on Friday, we left off discussing the
16 referendum period of your investigation. Do you recall
17 that?

18 **A** Yes, ma'am, I do.

19 MS. GLATFELTER: And to reorient ourselves, Your
20 Honor, may we please publish Exhibit 6, which is the
21 timeline, just to make sure everyone can see it?

22 THE COURT: Yes. Give us just a moment.

23 **Q** Agent Wetzel, can you see that on your screen?

24 **A** Yes, ma'am, I can.

25 **Q** Okay. And for ease of reference, when we're talking

1 about the "referendum period," can you identify or draw a
2 circle or box around the period of time that we're talking
3 about?

4 **A** Yes, ma'am. (Witness writing.)

5 **Q** Now, Agent Wetzel, did you collect phone record data
6 regarding this time period?

7 **A** Yes, I did.

8 MS. GLATFELTER: Your Honor, may we please publish
9 what has been -- I'm sorry, may I please just show the
10 witness Exhibit 736?

11 THE COURT: Yes.

12 **Q** Agent Wetzel, do you recognize Government's
13 Exhibit 736?

14 **A** Yes, ma'am, I do.

15 **Q** Can you explain what it is?

16 **A** Yes. This is another chart. We've looked at a couple
17 of these. It's a chart of phone records that has five
18 columns. On the far left is the date, next column is the
19 time, and then there's an event which is someone contacting
20 someone else, and then a duration in hours, minutes and
21 seconds followed by the source of that information.

22 **Q** Okay. And was this prepared in the same way that
23 you've prepared the other phone charts that we've seen?

24 **A** Yes, ma'am.

25 MS. GLATFELTER: Your Honor, permission to admit

1 this exhibit and publish to the jury?

2 THE COURT: Any objections?

3 MR. GLICKMAN: No, Judge.

4 MR. SCHNEIDER: No.

5 THE COURT: You may -- it's admitted and you may
6 publish it, show it to the jury.

7 MS. GLATFELTER: Thank you, Your Honor.

8 **Q** All right. This particular phone chart illustrates
9 contacts between what parties?

10 **A** Mr. Larry Householder and Mr. David Yost.

11 **Q** And can you remind us who David Yost is?

12 **A** He's the Ohio Attorney General.

13 **Q** Okay. And can you describe the time period of this
14 chart?

15 **A** Yes. The first contact on 7/11/2019 is shortly before
16 House Bill 6 passes, and then the contacts on the 26th and
17 after through the bottom of the chart are just after.

18 **Q** Okay. And what are the durations of these various
19 contacts?

20 **A** Some of them are zero, meaning there is no duration.
21 That might be a connection that's not answered or a text
22 message. And then some of the others are about a minute
23 long and some of the other ones are greater than 10 minutes.

24 **Q** And the ones that are greater than 10 minutes, can you
25 circle those contacts for us?

1 **A** Yes, ma'am. (Witness writing.)

2 **Q** Agent Wetzel, what are the dates of the contacts that
3 you've circled?

4 **A** The 29th of July and August 26th.

5 **Q** Now, the 29th of July, can you orient us as to that
6 date in terms of when the final vote on House Bill 6 was?

7 **A** It was a few days prior.

8 **Q** The House Bill 6 vote was?

9 **A** Correct.

10 **Q** Okay. And the duration of the two contacts that
11 you've circled?

12 **A** The first one is 11 minutes and 7 seconds, and the
13 second is 17 minutes.

14 MS. GLATFELTER: Okay. And, Your Honor, may we go
15 back to publish Exhibit 6 which we started with this
16 morning?

17 THE COURT: No. I was just checking if you were
18 paying attention. Yes, you may.

19 **Q** Okay. That first contact that you circled was on what
20 date?

21 **A** The 29th of July.

22 **Q** Okay. And is there something on your timeline that
23 happens on July 29th?

24 **A** Yes. The OACB, which is the Ohioans Against Corporate
25 Bailouts, submits proposed ballot language to the Attorney

1 General that day.

2 **Q** Okay. And the second one you circled was around what
3 date?

4 **A** It was in mid-August. I don't recall the precise day.

5 **Q** Okay. And what events happened in mid-August
6 according to your timeline?

7 **A** So after a review period, the Ohio Attorney General
8 rejects the proposed language on the 12th. Then, Ohioans
9 Against Corporate Bailouts submits revised language on the
10 16th, and then on the 29th, the Attorney General approves
11 the revised language.

12 **Q** Now, the phone contacts we just saw or the phone chart
13 that we just saw was between what two parties?

14 **A** The Attorney General David Yost and Larry Householder.

15 **Q** Okay. And did you expand your review of phone records
16 to include an additional person?

17 **A** Yes.

18 **Q** Who is that?

19 **A** Mr. Borges.

20 **Q** And did you run those contacts to see -- see for
21 comparison?

22 **A** I did.

23 MS. GLATFELTER: Your Honor, may I show the witness
24 Exhibit 737?

25 THE COURT: Yes.

1 Q Agent Wetzel, do you recognize Exhibit 737?

2 A I do.

3 Q Can you explain what it is?

4 A Yes. This is a similar chart to the one we were just
5 looking at. The difference here is this includes phone
6 contacts between Mr. Householder and Mr. Yost like we were
7 just looking at, but this also includes Matthew Borges.

8 Q And did you -- was this chart created in the same
9 manner as the previous charts we've reviewed?

10 A Yes, it was done in the same way.

11 Q And have you reviewed it before your testimony today?

12 A Yes, I have.

13 MS. GLATFELTER: Your Honor, move to admit 737 and
14 show it to the jury?

15 THE COURT: Any objections?

16 MR. GLICKMAN: No.

17 MR. SCHNEIDER: No.

18 THE COURT: It's admitted. You may publish.

19 Q Agent Wetzel, at the top of the -- at the top of
20 Exhibit 737, have you identified who the contacts are
21 between -- that are depicted on this chart?

22 A Yes.

23 Q Who are those people?

24 A Larry Householder, Matthew Borges, and David Yost.

25 Q Okay. And when you examined these phone records, did

1 you identify any dates of significance for us?

2 **A** Yes. There are several dates of significance.

3 **Q** Okay. Focussing in late August, can you tell us what
4 you found?

5 **A** Yes. In late August, there's, on the 26th, a series
6 of contacts between all three of the individuals we were
7 just discussing.

8 **Q** Okay. And can you circle those contacts so we can see
9 which ones you're talking about?

10 **A** Yes, ma'am. (Witness writing.)

11 **Q** Those pertain to August 26th, 2019?

12 **A** Correct.

13 **Q** Okay. And can you walk us through those contacts?

14 **A** Yes. So at 7:39 that morning, there's contact between
15 Larry Householder and Matthew Borges. And then a little --
16 it appears there's a disconnection and a few minutes later,
17 there's another connect and that lasts about 7 minutes. And
18 then following that 7-minute phone call, Mr. Householder
19 contacts David Yost and they speak for the 17 minutes we
20 were discussing a minute ago.

21 **Q** And do those contacts occur in close proximity to each
22 other?

23 **A** Yes, they do. Almost completely one after the other.
24 There's a break of a minute here or there, but that's it.

25 **Q** And why did you look at phone contacts in this time

1 period?

2 **A** This was the time period where there was the
3 discussion -- I think we mentioned this a bit earlier, about
4 whether or not parts of House Bill 6 would be evaluated as a
5 tax by the Attorney General.

6 **Q** During this time period?

7 **A** Correct.

8 **Q** Now, before we looked at these phone contacts, Agent
9 Wetzel, we were talking about communications with or about
10 the Attorney General that occurred around this time; do you
11 recall that?

12 **A** I do.

13 MS. GLATFELTER: Your Honor, may I please publish
14 what's been admitted as 608 B?

15 THE COURT: Yes.

16 MS. TERRY: (Inaudible.)

17 MS. GLATFELTER: I'm sorry, 608 B. And if you can
18 keep this up on the left side of the screen.

19 **Q** Okay. Do you recognize, Agent Wetzel, what has been
20 admitted as Government's 608 B?

21 **A** Yes, I do.

22 **Q** What is it?

23 **A** This is a text conversation between Matt Borges and
24 Juan Cespedes. It was recovered from Mr. Borges' iPhone.

25 **Q** And what's the date of these messages on the first

1 page?

2 **A** This is the 27th of August. This is the day after the
3 phone calls we were just discussing.

4 **Q** The phone calls on the left that you were
5 highlighting?

6 **A** Correct.

7 MS. GLATFELTER: Okay. And we can take the one on
8 the left down so we can expand Exhibit 608 B. Thank you,
9 Ms. Terry.

10 **Q** Okay. And you said the parties to this particular
11 communication were who?

12 **A** Mr. Borges and Mr. Cespedes.

13 MS. GLATFELTER: Okay. Ms. Terry, if we go to the
14 message now.

15 **Q** Agent Wetzal, if you'll read the blue boxes, I'll read
16 the green.

17 **A** Yes, ma'am.

18 Juan Cespedes: DY and SLH connected yesterday.

19 **Q** Matt Borges: Good, I'll follow up W Dave.

20 **A** Juan Cespedes: Call me before so I can give you
21 specifics of convo.

22 **Q** Matt Borges: Okay. In air. Will call after 11.
23 Thanks.

24 Did you find other messages around this time period,
25 Agent Wetzal?

1 **A** Yes, ma'am.

2 MS. GLATFELTER: Your Honor, permission to publish
3 608 C, which has been admitted?

4 THE COURT: Yes.

5 **Q** Agent Wetzel, do you recognize 608 C?

6 **A** I do.

7 **Q** And what is it?

8 **A** This is another text conversation between Juan
9 Cespedes and Matthew Borges. It was recovered from
10 Mr. Borges' iPhone.

11 **Q** Okay. And the dates of these messages, Agent Wetzel?

12 **A** This is August 28th, so it's the day after the text
13 messages we were just looking at.

14 **Q** All right. And if you'll continue reading the blue
15 boxes, I can read the green.

16 **A** Yes, ma'am. Juan Cespedes: FYI, SLH is asking if U
17 have spoken with DY yet.

18 **Q** Matt Borges: Didn't speak W him yesterday. Will call
19 when I get on the ground in LA.

20 **A** Juan Cespedes: Sounds good. Just letting U know,
21 K-N-O-W.

22 **Q** Matt Borges: Called him, left him a VM. Will see
23 what he says.

24 Okay. Agent Wetzel, did you identify other text
25 messages around this same time period about the same

1 subject?

2 **A** Yes, ma'am.

3 MS. GLATFELTER: Your Honor, permission to publish
4 606 B, which has been admitted?

5 THE COURT: Yes.

6 **Q** Agent Wetzel, do you recognize 606 B?

7 **A** Yes, ma'am, I do.

8 **Q** And what is it?

9 **A** This is a text conversation between John Kiani and
10 Juan Cespedes. It was recovered from Mr. Cespedes' iPhone.

11 **Q** Okay. And I can read the green boxes, and you can
12 read the blue boxes. All right. Starting at the bottom,
13 Juan Cespedes: This is a big week for us. I'll update you
14 every day as to what's happening.

15 **A** John Kiani: What a cool photo. Yes, it is a big
16 week. When will we know from the AG?

17 **Q** Juan Cespedes: We probably won't have clarity until
18 mid-to-late week. Juan Cespedes: I believe that Borges
19 going to talk to him tomorrow.

20 **A** John Kiani: TY, John Kiani, PLS. Send me Pat Tully
21 contact info. TY.

22 MS. GLATFELTER: Okay. Your Honor, may we publish
23 what's been admitted as 608 D?

24 THE COURT: Yes.

25 **Q** Agent Wetzel, do you recognize 608 D?

1 **A** I do.

2 **Q** And what is it?

3 **A** It is a text conversation between Juan Cespedes and
4 Matthew Borges. It was recovered from Mr. Borges' iPhone.

5 MS. GLATFELTER: Okay. We can continue to the
6 message.

7 **Q** I can read the green boxes, if you'll read the blue
8 boxes.

9 Matt Borges: Neil called me about an hour ago. I
10 answered. He said, quote, today went well, congratulations,
11 quote, and hung up.

12 **A** Juan Cespedes: LOL.

13 Juan Cespedes: Did Yost make a comment yet?

14 **Q** Matt Borges: I talked to him. We should discuss what
15 we want him to do.

16 **A** Juan Cespedes: Sounds good. Met with Kiani before U
17 left Akron. I got him off the new ad thing. He is just
18 nervous because all of the NYC investors are talking ABT
19 this referendum now and the bond price dropped a little.

20 Juan Cespedes: He gave me a hug and was cool when I
21 left.

22 MS. GLATFELTER: All right. Your Honor, may I --
23 or we may publish 608 E, which has been admitted?

24 THE COURT: Yes.

25 **Q** Agent Wetzel, do you recognize Government's

1 Exhibit 608 E?

2 **A** I do.

3 **Q** Can you describe what it is?

4 **A** Yes. It's a text conversation between Matthew Borges
5 and Juan Cespedes. It was recovered from Mr. Borges'
6 iPhone.

7 MS. GLATFELTER: All right. And, Ms. Terry, if we
8 can go to page 3 at the bottom.

9 **Q** I'll read the green boxes, if you read the blue.
10 We'll start with the green boxes.

11 THX. Matt Borges: Do you want me to just call JK
12 directly with the readout from my BKFST with Yost?

13 **A** Juan Cespedes: Yes.

14 **Q** Matt Borges: Yost MTG did not go great. He was
15 definitely in a defensive posture and cut our meeting short.
16 (He told me at the top he wanted -- he had to leave early.)
17 He asked that I not have a reporter call and ask him the
18 question just yet as he still needs to flesh out some of the
19 legal issues his staff has raised. He ended the convo
20 telling me I just need to trust him and he would give me
21 feedback when he had more answers. Sorry about all of
22 this -- or sorry about all this.

23 **A** Juan Cespedes: No problem. I understand as I, like
24 you, deal with these guys for a living. Just do UR best
25 with Kiani. I am out of pocket today, so if can catch up

1 after work hours would be helpful.

2 Juan Cespedes: I would stress the, quote, trust him,
3 close quote, part to Kiani. John is going to see black
4 helicopters, IMO.

5 **Q** Matt Borges: He listened, did not get mad and asked
6 us to keep him updated. Seemed deflated but said, quote, we
7 just have to win on the ground game, quote. Matt Borges: I
8 followed your advice and he was just as honest and upfront
9 as could be. Obviously not what we were hoping to hear.
10 But I promised him I'd birddog it.

11 MS. GLATFELTER: Your Honor, may we please publish
12 608 G, which has been admitted?

13 THE COURT: Yes.

14 **Q** Agent Wetzel, do you recognize Government's
15 Exhibit 608 G?

16 **A** Yes, I do.

17 **Q** What is it?

18 **A** This is a text conversation between Juan Cespedes and
19 Matt Borges. It was recovered from Mr. Borges' iPhone.

20 **Q** And, Agent Wetzel, what's the timing of these
21 messages?

22 **A** This is September 26th, 2019.

23 **Q** All right. And in the referendum period, can you date
24 that?

25 **A** Yes. The referendum language has been approved by the

1 Attorney General, the second language I should say, and so
2 signature collection is ongoing.

3 **Q** All right. So is this in the middle of the referendum
4 period?

5 **A** Indeed.

6 **Q** All right. I will read the green boxes and -- if you
7 read the blue boxes.

8 Matt Borges: Dave let me have it with both barrels
9 tonight. Very upset about our client's behavior. Said his
10 office has received numerous reports of bullying,
11 harassment, stalking, menacing behavior, ETC from the,
12 quote, educators, quote. Used the specific example of the
13 woman who was, quote, surrounded and followed all the way to
14 London and had to pull into a police station to feel safe,
15 quote, said he can't believe our people have brought these
16 tactics to Ohio and he feels like he needs to say something.
17 I pushed back as much as I could, but the bottom line is he
18 is very jaded towards our effort right now. I'm not saying
19 we back off of our efforts, but we probably should have seen
20 this sort of thing coming. We should not expect him to be
21 helping us right now.

22 **A** Juan Cespedes: Wow.

23 Juan Cespedes: Got it.

24 Juan Cespedes: I have a 9:15 call with Kiani. Should
25 I tell him or do U want to join?

1 **Q** Matt Borges: I knew something wasn't adding up
2 with -- W him the last few days and I couldn't tell what it
3 was. He told me tonight he believes I'm not involved in any
4 of that sort of thing but warned me to stay away from
5 anything like that.

6 Matt Borges: I sort of feel like I need to tell him.
7 He won't be happy, but I also feel like we should have been
8 ready for this.

9 **A** Juan Cespedes: Yeah. He def needs to know. You need
10 to decide whether you want to tell the whole team.

11 Juan Cespedes: Neil and Speaker probably need to
12 understand where he is coming from.

13 **Q** Matt Borges: It's the price of playing rough. We
14 probably can't let off the gas now, but we also need to know
15 that it isn't sitting well everywhere, including possibly
16 the Court.

17 **A** Juan Cespedes: I wouldn't mention the Court.

18 Juan Cespedes: Unless U really feel like U need to.

19 **Q** Matt Borges: I don't have to, but we probably need to
20 realize it very likely isn't just Dave. Frank called our
21 stuff, quote, nonsense, quote, the other day. Dave is
22 obviously pissed. Who knows who else. Not everyone is the
23 street fighter that SLH is.

24 MS. GLATFELTER: And, Your Honor, may we publish
25 608 K, which has been admitted?

1 THE COURT: Yes.

2 **Q** Agent Wetzel, can you describe what 608 K is?

3 **A** Yes. This is a text conversation between Matthew
4 Borges and Juan Cespedes. It was recovered from Mr. Borges'
5 iPhone.

6 **Q** And, Agent Wetzel, what are the dates of these
7 messages?

8 **A** This is October 15, 2019.

9 **Q** Okay. And where does that fall within the referendum
10 period that we've been discussing?

11 **A** This is towards the end. At this point, I believe the
12 OACB has filed a lawsuit about what occurred during the
13 referendum, but collection is still ongoing at that time of
14 signatures.

15 **Q** Okay. If you can read the blue boxes, I'll read the
16 green.

17 **A** Juan Cespedes: The opponents used Dave in their new
18 ad against us.

19 **Q** Lovely, period.

20 **A** Juan Cespedes: I can't imagine that Dave is going to
21 be very happy ABT out.

22 Juan Cespedes: Just sent it to you. I'm on call.
23 They are going for a prelim injunction.

24 Juan Cespedes: AG response is due the 21st or 22nd.

25 **Q** Matt Borges: Yes. I have to get with Zeiger and find

1 out what we need -- or what we want or need Dave to do in
2 his response. I'll go to him and beg for what we want and
3 he can decide if he will do it or not.

4 **A** Juan Cespedes: Yeah, I figured. Why do U think the
5 other side pursued this route?

6 **Q** Matt Borges: Force a decision. Then they either make
7 the ballot or they don't.

8 **A** Juan Cespedes: Just saw UR response to the e-mail.
9 Should be a lesson for Dave. He wanted to stay neutral.
10 Now, we can say he unintentionally actually hurt us and the
11 other side exploited him.

12 **Q** Matt Borges: Haven't spoken with him yet, but I'm
13 guessing he's furious about it, and he should be. Gene used
14 him big time and then threw him under the bus. When Dave
15 asked him to back, we gave him space. The other side got in
16 his face and are now using him to justify their position.
17 I'm hoping it at least makes him more open to listening to
18 our recommended approach to their response. If not, we can
19 ask the SOS to insist on it. This will all play out in the
20 next 24 hours IMO.

21 **A** Juan Cespedes: Yep.

22 **Q** Now, Agent Wetzel, when we were discussing the
23 referendum period last week, you mentioned that there were
24 two different government agencies involved during this
25 period?

1 **A** Yes.

2 **Q** Okay. And remind us who those are?

3 **A** The Ohio Secretary of State's office and the Ohio
4 Attorney General's office.

5 **Q** And what's an abbreviation commonly used for the
6 Secretary of State's office?

7 **A** SOS.

8 **Q** Who is the current -- let me ask you this: Who is the
9 current Secretary of State for Ohio?

10 **A** It's Mr. Frank LaRose.

11 **Q** And was he the Secretary of State back in 2019?

12 **A** He was.

13 **Q** Did you find any communications regarding Frank LaRose
14 during your investigation?

15 **A** Yes, I did.

16 MS. GLATFELTER: Your Honor, may I please publish
17 what's been admitted as 608 A?

18 THE COURT: Yes.

19 **Q** Agent Wetzels, what is 608 A?

20 **A** This is a text message conversation between Juan
21 Cespedes and Matthew Borges. It was recovered from
22 Mr. Borges' iPhone.

23 **Q** All right.

24 MS. GLATFELTER: And, Ms. Terry, if we can go to
25 page 3, please.

1 **Q** Okay. Agent Wetzel, what are the dates of these
2 messages?

3 **A** July 23rd, 2019.

4 **Q** Okay. So we're going back in time to what period?

5 **A** This is the day that House Bill 6 is signed into law.

6 **Q** All right. I'll read the green boxes, if you can read
7 the blue boxes. Matt Borges: Yeah, no rush. Good luck.
8 Just a message from the Secretary of State on the ballot
9 measure issue.

10 **A** Juan Cespedes: Okay. Juan Cespedes need U on this
11 referendum thing ASAP.

12 Juan Cespedes: Please get to Yost. Let's meet as
13 soon as you get back.

14 Juan Cespedes: I'm going to Ibiza for a week, so
15 you're in charge.

16 **Q** Matt Borges: Yeah, no problem. LaRose is expecting
17 us to be publicly supportive of him. Apparently, the
18 petitioners are going to call on him to step down from the
19 ballot board ETC because of his, quote, conflicts, quote.
20 He can be our friend in this process, so let's be prepared
21 to speak up for him.

22 **A** Juan Cespedes: Set up an MTG with him, if necessary.
23 I'll have the autonomy to speak on new CO behalf. We will
24 support him more than anyone.

25 **Q** Agent Wetzel, during your investigation, did you

1 become familiar with paperwork called Form 15s?

2 **A** Yes, I did.

3 **Q** Can you briefly describe what a Form 15 is that you --
4 that you identified in your investigation?

5 **A** Yes. If you want to work on a ballot referendum in
6 Ohio, you have to file a standard form called a Form 15 with
7 the Ohio Secretary of State's office.

8 **Q** Okay. And you -- did you receive copies of Form 15s
9 during your investigation?

10 **A** I did.

11 MS. GLATFELTER: Your Honor, may I please publish
12 what's been admitted as 608 F?

13 THE COURT: Yes.

14 **Q** Okay. Agent Wetzel, can you describe what 608 F is?

15 **A** Yes. This is the text conversation between Juan
16 Cespedes and Matt Borges. It was recovered from Mr. Borges'
17 iPhone.

18 **Q** Okay. And the time period of these messages?

19 **A** This is September 26th, 2019.

20 **Q** All right. And where does that fall in terms of the
21 referendum period?

22 **A** Somewhere in the middle.

23 **Q** Okay. I will read the green boxes, if you will read
24 the blue boxes.

25 Matt Borges: 92 new Form 15s, two new firms.

1 **A** Juan Cespedes: Okay. Please send it out and send an
2 e-mail to Neil and Lou and Kiani or whoever else needs it.
3 This is as of when?

4 **Q** Today.

5 **A** Juan Cespedes: Great. Thanks.

6 MS. GLATFELTER: Your Honor, may we publish 608 I,
7 which has been admitted?

8 THE COURT: Yes.

9 **Q** Agent Wetzel, can you describe what 608 I is?

10 **A** Yes. This is another text conversation between Juan
11 Cespedes and Matt Borges. It was also recovered from
12 Mr. Borges' iPhone.

13 **Q** Thank you.

14 Okay. If you can read the blue boxes, I'll read the
15 green boxes.

16 **A** Juan Cespedes: Thanks for riding this roller coaster
17 with me. I am learning a ton and I have no clue where we
18 would be without you. I think we just need to stay the
19 course and not take our focus off of what we have been
20 working on. Let me know what else I can take off your
21 plate. I want U to focus on ballot cert and AG/SOS
22 communication. Mauk can pick up slack on other stuff also,
23 if necessary.

24 **Q** Matt Borges: All good. It's been wild and fun. I
25 think we are going to end up (unfortunately), needing the

1 review process, so yes, I want to stay focused on that and
2 be ready to deploy that in a few weeks.

3 **A** Juan Céspedes: At some point tomorrow, we should
4 huddle up with the lawyers, you, and SC and I. Kiani is
5 tied up in the a.m. but will surely have questions in the
6 afternoon.

7 Juan Céspedes: Did the 100K hit last week? Forgot to
8 confirm.

9 **Q** Matt Borges: Yes.

10 **A** Juan Céspedes: Perfect. BTW, I agree that the
11 project is fun. I just get frustrated with all of the
12 personalities sometimes. I give NSC credit for being
13 committed like we are. Some of the others leave a lot to be
14 desired.

15 **Q** Agent Wetzel, do you see the initials NSC there?

16 **A** Yes, I do.

17 **Q** During your investigation, did you become -- did you
18 understand what NSC referred to?

19 **A** Yes. Those are Neil Clark's initials.

20 MS. GLATFELTER: Your Honor, permission to publish
21 608 J?

22 THE COURT: Yes. It's been admitted?

23 MS. GLATFELTER: Yes, it has, Your Honor.

24 **Q** Okay. Agent Wetzel, 608 J, do you recognize it?

25 **A** I do.

1 Q And what is it?

2 A This is a text conversation between Matthew Borges and
3 Juan Cespedes. It was recovered from Mr. Borges' iPhone.

4 Q All right. Then let's read this like we've read the
5 previous messages this morning. Matt Borges: Very good
6 conversation W LaRose today. He gets it and wants to move
7 it quickly. McTigue and I are going over there on Tuesday
8 to iron details out. We'll report any problems and if we
9 need big names to reinforce.

10 A Juan Cespedes: Thanks. Very good to hear. McTigue
11 involvement is good also.

12 Q Matt Borges: It may not exactly -- it may not be
13 exactly what we want, but it will be fine. I laid it on
14 thick with Frank and honestly, I've never really done that
15 with him before.

16 A Juan Cespedes: I appreciate that. I'll have the
17 others weigh in also at the right time.

18 Q Matt Borges: Made sure he understood how important
19 this is to the company.

20 Matt Borges: And to me personally.

21 A Juan Cespedes: That's all U can do.

22 Q Matt Borges: I love Frank LaRose. Merle just called
23 singing a completely different tune, thank God.

24 A Juan Cespedes: That is awesome. LaRose was great
25 when I met him for lunch.

1 MS. GLATFELTER: Your Honor, may I please publish
2 what's been admitted as 608 L?

3 THE COURT: Yes.

4 **Q** Agent Wetzel, do you recognize 608 L?

5 **A** I do.

6 **Q** What is it?

7 **A** This is another text message conversation between Juan
8 Cespedes and Matt Borges. It was also recovered from
9 Mr. Borges' iPhone.

10 **Q** Agent Wetzel, what are the dates of these messages?

11 **A** This is November 13th, 2019.

12 **Q** Okay. And how does that relate to the referendum
13 period?

14 **A** This is after.

15 **Q** And if we can continue reading these messages like we
16 have the others this morning. Matt Borges: LaRose wants to
17 meet the FES team. Can we talk this weekend about getting
18 something together? Said he doesn't know Kiani, Judge, et
19 cetera, and he would like to get to know them, probably
20 wouldn't be bad.

21 **A** Juan Cespedes: Yeah, we can easily do that.

22 **Q** Matt Borges: He told me he wants to get to know Kiani
23 and I was like, quote, are you sure about that, quote.

24 **A** Juan Cespedes: He will live to regret that decision.

25 **Q** Matt Borges: Emphasized, he will live to regret that

1 decision.

2 All right. Agent Wetzel, I wanted to pivot here for a
3 little while and ask you a few questions about sources.

4 **A** Okay.

5 **Q** Have you -- during your career with FBI, have you
6 operated sources before?

7 **A** Yes, I have.

8 **Q** Okay. And do you know someone by the name of Tyler
9 Fehrman?

10 **A** I do.

11 **Q** When did you first speak with Mr. Fehrman?

12 **A** Mr. Fehrman contacted me on the 9th -- excuse me, the
13 4th of September 2019.

14 **Q** And how did you meet him?

15 **A** I met him through an introduction. Our first
16 conversation was via the phone.

17 **Q** Okay. And did he contact FBI?

18 **A** He did. After he had contacted the FBI, it was routed
19 to me and then he and I spoke on the phone.

20 **Q** Okay. And did that culminate in an in-person meeting
21 at some point?

22 **A** It did.

23 **Q** When did that occur, just roughly?

24 **A** I believe our first meeting was right around that
25 time. I think it was the following day actually.

1 Q Okay. And where did you meet?

2 A We met at a Graeter's.

3 Q Did you have ice cream?

4 A I didn't, but I believe Tyler did.

5 Q Okay. And how long did you meet for?

6 A I don't recall the duration. I would say an hour or
7 so perhaps. I can't recall precisely.

8 Q Can you describe Mr. Fehrman's demeanor during your
9 meeting with him?

10 A He was upset. I think partly -- maybe a bit agitated
11 as well. Obviously, meeting the FBI at a Graeter's with ice
12 cream or otherwise is challenging for folks, and so I think
13 he was a little agitated about that, but also because of the
14 situation that he had been recently put in.

15 Q Now, without telling me the substance of what
16 Mr. Fehrman told you, can you tell the jury who the
17 conversation was about?

18 A Matt Borges.

19 Q And was Mr. Fehrman working at that time?

20 A He was.

21 Q Now, based on your conversation with Mr. Fehrman, did
22 you take any investigative steps to collect evidence?

23 A Yes, we did.

24 Q And what did you do?

25 A The first thing was had him place a recorded phone

1 call to Mr. Borges.

2 **Q** Okay. And so let me ask you -- we'll come back to
3 that phone call in a few minutes, but let's talk generally
4 about the different types of evidence that you were able to
5 collect with Mr. Fehrman's assistance.

6 **A** Okay.

7 **Q** Okay. So if we could categorize those, you just
8 mentioned phone calls, was there other types of evidence
9 that you collected?

10 **A** Yes. We collected video and audio from in-person
11 meetings as well. Also, Mr. Fehrman gave me some text
12 messages and also some documents, as well, he provided to
13 me.

14 **Q** Okay. So let's start with the text messages, all
15 right? You said Mr. Fehrman gave you text messages?

16 **A** He did.

17 **Q** And in what format did he provide them to you?

18 **A** He would take a screenshot on his phone of text
19 conversations and then he would provide them to me that way.

20 **Q** Okay. And what do you mean by a "screenshot"?

21 **A** So most phones have the ability to take a picture of
22 what's on your screen, so he would pull up the text
23 conversation thread that he -- that we were discussing, he
24 would press the button to take a photograph of what his
25 screen looked like, and then he would provide that to me.

1 Q Okay. So screenshots as opposed to forwarding you s
2 copy of the message or e-mailing you the message?

3 A I think that there were some that were sent that way,
4 but they were -- what was forwarded to me was a screenshot.

5 Q Okay. I was just trying to differentiate between the
6 different ways that you might obtain a text message, for
7 example?

8 A Sure. Essentially, he would take a photograph of the
9 text message exchange and he would provide it to me.

10 Q Now, have you reviewed the text messages that he
11 provided to you before your testimony?

12 A Yes.

13 Q And are those text messages contained in the
14 Government's Exhibit?

15 A They are.

16 Q And have you reviewed those exhibits prior to your
17 testimony?

18 A I have.

19 MS. GLATFELTER: Your Honor, I'd ask for the
20 admission -- oh, one last question.

21 Q The text messages were between whom?

22 A Mr. Fehrman and Mr. Borges.

23 MS. GLATFELTER: Okay. Your Honor, I would ask for
24 the admission of the text messages provided by Mr. Fehrman
25 to the FBI. Those are contained in Government's Exhibit 621

1 A through Y and 622 A through DD.

2 THE COURT: Any objections?

3 MR. SCHNEIDER: None here.

4 MR. GLICKMAN: No, Judge.

5 THE COURT: Very well. They're admitted.

6 **Q** Now, you mentioned that, Agent Wetzel, that
7 Mr. Fehrman also provided you some documents?

8 **A** Correct.

9 MS. GLATFELTER: All right. Your Honor, permission
10 to show the witness what has been marked as Government's
11 Exhibit 624 A?

12 THE COURT: Yes. We'll show the witness and the
13 attorneys and the judge.

14 **Q** All right. Agent Wetzel, is this one of the documents
15 that you were referring to?

16 **A** Yes, it is.

17 **Q** What is it?

18 **A** This is a check that Mr. Borges provided to
19 Mr. Fehrman.

20 **Q** And then how did you receive it?

21 **A** I met with Mr. Fehrman immediately after that and I
22 got it from him.

23 **Q** Okay. And this isn't the actual check, right, this is
24 a photograph of the check?

25 **A** This is a photograph of the original check. The

1 original check is in evidence.

2 **Q** All right. And this is a fair and accurate photograph
3 of the check?

4 **A** It is.

5 MS. GLATFELTER: Your Honor, move to admit 624 A
6 and publish to the jury?

7 THE COURT: Any objections?

8 MR. GLICKMAN: No, Judge.

9 MR. SCHNEIDER: None.

10 THE COURT: It's admitted. Publish it.

11 **Q** Okay. Agent Wetzels, you said you obtained this check
12 how?

13 **A** After the meeting between Mr. Fehrman and Mr. Borges
14 where Mr. Borges gave him the check, immediately following
15 that, I met with Mr. Fehrman and he provided it to me.

16 **Q** Okay. And then once you had the check in your
17 possession, what did you do with it?

18 **A** So this was actually a little bit tricky because
19 obviously if the check was never cashed, that might be
20 suspicious. So we had to go through a process by which we
21 could record the check, take it into our possession, and
22 then have him cash the check, followed by have him provide
23 us the funds, and then get the check back from the bank, and
24 then place the check and the funds into FBI evidence
25 holdings.

1 **Q** Okay. We'll come back to that, that day, and what
2 happened. But this check is still in evidence?

3 **A** Correct.

4 **Q** Okay. You mentioned that Mr. Fehrman provided you
5 documents, plural, did he provide you another thing?

6 **A** Yes. He provided me a copy of his employment
7 contract.

8 MS. GLATFELTER: Your Honor, may I please show the
9 witness what's been marked as Exhibit 624 B?

10 THE COURT: Yes.

11 **Q** Agent Wetzel, do you recognize Government's
12 Exhibit 624 B?

13 **A** Yes. This is an image of the document that he
14 provided me. This is a contract between himself and
15 Advanced Micro Targeting.

16 **Q** Okay. And have you been able to review Government's
17 Exhibit 624 B prior to today?

18 **A** Yes.

19 **Q** Is this a fair and accurate copy of the contract that
20 he provided?

21 **A** It is.

22 MS. GLATFELTER: Your Honor, at this time, move to
23 admit 624 B and publish?

24 THE COURT: Any objections?

25 MR. GLICKMAN: No, Judge.

1 MR. SCHNEIDER: No.

2 THE COURT: It's admitted. You may publish it.

3 Q Okay. Agent Wetzel, how did you receive this
4 document?

5 A It was provided to me by Mr. Fehrman.

6 Q All right. We will come back to this in a little bit.

7 A Yes, ma'am.

8 Q Now, in terms of the categories of evidence that you
9 were able to collect with Mr. Fehrman, we went over the text
10 messages and documents. You said what other categories were
11 there?

12 A There were recordings of phone calls and also of
13 meetings.

14 Q Okay. How did the process work for collecting
15 information from telephone calls with Mr. Borges?

16 A There's a system that we use that allows folks to
17 place recorded phone calls. And so I gave Tyler the ability
18 to make recorded phone calls using that system, and they
19 recorded as the phone calls are made or received.

20 MS. GLATFELTER: Your Honor, permission to show the
21 witness what's been marked as 625?

22 THE COURT: Yes.

23 MS. GLATFELTER: And if we can go to the second
24 page, Ms. Terry.

25 Q Do you recognize Government's 625?

1 **A** Yes. This is a printout that's created by the system.
2 The system is actually integrated with the system that we
3 were talking about previously in the context of Title III
4 interceptions, and so it's the same categories and the same
5 format.

6 MS. GLATFELTER: All right. Your Honor, permission
7 to admit and publish Exhibit 625?

8 THE COURT: Any objections?

9 MR. GLICKMAN: No, Judge.

10 MR. SCHNEIDER: No.

11 THE COURT: It's admitted. You may publish.

12 **Q** Agent Wetzel, you were saying this is similar to the
13 format of other documents we've seen?

14 **A** Yes, it is. This is just a printout that's created by
15 the program. Each gray box is a different phone call, and
16 you'll see it lists day, start time, end time, duration, and
17 then there's obviously the phone number making the call and
18 the phone number that's connecting with the phone.

19 **Q** Okay. And do you see the phone number for Mr. Borges
20 that we've identified here at trial?

21 **A** Yes. It's listed as the associate DN, which is on the
22 right.

23 **Q** Okay. And can you just circle where that is in the
24 box so we can see that?

25 **A** (Witness writing.)

1 Q Thank you.

2 And what are the date ranges, the starting date of the
3 first call versus the last call?

4 A The first call here is the 5th of September, and then
5 October 21st is the last call.

6 Q Okay. And does this sheet depict all of the recorded
7 phone calls that you have between Mr. Borges and
8 Mr. Fehrman?

9 A Yes.

10 Q Have you reviewed these calls prior to your testimony
11 today?

12 A I have.

13 Q And who are the parties to these calls?

14 A It's Mr. Borges and Mr. Fehrman.

15 Q And are these recordings included in the Government's
16 Exhibits?

17 A They are.

18 MS. GLATFELTER: Your Honor, at this time, we would
19 move to admit the recordings, which are 614 A, 614 C, 617 A,
20 618 A, 619 A, 620 A, and 620 C?

21 THE COURT: Any objections?

22 MR. GLICKMAN: No, Judge.

23 MR. SCHNEIDER: No objection.

24 THE COURT: They're admitted.

25 Q Agent Wetzel, for each of these phone calls that you

1 received or you collected, did you help in the preparation
2 of a transcript?

3 **A** Yes, I did.

4 **Q** And have you compared the phone calls to the
5 transcripts and reviewed the transcripts for accuracy prior
6 to today?

7 **A** I have.

8 **Q** And have those transcripts been included in the
9 Government Exhibits?

10 **A** Yes, they have.

11 MS. GLATFELTER: Your Honor, although I won't admit
12 them at this time, for the record, I'd like to clarify that
13 those transcripts are marked as 614 B, 614 D, 617 B, 618 B,
14 619 B, 620 B, and 620 D.

15 THE COURT: Very well.

16 **Q** Now, besides the texts, the documents and phone calls,
17 are there other evidence that you collected?

18 **A** Yes. There's also evidence collected from in-person
19 meetings.

20 **Q** And how did you obtain -- or how did you collect
21 evidence from in-person meetings?

22 **A** A couple of different ways. One way is that
23 Mr. Fehrman was wearing recording devices and so audio was
24 captured in that way. But then, also, we captured video of
25 the meetings as well, and that was done using different

1 devices.

2 **Q** Okay. And have you had a chance to review these
3 recordings prior to your testimony today?

4 **A** Yes, I have.

5 **Q** And are these recordings included in the Government
6 Exhibits that you've reviewed?

7 **A** They are.

8 MS. GLATFELTER: Okay. Your Honor, I would ask for
9 the admission of 615 A and B and 616 A and B?

10 THE COURT: Any objection?

11 MR. GLICKMAN: No, Judge.

12 MR. SCHNEIDER: No objection.

13 THE COURT: Give us just a moment, please. Did the
14 Householder team have an objection?

15 MR. GLICKMAN: I'm sorry, Judge, I'll speak up. I
16 said no, Your Honor.

17 THE COURT: I heard you. Thank you. They're
18 admitted.

19 **Q** Now, in addition to reviewing these audio and video
20 recordings from the meetings, did you help prepare and
21 review transcripts of these recordings?

22 **A** I did.

23 **Q** And did you compare the transcripts with the audio and
24 video from the meetings?

25 **A** Yes, I did.

1 MS. GLATFELTER: Your Honor, I'll mark those for
2 identification at this time as 615 C and 616 D.

3 THE COURT: Very well.

4 **Q** All right. Agent Wetzel, I want to go back to your
5 discussions with Mr. Fehrman. When you met with him at the
6 Graeter's or during your first interactions with him, did he
7 provide you copies of communications he had had with
8 Mr. Borges?

9 **A** Yes. He provided me text communications.

10 MS. GLATFELTER: Your Honor, permission to publish
11 what has been admitted as 621 D?

12 THE COURT: Yes.

13 **Q** All right. Agent Wetzel, do you recognize 621 D?

14 **A** Yes. This is one of the screenshots that Mr. Fehrman
15 provided me.

16 **Q** Okay. And because this is -- I think this might be
17 the first screenshot we've looked at at trial. Can you
18 orient us and explain how this might differ from some of the
19 other text messages we've reviewed?

20 **A** Yes. So you'll see at the top is the contact that is
21 making contact with the receiving party. The receiving
22 party's information isn't depicted anywhere on the
23 photograph, so in this case, it's Mr. Fehrman receiving a
24 text from Matt, MB. And then also you will see that the
25 messages that are on the right, in this case in blue, are

1 messages that Mr. Fehrman is sending, and the gray messages
2 to the left are ones that he is receiving. So it's still
3 sent versus receive on either side. And these are denoted
4 in blue because those were the "i" messages we were talking
5 about from iPhone to iPhone.

6 **Q** Okay. And so when we see the initials "MB" and then
7 underneath Matt at the top of the screenshot, is that
8 something that you added to the screenshots or is that
9 something how they were provided to you?

10 **A** No. This is how they were provided to me. This is
11 just a screenshot of the -- of the phone and what was taken.
12 The only thing that was added is the Government Exhibit
13 sticker at the top right.

14 **Q** Okay. And a few more questions. So on the top left,
15 there is a time stamp; do you see that?

16 **A** I do.

17 **Q** What is it?

18 **A** 12:54.

19 **Q** And what is that some time stamp a reflection of?

20 **A** Of the time that the photograph was taken.

21 **Q** Okay. So it doesn't have anything to do with the time
22 that the messages that we're looking at on the screenshot
23 occurred; it's when the photograph of the screen was taken?

24 **A** Correct. I mean, this is just, you know, holding a
25 phone in your hand, taking a screenshot. And so in the top

1 left of your screen on your phone is the current time, and
2 so the time that the photograph is taken is depicted there.

3 **Q** Okay. And these little pictures at the bottom, "pay,"
4 and it looks like a face and a heart, what are those?

5 **A** Those are other services or things that you can do
6 with an iPhone. I believe the one on the far left is access
7 photographs and other things. These are things that you can
8 just add to a text conversation.

9 **Q** Okay. Are these things that were at the bottom of his
10 phone when he took the screenshot?

11 **A** Correct.

12 **Q** Okay. Now, let me ask you about one of the messages.
13 So you said the blue were messages from whom?

14 **A** The blue messages were messages that Mr. Fehrman sent
15 to Mr. Borges.

16 **Q** Okay. And so the gray are the messages from
17 Mr. Borges?

18 **A** Yes, Mr. Borges sent those to Mr. Fehrman.

19 **Q** Do you see that second box there, the second gray box?

20 **A** Yes.

21 **Q** Okay. Can you read that to us?

22 **A** And no matter what, don't ever tell anyone about our
23 conversation from earlier. Thanks.

24 **Q** All right. Circle that message for us so we can all
25 make sure we're looking at the right one.

1 **A** (Witness writing.)

2 **Q** All right. What investigative steps did you take
3 after seeing this message?

4 **A** Tried to get phone records that would corroborate.

5 **Q** Okay. And did you ask Mr. Fehrman if he would do
6 anything?

7 **A** Yes. I -- at that time given the messages we had been
8 provided and that it appeared based on this, there had been
9 an earlier conversation, we asked Mr. Fehrman to talk to
10 Mr. Borges and see if we could talk about that conversation.

11 **Q** So you asked him to make phone contact with
12 Mr. Borges?

13 **A** Correct.

14 **Q** Did you give -- or what, if any, instructions did you
15 give Mr. Fehrman about that conversation that you wanted him
16 to record?

17 **A** I told him to just contact Mr. Borges and ask him if,
18 you know, they could talk about the previous conversation
19 again, and then, you know, allow Matt to fill in the details
20 of the conversation, and then to take the conversation from
21 there naturally.

22 **Q** Did you tell Mr. Fehrman specific things that you
23 wanted him to say?

24 **A** No, other than I wanted him to ask to revisit the
25 previous conversation and then also that, you know, we were

1 going to accept this time.

2 **Q** Okay. But did you ask him to use particular words or
3 phrases?

4 **A** No. I don't do that. It doesn't -- it's not very
5 easy to speak in someone else's voice and, you know, you
6 want the conversations to be just what the conversations
7 would be, like hey, talk with him, see what he says about
8 it, and then obviously it's being recorded in realtime
9 independent of Mr. Fehrman, so we'll just hear what
10 Mr. Borges says about it at the end and then figure out
11 what's going on from there.

12 **MS. GLATFELTER:** Your Honor, at this time I'd ask
13 to publish 614 A, which is the first recorded phone call and
14 ask that the jurors be permitted to follow along in the
15 transcript binder with 614 B?

16 **THE COURT:** What's the transcript binder, 614?

17 **MS. GLATFELTER:** "B" as in boy.

18 **THE COURT:** "B" as in boy. Well, any objections?

19 **MR. GLICKMAN:** No, Judge.

20 **MR. SCHNEIDER:** None.

21 **THE COURT:** You may so proceed. So the jury is
22 going to get out their transcript booklet and look at 614 B.
23 I've reminded you previously that the recording is the
24 evidence, so listen carefully. The transcript is just to
25 assist you. It's the recording that's the evidence. You

1 may publish it.

2 MS. GLATFELTER: Thank you.

3 THE COURT: If you hear any discrepancy between the
4 audio and the transcript, the audio controls. If you can't
5 make out the audio, then, ignore that part of the
6 transcript. I'm sorry, please proceed.

7 MS. GLATFELTER: Thank you. Ms. Terry, one moment.
8 I want to ask Agent Wetzel to clarify a term.

9 **Q** During this transcript -- or during this call, we hear
10 the term OEC. Do you know what OEC refers to?

11 **A** It's the Ohio Environmental Council.

12 **Q** Okay. Thank you.

13 MS. GLATFELTER: Ms. Terry, if we can proceed.

14 (Recording playing.)

15 THE COURT: If you're looking at me and getting
16 ready to ask if it's a good time for a break, it is. If you
17 would like a few more minutes, let me know.

18 MS. GLATFELTER: Your Honor, I think we are going
19 to play another recording after this, so I'm fine to do
20 that, but I just wanted to make sure.

21 THE COURT: A break at this time? Very well. It's
22 typically our time for break. We'll break for 20 minutes.
23 That will bring us to a couple of minutes after 11. During
24 the break, take a break. Do not discuss this case with
25 anyone, even among yourselves. No independent research.

1 Continue to keep an open mind. Out of respect for you,
2 we'll rise as you leave until shortly after 11.

3 THE DEPUTY: All rise for the jury.

4 (Jury exited the courtroom at 10:41 a.m.)

5 THE COURT: Jurors have left the room. Door is
6 closing. You can be seated, remain standing, whatever you
7 choose. As always, we'll wait until we're advised that the
8 jury has cleared the room. Try to get them back in the
9 courtroom at 11:05, and then I have to break at 11:45 as
10 previously stated.

11 (Pause.)

12 THE DEPUTY: All clear.

13 THE COURT: Bingo, we're on break until 11:05.
14 Witness is not to discuss his testimony.

15 THE WITNESS: Yes.

16 THE DEPUTY: All rise. Court is in recess until
17 11:05.

18 (Recess taken from 10:43 a.m. to 11:05 a.m.)

19 THE DEPUTY: All rise. This court is in session
20 pursuant to the recess. Thank you. Please be seated.
21 Ready for the jury from the government's perspective?

22 MS. GLATFELTER: Yes, Your Honor.

23 THE COURT: Mr. Householder's?

24 MR. GLICKMAN: Yes, Judge.

25 THE COURT: Mr. Borges?

1 MR. LONG: Yes, Judge.

2 THE COURT: Let's call for the jury, please. Going
3 to need to break at 11:45. If you're in the midst of
4 something, we'll run beyond there a little bit.

5 (Pause.)

6 THE DEPUTY: All rise for the jury.

7 (Jury entered the courtroom at 11:06 a.m.)

8 THE COURT: Jurors can be seated as they join us.
9 You may all be seated. Thank you. Welcome back to the 15
10 Members of the Jury. We're ready to continue hearing
11 testimony. Witness remains on the stand under oath. You
12 may proceed, Ms. Glatfelter.

13 MS. GLATFELTER: Thank you, Your Honor.

14 THE COURT: Yes.

15 MS. GLATFELTER: Before the break, we were
16 listening to a recording, Your Honor, and I'd ask to move
17 the transcript into evidence at this time, 614 B, and the
18 government will provide a redacted version for the public
19 docket before the close of our case.

20 THE COURT: Very well. The jury is going to be
21 able to take to the jury room the recordings and the
22 transcripts. The recordings are the evidence. The
23 transcript is designed to assist you. When I've said, I'm
24 admitting it into evidence, I wasn't careful enough. The
25 transcripts may be taken into the jury room for

1 deliberations only. You may proceed.

2 MS. GLATFELTER: Thank you, Your Honor.

3 **Q** Agent Wetzel, now that we've heard the first
4 recording, I wanted to ask you a few follow-up questions for
5 context, okay?

6 **A** Sure.

7 **Q** So prior to hearing the recording, I asked you about
8 Mr. Fehrman's employment?

9 **A** That's correct.

10 **Q** Was he employed at the time?

11 **A** He was.

12 **Q** Okay. And where was he employed?

13 **A** He was employed by Advanced Micro Targeting.

14 **Q** Did Advanced Micro Targeting have any role in the
15 referendum?

16 **A** Yes. So we were looking at, we were looking at the
17 timeline Ohioans Against Corporate Bailouts, that was the
18 group that was attempting to place the referendum on the
19 statewide ballot. They hired Advanced Micro Targeting,
20 which is a firm that does this across the country, to do the
21 signature collection for them. Mr. Fehrman was working for
22 them.

23 **Q** So he was working for the signature collection effort?

24 **A** Correct.

25 **Q** The referendum time period was when, remind us?

1 **A** So the referendum began when the AG certified the
2 language which took a period of time, but broadly, it was
3 August, September, and October of 2019.

4 **Q** Okay. And these recordings with -- between
5 Mr. Fehrman and Mr. Borges occurred during what part of time
6 or what portion?

7 **A** Primarily September. There are also some that occur
8 in October.

9 **Q** Was there a follow-up conversation to the one that we
10 just heard that occurred the same day?

11 **A** Yes.

12 MS. GLATFELTER: Okay. Your Honor, at this time,
13 I'd ask to publish 614 C, which has been admitted?

14 THE COURT: Yes.

15 MS. GLATFELTER: And I'd ask that the jurors be
16 permitted to follow along in their binders with transcripts
17 614 "D," as in dog?

18 THE COURT: Yes.

19 MS. GLATFELTER: 614 D.

20 THE COURT: "D"?

21 MS. GLATFELTER: Yes.

22 THE COURT: As in?

23 MS. GLATFELTER: Dog.

24 THE COURT: Did you call me a dog?

25 MS. GLATFELTER: No, Your Honor.

1 THE COURT: Please proceed.

2 MS. GLATFELTER: Okay. Ms. Terry.

3 (Recording playing.)

4 Q Agent Wetzel, was that the end of the communications
5 between Mr. Borges and Mr. Fehrman that you collected?

6 A No.

7 Q Were there additional communications that occurred
8 after this date?

9 A Yes, there were.

10 Q Okay. And in what form are those communications?

11 A There were some text communications and then there
12 were also additional phone calls and there were in-person
13 meetings.

14 MS. GLATFELTER: Your Honor, permission to publish
15 at this time 621 L, which has been admitted?

16 THE COURT: Yes.

17 Q Agent Wetzel, do you recognize 621 L?

18 A I do.

19 Q What is it?

20 A This is another screenshot of a text message that was
21 provided to me by Mr. Fehrman.

22 Q Okay. And let's go ahead and read a portion of this
23 text message. If you can read the gray boxes and I'll read
24 the blue boxes. Can you remind us who the gray boxes --
25 what part of the conversation those depict?

1 **A** The gray boxes are Mr. Borges sending a message to
2 Mr. Fehrman, and the blue boxes are the messages that
3 Mr. Fehrman sends to Mr. Borges.

4 **Q** Okay. And if you can go ahead and start.

5 **A** Nice. Any idea what the count looks like at this
6 point? Just want to nail down the opportunity we discussed.
7 Thanks.

8 **Q** Not immediately. But I should have access to some of
9 that tonight/tomorrow. Also, don't want to share too much
10 without some guarantee I'm not going to get fucked. Not
11 you, just me trying to be careful in all of this.

12 **A** Yep. I can get this done. They just want to know
13 that they have the right source so a data point here will
14 help me get it finalized.

15 **Q** All right. Was there an in-person meeting that
16 followed up on this text message exchange?

17 **A** Yes.

18 **Q** Do you recall when about that occurred?

19 **A** The 10th of September.

20 **Q** Okay. Where did the meeting occur?

21 **A** It occurred at a Starbucks.

22 **Q** Okay. Was that the Starbucks that was referenced in
23 the first call that we heard?

24 **A** Yes, it was. And I should say, as it relates to the
25 Starbucks, I mentioned earlier some of the input that we

1 would give Mr. Fehrman. We would also give him input on
2 locations and times as well when we were scheduling meetings
3 and things. That was another area that we would discuss
4 with him.

5 **Q** Okay. And what do you mean that you would give him
6 some ideas or guidelines about locations and meeting times?

7 **A** So if we're planning an in-person meeting or something
8 along those lines, we want to make sure that we have
9 appropriate coverage of that meeting, and so we would
10 coordinate, for logistical purposes, these times are okay,
11 these locations are okay, we would consult on those kinds of
12 things with Mr. Fehrman. That was just another area of
13 guidance that we would provide him in general.

14 **Q** Okay. Are there operational things that have to occur
15 when a source is having an in-person meeting?

16 **A** Yes. I mean, our primary concern, of course, first,
17 is safety, and so we have to make sure that we have the
18 appropriate number of people in place because we're
19 observing these meetings as well. Now, Mr. Fehrman doesn't
20 know that at the time, but we're observing to make sure that
21 things are done safely and then there's also coordination,
22 we have to get him the devices he's going to use, and then
23 we have to retrieve the devices after. There's quite a bit
24 of logistical work that occurs around the meeting themselves
25 in order to make sure that they go off and that the meeting

1 is recorded appropriately and that everybody is safe during
2 the meeting.

3 **Q** Okay. You had mentioned earlier that you gave
4 Mr. Fehrman a recording device for in-person meetings?

5 **A** That's correct.

6 **Q** Okay. Did it record audio or video or both?

7 **A** His devices recorded only audio.

8 **Q** Okay. Were you able to obtain video surveillance of
9 the meeting?

10 **A** Yes. That's a little bit what I was talking about
11 when I was talking about coverage. So as we sent folks in
12 to the area as well to observe the meeting, some of them
13 used covert recording devices to take a video at the same
14 time that Mr. Fehrman was recording audio.

15 **Q** Did Mr. Fehrman know that you were recording video at
16 the time?

17 **A** He did not.

18 MS. GLATFELTER: Okay. Your Honor, I would ask
19 permission to publish the September 10th, 2019, meeting. We
20 have prepared a demonstrative which is a combination of the
21 audio and video together for sound quality purposes.

22 THE COURT: And what is the question?

23 MS. GLATFELTER: May I publish that demonstrative
24 which is a combination of Exhibits A and B?

25 THE COURT: And you're going to play a video or

1 something?

2 MS. GLATFELTER: Yes. It will be the video with
3 the audio that Mr. Fehrman was --

4 THE COURT: All right. Any objections?

5 MR. GLICKMAN: No, Judge.

6 MR. SCHNEIDER: None here.

7 THE COURT: Very well. Admitted. You may so
8 proceed.

9 MS. GLATFELTER: Your Honor, I'd ask that the
10 jurors be able to follow, if they wish, with 615 C, which is
11 the transcript?

12 THE COURT: Yes, as to the transcript, and the
13 demonstrative, I have not yet admitted into evidence.

14 MS. GLATFELTER: Yes. We're not seeking admission
15 of the demonstrative. It's just for the purpose of playing
16 in the courtroom.

17 THE COURT: Very well. You may proceed as you
18 outlined.

19 (Recording playing.)

20 MS. GLATFELTER: Ms. Terry, we're not able to hear
21 the audio.

22 THE COURT: And the transcript is what exhibit?

23 MS. GLATFELTER: It's 615 C, Your Honor.

24 THE COURT: Very well.

25 (Recording playing.)

1 **Q** All right. Agent Wetzel, the transcript goes on for
2 another page or two about cigarettes and other matters?

3 **A** Personal stuff, yeah.

4 **Q** Okay. Agent Wetzel, let me ask you a few questions
5 about this particular call in your investigation. If we go
6 to -- rather than cueing up the call, I'll use the
7 transcript. If we go to page 14 at the bottom.

8 **A** Okay.

9 **Q** Do you see Borges' statement that: Only two people
10 who are going -- who are ever going to know about this is
11 you and me?

12 **A** Yes. He says, again: The only two people who are
13 going to know about this is you and me.

14 **Q** Now, did you examine the phone contact between
15 Mr. Cespedes and Matt Borges around this time?

16 **A** Yes, I did.

17 **Q** And how would you describe their communication during
18 the referendum period?

19 **A** Very frequent.

20 MS. GLATFELTER: Your Honor, may I please show the
21 witness what has been marked as Government's Exhibit 735?

22 THE COURT: Yes. But we need to keep an eye on the
23 clock.

24 MS. GLATFELTER: Yes. How about we finish with
25 this exhibit?

1 THE COURT: Very well.

2 MS. GLATFELTER: Great.

3 And, Ms. Terry, if we can scroll down to page 3.

4 **Q** Agent Wetzels, how does the time period on -- let me
5 ask this: Did you prepare this exhibit in the same way that
6 you prepared the other phone exhibits?

7 **A** Yes, date, time, the contact, duration, and then the
8 source of the data.

9 **Q** Okay. And did you review this chart for accuracy
10 before you -- before your testimony today?

11 **A** Yes, ma'am, I did.

12 MS. GLATFELTER: Your Honor, I'd move to admit the
13 Exhibit 735.

14 THE COURT: Any objection?

15 MR. GLICKMAN: No, Judge.

16 MR. SCHNEIDER: No.

17 THE COURT: It's admitted.

18 MS. GLATFELTER: May we publish it to the jury?

19 THE COURT: Yes.

20 MS. GLATFELTER: Thank you.

21 **Q** And, Agent Wetzels, on your screen we're looking at
22 page 3 of the exhibit; do you see that?

23 **A** I do.

24 **Q** Okay. And how does this time period correspond to the
25 time period of the calls we've been listening to or the

1 meetings we've been watching?

2 **A** It's around the same time, the first call that we
3 looked at was the 5th and then that meeting that we were
4 just discussing was the 10th.

5 **Q** Okay.

6 **A** So they're depicted on here.

7 **Q** Okay. And do you see the duration column on this
8 page?

9 **A** Yes, I do.

10 **Q** Okay. What are -- can you tell us a little bit about
11 the frequency and duration of communications between
12 Mr. Cespedes and Mr. Borges during this time using the
13 chart?

14 **A** Yes. There's regular contact. You see this is around
15 a month in length and there's multiple contacts. Some of
16 them are very short, again, no connect or text message or
17 around zero. But then there were many that are several
18 minutes and they range all the way up to, you know, close to
19 a half an hour, I believe.

20 **Q** Okay. Thank you, Agent Wetzel.

21 THE COURT: Ladies and gentlemen of the jury, we
22 have to break early today. There's a doctor's appointment
23 in play. We're going to break a little longer than usual.
24 I understand lunch won't be up to you until closer to 12:30
25 p.m., but you'll have plenty of time after it arrives. I

1 don't think it's coming from Silver Ladle or whatever that
2 is, but I hope you enjoy your lunch and take a good break.

3 During the period of lunch do not discuss -- during
4 your break do not discuss the case with anyone, including
5 among yourselves. Continue to keep an open mind and no
6 independent research. We'll rise as you leave until 1:30.

7 THE DEPUTY: All rise for the jury.

8 (Jury exited the courtroom at 11:46 a.m.)

9 THE COURT: Jury has left the room. We'll pause
10 and you may be seated if you wish. We're going to wait as
11 always until we're advised that the jury has cleared the
12 floor. Then we'll all have a break until 1:30.

13 THE DEPUTY: All clear.

14 THE COURT: We're going to break until 1:30.

15 THE DEPUTY: All rise. This court is in recess
16 until 1:30.

17 (Recess taken from 11:47 a.m. to 1:29 p.m.)

18 THE DEPUTY: All rise. Court is in session
19 pursuant to the recess.

20 THE COURT: Thank you. Please be seated. Back in
21 the open courtroom, 1:30. Are we ready for the jury from
22 the government's perspective?

23 MS. GLATFELTER: Yes, Your Honor. Thank you.

24 THE COURT: Householder's?

25 MR. GLICKMAN: Yes, Judge.

1 THE COURT: And Borges'?

2 MR. SCHNEIDER: Likewise.

3 THE COURT: Let's call for the jury.

4 (Pause.)

5 THE COURT: All right. Who's done what to the
6 jury?

7 THE DEPUTY: They're coming down, Your Honor.
8 All rise for the jury.

9 (Jury entered the courtroom at 1:36 p.m.)

10 THE COURT: Jurors can be seated as they join us.
11 Thank you. You may all be seated. Thank you. 15 Members
12 of the Jury have rejoined us after lunch. Good afternoon.
13 They look refreshed and reinvigorated. We will continue to
14 take testimony, Ms. Glatfelter.

15 MS. GLATFELTER: Thank you, Your Honor.

16 **Q** Good afternoon, Agent Wetzel.

17 **A** Good afternoon.

18 **Q** Before the lunch break, we were talking about
19 communications between Mr. Cespedes and Mr. Borges during
20 the referendum period; do you recall that?

21 **A** I do.

22 **Q** During the referendum period, do you try to identify
23 text communications between Mr. Cespedes and Mr. Borges?

24 **A** I did.

25 **Q** Okay. And specifically, those that may have mentioned

1 Tyler Fehrman?

2 **A** Correct.

3 MS. GLATFELTER: Your Honor, at this time, may I
4 publish what has been admitted as 623 A and B? We'll show
5 623 A first.

6 THE COURT: Yes.

7 **Q** Agent Wetzel, do you recognize 623 A?

8 **A** It's not on my -- there it goes. Yes, I do. This is
9 a text conversation between Juan Cespedes and Matthew
10 Borges. It's recovered from Mr. Borges' iPhone.

11 MS. GLATFELTER: Ms. Terry, if we can look at the
12 message.

13 **Q** And what time period are the messages from, Agent
14 Wetzel?

15 **A** This is -- message is from the first of
16 September 2019.

17 **Q** Okay. And can you date that in terms of when you
18 first met Mr. Fehrman?

19 **A** This is a couple of days before. I believe this is
20 the day of the phone call between Mr. Borges and
21 Mr. Fehrman.

22 **Q** Okay. If you can go ahead and read the blue boxes,
23 and I'll read the green boxes.

24 **A** Yes, ma'am. Juan Cespedes: The name of UR LLC is 17
25 Consulting? I got approval to bring Culling on to secure 10

1 op-eds and going to run it through you. Going to have him
2 draw up contract.

3 **Q** Matt Borges: Yes.

4 Matt Borges: Got intel, it's very good. Call me.

5 Matt Borges: Attaching a screenshot or attaching some
6 sort of message.

7 **A** Juan Cespedes: Awesome, good luck, go for broke.

8 **Q** Now, Agent Wetzels, were you able to obtain the picture
9 that we have that you see on the screen circled to the
10 right -- not circled to the right. That's pictured to the
11 right?

12 **A** Yes.

13 MS. GLATFELTER: Your Honor, permission to display
14 623 B, which has been admitted?

15 THE COURT: Yes.

16 **Q** Agent Wetzels, do you recognize what Government's
17 Exhibit 623 B is?

18 **A** Yes. This is the image that was sent to Mr. Cespedes
19 by Mr. Borges in that text message we were just discussing.

20 **Q** And the top of -- well, first of all, what format is
21 this message?

22 **A** This is a screenshot.

23 **Q** Okay. Similar to the screenshots that Mr. Fehrman
24 provided to you?

25 **A** Correct, yes. It's just a photograph of what the

1 screen looks like of a phone.

2 **Q** Okay. And who was attaching this screenshot in the
3 message that we just saw?

4 **A** Mr. Borges was sending it to Mr. Cespedes.

5 **Q** Okay. And did you recover this screenshot from his
6 phone?

7 **A** Yes.

8 **Q** Okay. Let's go ahead and publish this screen shot and
9 I will read the blue and if you can read the gray boxes.

10 **A** Yes, ma'am.

11 **Q** Okay. Let's meet for coffee tomorrow.

12 **A** Time/place? I work a lot out of Grandview. Sending
13 my team out in the a.m. Should be available.

14 **Q** Maybe like 11:00 a.m.? I can come to Grandview.

15 **A** Sure. Let's touch base in the morning. I get
16 railroaded by grumpy boss a lot but I should be able to make
17 it work.

18 **Q** Okay. I promise this will be worth your while.

19 **A** Thanks.

20 **Q** Now, Mr. Wetzels or Agent Wetzels, did you recover other
21 text messages from around this time period that mentioned
22 Tyler?

23 **A** Yes, I did.

24 MS. GLATFELTER: Your Honor, permission to publish
25 623 D, which has been admitted?

1 THE COURT: Yes.

2 Q Agent Wetzel, do you recognize this exhibit?

3 A I do.

4 Q What is it?

5 A This is a text message conversation between Juan
6 Cespedes and Mr. Borges. It was recovered from Mr. Borges'
7 iPhone.

8 Q And what's the date of these messages?

9 A September 5, 2019.

10 Q Okay. And if we can publish or if we can read these
11 text messages like we've done the others today with you
12 reading the blue boxes.

13 A Yes, ma'am. Juan Cespedes: A Tyler update could be
14 helpful soon going into the weekend, if possible.

15 Q Matt Borges: I'll update you.

16 A Juan Cespedes: Need to ask very specific questions,
17 though. Thanks.

18 MS. GLATFELTER: Now, Ms. Terry, if you can stay on
19 that screen for a minute.

20 Q You said the date of these messages was what?

21 A The 5th of September 2019.

22 Q Okay. And how -- how, if at all, does that date
23 relate to some of the recordings we've heard in the
24 courtroom today?

25 A That first recorded phone call that we listened to was

1 on this day.

2 MS. GLATFELTER: And, Your Honor, permission to
3 publish 623 H, which has been admitted?

4 THE COURT: Yes.

5 **Q** Agent Wetzel, do you recognize 623 H?

6 **A** I do.

7 **Q** And what is this?

8 **A** It is another text conversation between Juan Cespedes
9 and Matthew Borges. It was recovered from Mr. Borges'
10 iPhone.

11 MS. GLATFELTER: And, Ms. Terry, if we can see the
12 content of the message.

13 **Q** Okay. And do you see the date of these messages?

14 **A** Yes. It's the 18th of September 2019.

15 **Q** And can you orient us as to when these occurred in
16 relation to the meeting that we just saw before the break?

17 **A** The meeting that we saw before the break was the 10th,
18 so this is eight days later.

19 **Q** Okay. Let's go ahead and read these messages like
20 we've done before. Matt Borges: Tyler claims their call
21 tonight was canceled and rescheduled for Friday.

22 **A** Juan Cespedes: Their locations and strategy are the
23 only thing that matters besides that number.

24 **Q** Matt Borges: Yeah, he said he hadn't heard of
25 hundreds of people coming in, but that is a lot of his

1 folks -- but that a lot of his folks had been reassigned to
2 hit the rural counties (to make the county requirement), but
3 he thinks they'll be back in C bus tomorrow or Friday.

4 Okay. Agent Wetzel, after this -- after this
5 communication -- I'm sorry, after your meeting on
6 September 10th, the meeting that we saw before the break,
7 were there future interactions between Mr. Borges and
8 Mr. Fehrman that you observed?

9 **A** Yes.

10 **Q** And when about did those occur?

11 **A** There was another meeting that occurred on the 13th of
12 September.

13 **Q** And what, if anything, was exchanged in this meeting?

14 **A** That is the meeting where the \$15,000 check that we
15 saw earlier was exchanged.

16 MS. GLATFELTER: Your Honor, permission to publish
17 Exhibit 616? Again, we would like to publish the
18 demonstrative of the audio and video together.

19 THE COURT: And the video has been admitted?

20 MS. GLATFELTER: The video and audio have been
21 admitted as separate exhibits and then we would like to play
22 them together.

23 THE COURT: Any objections?

24 MR. GLICKMAN: No, Judge.

25 MR. SCHNEIDER: No, Judge.

1 THE COURT: Very well. You may so proceed.

2 MS. GLATFELTER: Thank you, Your Honor. And if the
3 jurors -- if the Court would permit, we would like the
4 jurors to be able to follow along with Exhibit 616 C, which
5 is the transcript.

6 THE COURT: I'm sorry, the exhibit number on the
7 transcript?

8 MS. GLATFELTER: 616 C.

9 THE COURT: And there's no objection, correct?

10 MR. GLICKMAN: No objection.

11 MR. SCHNEIDER: No objection.

12 THE COURT: I didn't hear the back row. Thank you.
13 Go ahead.

14 (Recording playing.)

15 MS. GLATFELTER: Thank you.

16 **Q** And, Agent Wetzel, the rest of the transcript, are
17 they talking about football?

18 **A** Yes.

19 **Q** Okay. Let me ask you a few questions about this
20 meeting. First of all, where did it occur?

21 **A** At the same Starbucks.

22 **Q** And were you present surveilling the meeting?

23 **A** Yes. The FBI was present. I was a little farther
24 back.

25 **Q** Did you encounter any logistical challenges in meeting

1 with Mr. Fehrman in person, like, for a meeting like this?

2 **A** Yes. At this time, we were aware that there were
3 folks that were following signature collectors, which means
4 that if he meets with me or someone else from the FBI in
5 person and he's being followed, they would know that they're
6 meeting with me, which is a problem when you're in the
7 covert phase of the investigation, so we had to take steps
8 to avoid that occurring.

9 **Q** And can you generally describe the kinds of steps that
10 you had to take to meet with Mr. Fehrman?

11 **A** Sure. So there's lots of techniques that we use to
12 avoid this, but generally, counter surveillance, things like
13 that, we're sort of watching and checking if someone is
14 watching this person as they're on a route. They run
15 specific routes, they do all different kinds of things to
16 avoid being followed or we can see if they're being
17 followed, and if they are, then maybe we waive off the
18 meeting and try another time. And certainly we saw evidence
19 of surveillance throughout the investigation.

20 **Q** So we'll come back to the surveillance that you
21 observed during the investigation, but just in terms of the
22 time it took to set up a meeting like this and meet with
23 Tyler, what was his time commitment that he -- he had during
24 these days?

25 **A** It was very significant. You know, a meeting may take

1 an hour, but there's significant prep time involved. He
2 obviously has to, in addition to coordinating the meetings
3 and preparing for them, he also has to meet with me. He
4 doesn't have the recording devices, I do. I turn them on.
5 He doesn't know how they work. He just carries them. I
6 don't want him to turn them on or off during the meeting,
7 and so he has to meet with me, get them from me, go to the
8 location, come back, provide them to me so I can deactivate
9 them, those kinds of things.

10 **Q** And so is that how you obtain and collect the evidence
11 from him?

12 **A** Correct.

13 **Q** Okay. And so at the beginning of the transcript, on
14 page 2, we saw a part that said: This is Special Agent
15 Blane Wetzel, supervisory special agent, Jeff Williams, and
16 then it went on to say the date and time. What portion of
17 the meeting is that when that's occurring?

18 **A** So that's me immediately after turning on the devices.
19 So I activate the devices, they're recording, and then I
20 give a little preamble about who's present, what's going to
21 occur, that kind of thing, just so it's on the single piece
22 of audio, the recording, and then I hand them off to Tyler
23 and then he takes them and goes on his way.

24 **Q** And after the meeting, he has to come back to meet
25 with you?

1 **A** Correct. Because we have to arrange to meet with him
2 and that actually is a more concerning part of the
3 arrangement, and so we have to be very cautious as he's
4 returning to meet with us.

5 **Q** Now, you said you were present for this particular
6 meeting?

7 **A** Yes, I was.

8 **Q** Okay. And are you able -- when you're recording these
9 meetings, are you recording them in realtime so that you can
10 listen to what's happening at the same time it's happening?

11 **A** With these meetings, we did not utilize a transponder,
12 something that would allow us to listen to audio in
13 realtime. Certainly it's a technology that we have. We
14 didn't use it in this case. As you saw from the video, we
15 had folks that were in close proximity just making sure that
16 things were proceeding okay and everything was fine, but we
17 didn't utilize realtime audio, so no, I didn't hear the
18 audio of the exchange until after the meeting and I
19 collected and deactivated those devices.

20 **Q** Okay. And so when did you first hear what transpired
21 during the meeting?

22 **A** When Mr. Fehrman came back and met with me, he gave me
23 sort of a short, off-the-top-of-his-head, kind of summary of
24 a few high points and then after that, I returned to our
25 office with the devices and I download them and place the

1 original audio into evidence and then I listen to them.

2 **Q** Okay. When you met with Mr. Fehrman that day, can you
3 describe his demeanor?

4 **A** He was upset. I would say he was certainly -- he came
5 back and I think the first question that I asked him was:
6 Are you okay? I think actually Special Agent Williams and I
7 both asked him that question because he seemed upset, a
8 little out of sorts when he got back in the car and started
9 talking to us.

10 **Q** And did you know -- because you were not listening to
11 the recording, did you know why he was upset?

12 **A** No. It just was apparent on his face. You know,
13 obviously he's getting back in, we say hello, and he just
14 didn't look like himself, so we asked if he was okay.

15 **Q** Now, did Mr. Fehrman receive anything during this
16 meeting?

17 **A** Yes. He received the \$15,000 check that we showed a
18 picture of earlier.

19 MS. GLATFELTER: Your Honor, at this time, we would
20 meet -- may we publish 624 A, which has been admitted?

21 THE COURT: Yes.

22 MS. GLATFELTER: Thank you.

23 **Q** All right. Is this the check that you were referring
24 to, Agent Wetzels?

25 **A** Yes, that's correct.

1 **Q** Okay. And when did you receive this?

2 **A** Immediately following the meeting. So as we got into
3 the vehicle and began to chat with Tyler, we immediately
4 took the recording devices, I turned them off, and then he
5 provided me this check immediately after.

6 **Q** Okay. And you were -- earlier today you were
7 referring to some complications with the check. Can you
8 explain those to the jury, what you mean by that?

9 **A** Yes. So if you receive something like cash,
10 obviously, you have the money and you can place -- you can
11 count it, place it into evidence and hold onto it and that's
12 not a difficulty. But when you receive a check, if this
13 check is never negotiated, there's a concern again in that
14 world of overt versus covert, there will be question of
15 well, why did you never cash the check that I gave you? And
16 that seems a little peculiar. So we had to work out a way
17 to have the check cashed in a way that wouldn't create any
18 suspicion, and then also get the money into the government's
19 possession as well.

20 **Q** And after you obtained this check, did you issue
21 further subpoenas for business records to find out what
22 account this check came from?

23 **A** Yes, I did.

24 MS. GLATFELTER: Okay. Your Honor, may we turn to
25 Exhibit 132, which has been admitted?

1 THE COURT: I didn't hear you. I'm sorry.

2 MS. GLATFELTER: I'm sorry. Exhibit 132, which has
3 been admitted?

4 THE COURT: Yes.

5 **Q** Okay. And if you go to page 18, I believe.

6 MS. GLATFELTER: Sorry, we'll have to go down a
7 little bit further, Ms. Terry, to the checks. Yeah.

8 **Q** Is this the account that you were able to associate
9 with the check?

10 **A** Yes. This is the account that ends in 4415 that we
11 were talking about, and on the check, you can actually see
12 on the bottom, there's an account number listed for 4415.

13 MS. GLATFELTER: All right. If we can just go down
14 to the first page of the statement so we can see the account
15 number. Keep going. There we go.

16 **Q** Agent Wetzels, do you see the account number here?

17 **A** Yes.

18 **Q** Okay. And can you circle that for us?

19 **A** My screen is not allowing me to write.

20 MS. GLATFELTER: Ms. Santoro, could we -- thank
21 you.

22 THE WITNESS: (Witness writing.)

23 MS. GLATFELTER: All right. And if we can go back
24 to the check, Ms. Terry, to 624 A, which we were just
25 looking at.

1 Q And do you see that same account number on the check?

2 A Yes, I do.

3 Q Can you circle that for us?

4 A (Witness writing.)

5 Q Thank you.

6 Now, did Mr. Fehrman keep the \$15,000 for this check?

7 A No. After we received this check, he had to negotiate
8 it for us, again, to get it into his account, but he
9 immediately then provided it to the FBI and then we keep
10 that money in the custody of the United States Marshals
11 Service.

12 Q Okay. So did you give Mr. Fehrman the \$15,000 from
13 the check?

14 A No. He did not keep it. He surrendered it to us, I
15 believe it was either that day or the following day.

16 Q Now, I wanted to ask you a couple of questions about
17 the call. I think the easiest way than playing it again is
18 to refer to the transcript. If you go to page 18, Agent
19 Wetzel.

20 MR. SCHNEIDER: Excuse me, you said call?

21 MS. GLATFELTER: I said instead of going to the
22 call, if we go to the transcript, which is 616 C and
23 page 18.

24 MR. SCHNEIDER: Okay.

25 Q Do you see that, Agent Wetzel?

1 **A** Yes.

2 **Q** Page 18?

3 **A** Yes. Yes, I do.

4 **Q** Okay. Do you see about halfway down where Mr. Borges
5 uses the word "proxy"?

6 **A** I do.

7 **Q** Okay. And in the context of that discussion, who is
8 he calling a proxy?

9 **A** Neil Clark.

10 **Q** Now, based on your investigation, did you try to
11 obtain phone records between Neil Clark and Mr. Householder
12 for this period of time?

13 **A** I did.

14 **Q** Were you able to do so?

15 **A** Yes.

16 MS. GLATFELTER: May I please show the witness
17 what's been marked as Exhibit 739?

18 THE COURT: Yes.

19 **Q** Okay. Well, let me ask you a few questions about
20 this. Agent Wetzel, can you describe what's depicted in
21 739?

22 **A** This is another chart of the similar format of the
23 kind we've been looking at. This is between Larry
24 Householder and Neil Clark, and you can see, left column,
25 date, then time, who was contacting whom, the duration and

1 hours, minutes and seconds, followed by the data source.

2 **Q** All right. And what period of time does this table
3 cover?

4 **A** January 2019 to October 2019.

5 **Q** And did you prepare and review it in the same manner
6 that you've described for the other phone charts that we've
7 seen?

8 **A** Yes, ma'am.

9 MS. GLATFELTER: Your Honor, move to admit and
10 publish Exhibit 739?

11 THE COURT: Any objections?

12 MR. GLICKMAN: No, Judge.

13 MR. SCHNEIDER: No.

14 THE COURT: It's admitted. You may publish.

15 **Q** All right. Agent Wetzel, can you explain the time
16 period of this chart for the jury?

17 **A** Yes. This is the beginning of January 2019, and then
18 it ends in October. It's approximately shortly before
19 Mr. Householder becomes Speaker and it runs through October,
20 which is the month that the House Bill 6 referendum is
21 unsuccessful.

22 **Q** Okay. And how many pages of phone contacts have you
23 summarized in this table?

24 **A** 20.

25 **Q** There are 20 pages to the exhibit?

1 **A** Correct.

2 MS. GLATFELTER: If we may -- Ms. Terry, if we may
3 go to page 18. And one more page, I'm sorry, page 19.

4 **Q** Now, the recording that we just saw, do you recall the
5 date that it occurred?

6 **A** Yes. The second meeting occurred on the 13th.

7 **Q** Okay. And is that period of time covered in the phone
8 contacts that we see here on Government's Exhibit 739?

9 **A** Yes, it is.

10 MS. GLATFELTER: Page 19.

11 **Q** How would you describe the phone contacts between
12 Larry Householder and Neil Clark during this time?

13 **A** You mean during that specific day or as a whole?

14 **Q** 2019 as a whole.

15 **A** Daily, sometimes multiple times per day.

16 **Q** So voluminous?

17 **A** Often multiple times per day. Yes, voluminous.

18 **Q** In terms of the duration of the phone contacts, can
19 you give us a few examples?

20 **A** Yeah. So some of these obviously are zeros which are
21 nonconnections or text messages, and they range from a
22 minute, 2 minutes, 3 minutes, all the way to, some of them
23 are 30 minutes or longer.

24 **Q** Okay. And so if we looked for around the time period
25 of, let's say, September 24th, do you see a phone contact on

1 that day?

2 **A** Yes, I do.

3 **Q** Can you circle that for us?

4 **A** (Witness writing.)

5 **Q** And as example, what was the duration of that phone
6 call?

7 **A** 36 minutes.

8 **Q** Now, referring back to the transcript, we were talking
9 about page 18 and Neil Clark. Did you obtain Mr. Borges'
10 phone records for this time period as well?

11 **A** I did.

12 **Q** And did you compare those records to see if there were
13 any phone contacts with Neil Clark?

14 **A** I did.

15 MS. GLATFELTER: Your Honor, may I show the witness
16 Exhibit 738?

17 THE COURT: Yes.

18 **Q** Do you recognize Exhibit 738, Agent Wetzel?

19 **A** Yes. This is a chart constructed in a similar way,
20 date, time, the event, duration, and the source of the data.
21 And this is the phone contact -- excuse me, of Matthew
22 Borges with Larry Householder, Jeff Longstreth, Neil Clark
23 and Juan Cespedes.

24 **Q** And have you reviewed this chart prior to your
25 testimony today?

1 **A** I have.

2 MS. GLATFELTER: Your Honor, move to admit and
3 publish 738?

4 THE COURT: Any objections?

5 MR. GLICKMAN: No, Judge.

6 MR. SCHNEIDER: No.

7 THE COURT: It's admitted. You may publish.

8 MS. GLATFELTER: Ms. Terry, if we can see page 4,
9 please.

10 **Q** Agent Wetzel, during your investigation, were you able
11 to identify phone contacts between Matt Borges and Neil
12 Clark?

13 **A** Yes.

14 **Q** Okay. Do you see some of those on page 4?

15 **A** Yes.

16 **Q** All right. Can you circle some of those for us?

17 **A** (Witness writing.)

18 **Q** And how do the dates that you circled relate to the
19 date of the recording we just heard?

20 **A** The lower block there is around the same time.
21 It's -- the top one is the 11th and then it appears there's
22 also contact on the 12th, those are the two days preceding
23 the meeting that we just discussed.

24 **Q** Now, during the investigation over the past couple of
25 days, we've talked about different sources of evidence, one

1 of those being the iCloud; is that correct?

2 **A** Correct.

3 **Q** Did you find any evidence on iCloud, particularly
4 Mr. Cespedes' account, related to the referendum period?

5 **A** Yes, I did.

6 **Q** Okay. And can you describe what you found?

7 **A** Yeah. So as we got into this period and developing
8 more information, we did a search warrant for the iCloud of
9 Mr. Cespedes and from there, we were able to receive some
10 communications, also photographs, documents, and some other
11 things. In particular, some of the photographs were of like
12 lists, to-dos, things like that. Some of them are
13 whiteboard, and some were paper, and many of them related to
14 the effort we've been discussing.

15 MS. GLATFELTER: Your Honor, permission to publish
16 602 C, which has been admitted?

17 THE COURT: Yes.

18 **Q** Agent Wetzel, do you recognize Government's
19 Exhibit 702 C?

20 **A** Yes. This is one of those lists that I was
21 mentioning. This one is a giant piece of paper that's sort
22 of tacked up on a wall, but this is one that was recovered
23 from Mr. Cespedes' iCloud.

24 **Q** Okay. And was there anything about this photograph of
25 investigatory significance to you during this period of

1 time?

2 **A** Yes. A few things. You know, there's the mention of
3 the Form 15s in the top left. There's also the background
4 research for AMT, which is the abbreviation for Advanced
5 Micro Targeting. It says Texas next to it, which is where
6 AMT is based. Also on the bottom right, you'll see there
7 is -- Tyler and Borges is written there. There's also a
8 mention to Steiner, which is Curt Steiner, who was discussed
9 and we just heard. And then also Speaker in the top right.

10 **Q** Okay. Can you circle where you see Tyler on this
11 photograph?

12 **A** (Witness writing.)

13 **Q** And this was found in Mr. Cespedes' iCloud account?

14 **A** Correct.

15 **Q** Now, after this meeting and the \$15,000 check, did
16 Mr. Fehrman's communications with Mr. Borges continue?

17 **A** They did.

18 MS. GLATFELTER: Your Honor, at this time,
19 permission to publish 622 Q, which has been admitted?

20 THE COURT: Yes.

21 **Q** Agent Wetzal, you mentioned earlier today that you
22 received text messages from Mr. Fehrman?

23 **A** Correct.

24 **Q** Can you identify what this -- what 622 Q is?

25 **A** Yes. This is one of those text messaging screenshots.

1 As I mentioned, you know, he just pulled the text
2 conversation, would take a screenshot, and provide it to me.

3 **Q** Okay. And this is a conversation with whom?

4 **A** This is a conversation between Mr. Fehrman and MB or
5 Matt, Matt Borges, that you see at the top.

6 **Q** So the blue boxes represent communications from whom?

7 **A** So those are messages that are sent from Tyler to
8 Mr. Borges, and the gray are the messages that Mr. Fehrman
9 is receiving from Mr. Borges.

10 **Q** And do you see a question in the gray boxes posed to
11 Mr. Fehrman?

12 **A** Yes. It reads: We were told you guys had 120,000
13 signatures. Any idea if that's right?

14 MS. GLATFELTER: Permission to publish 622 S, which
15 has been admitted?

16 THE COURT: Yes.

17 **Q** All right. Agent Wetzel, can you identify 622 S?

18 **A** Yes. This is another text message that was provided
19 to me by Mr. Fehrman.

20 **Q** Okay. And similar format?

21 **A** Yes, that's correct. It's a text conversation with
22 Matt Borges.

23 **Q** And what did Mr. Borges ask Mr. Fehrman in this text
24 message?

25 **A** Any idea how many total signatures you guys have? We

1 were told 80,000 today. Any intel you have would make me a
2 hero. Thanks.

3 **Q** Okay. After the in-person meeting and various text
4 messages, did Mr. Fehrman and Mr. Borges have additional
5 phone contact?

6 **A** They did.

7 MS. GLATFELTER: Your Honor, permission to publish
8 617 A, which is a recording of a phone call on
9 September 17th? It's been admitted. And ask for the jurors
10 to be able to follow along with 617 B?

11 THE COURT: Yes. Yes.

12 (Recording playing.)

13 **Q** Agent Wetzel, did the communication stop at this
14 point?

15 **A** No, they did not.

16 **Q** Directing your attention to September 19th, 2019, was
17 there another phone call that you collected evidence of?

18 **A** Yes, ma'am.

19 MS. GLATFELTER: Your Honor, permission to publish
20 618 A, which has been admitted? And permission for the
21 jurors to follow along with 618 B?

22 THE COURT: Yes. Yes.

23 (Recording playing.)

24 MS. GLATFELTER: Okay. We can stop there. Thank
25 you.

1 **Q** Agent Wetzel, in this -- during this call, there are
2 some questions posed to Mr. Fehrman by Mr. Borges' about the
3 numbers, about numbers or things that are going on?

4 **A** Yes, that's correct.

5 **Q** Did you have conversations with Mr. Fehrman about how
6 to communicate that information or how to protect
7 information from his employer in these situations?

8 **A** Yes, we did. One of the concerns is we didn't want to
9 unduly damage the effort just to continue to move forward
10 with Mr. Borges, so we had to have some general
11 conversations about what we would share and how and those
12 kinds of things, because again, we didn't want to work, you
13 know, against the other side unfairly.

14 **Q** Mr. Fehrman didn't want to hurt his employer?

15 **A** Correct.

16 MR. GLICKMAN: Objection.

17 THE COURT: Sustained. No leading of the witness.
18 You're doing fine. Let's go.

19 **Q** Agent Wetzel, what were some of the ways to help
20 Mr. Fehrman through these conversations?

21 **A** So we would have discussions ahead of time where we
22 would talk about whether -- you know, how he might address
23 or the kinds of ways he might address certain conversations
24 he would receive. For example, we talked, hypothetically,
25 if you receive a question about a number, how can you answer

1 in such a way that the conversation can continue and not
2 seem jarring without giving away the protected information
3 of his employer? Things of that nature. So not like a
4 specific script, again, but just ways that you can have a
5 conversation with someone, keep the conversation moving
6 without giving away that information.

7 **Q** Okay. And did he use some of those tools during these
8 conversations?

9 **A** Yes, he did.

10 **Q** Okay. And did you -- can you point out to us an
11 example of one of those things that he did or that you guys
12 discussed?

13 **A** Yes. So for example, there's repeated visits to the
14 cancellation of this larger meeting and things like that.
15 This is one way that we could continue to push off
16 discussing the actual statewide number which was something
17 that had been directly asked for before and Mr. Fehrman
18 feared would be damaging to --

19 **MR. GLICKMAN:** Objection.

20 **MR. SCHNEIDER:** Objection.

21 **THE COURT:** Sustained. Let's walk through it
22 again, if you wish.

23 **Q** Agent Wetzel, in just describing and just describing
24 the way that he was able to get through the conversation, so
25 you were referencing I think a particular part of the

1 transcript and telling us how he was able to navigate that?

2 **A** Yes, ma'am. So, for example, not committing to
3 specific numbers or probably around or generalities or
4 meeting cancellations, things like that to avoid directly
5 committing to something specific.

6 **Q** Now, Agent Wetzel, you mentioned in the -- you
7 mentioned in relation to the September 13th meeting that you
8 had to take different measures to protect the investigation
9 or protect the meeting?

10 **A** Yes, that's correct.

11 **Q** So -- and you said during that testimony you learned
12 about surveillance. I wanted to ask you a few questions
13 about that.

14 **A** Yes, ma'am. We were aware that Mr. Fehrman and others
15 were under --

16 MR. GLICKMAN: Objection. There's no question.

17 THE COURT: What's the question, Ms. Glatfelter?

18 MS. GLATFELTER: Sure. I was going to show him an
19 exhibit, but I think he was going to answer the exhibit and
20 I was going to show it, but I can show the exhibit first.
21 That's fine.

22 THE COURT: There was no question when he answered.
23 There was an objection. I agree. It's no big deal. Move
24 along as you choose.

25 MS. GLATFELTER: Thank you, Your Honor. If we may

1 publish what's been admitted as Government's Exhibit 602 G?

2 THE COURT: Yes.

3 MS. GLATFELTER: Thank you.

4 Q Agent Wetzel, do you recognize 602 G?

5 A Yes, I do.

6 Q Okay. And what is it?

7 A This is another image of one of those lists from
8 Mr. Cespedes' iCloud account that we recovered pursuant to
9 the search warrant we were discussing earlier.

10 Q Okay. And was there anything in particular about this
11 photograph or list that you were able to connect with other
12 records?

13 A Yes. There's a listing at the bottom for PI recon
14 work.

15 Q Okay. Can you circle where that is on the list?

16 A (Witness writing.)

17 Q Okay. And what is -- what does that phrase say or
18 that part of the list say?

19 A There's a listing of 140K, and then it just says: PI
20 recon work on the page.

21 Q Okay. And is there a heading to this particular list?

22 A 17 Consult 1M.

23 Q Now, were you -- during your investigation, did you
24 obtain invoices from a private investigator firm -- I'm
25 sorry, strike that question.

1 During your investigation, did you obtain invoices
2 from a private investigator firm?

3 **A** Yes.

4 MS. GLATFELTER: Permission to publish 628, which
5 has been admitted?

6 THE COURT: Yes.

7 **Q** Agent Wetzel, do you recognize Government's
8 Exhibit 628?

9 **A** I do.

10 **Q** And what are they -- or what is it?

11 **A** So this is an invoice from CGI Investigations, LLC,
12 and Christopher F. Gill who owns that business, he is a
13 private investigator.

14 MS. GLATFELTER: And, Ms. Terry, if we can scroll
15 through the pages here. Okay. If we can go back up to the
16 start.

17 **Q** Okay. And if you -- who was this invoice directed to?

18 **A** This invoice was given to the 17 Consulting Group.

19 **Q** Okay. And can you give us an example of a description
20 on the invoice for the services they're billing for?

21 **A** Sure. Surveillance in Cincinnati, Ohio, Columbus,
22 Ohio, and Fairview Park, Ohio, on established locations to
23 determine the location of petitioners are going and document
24 that movement. Possibly use other means necessary to
25 document the movements and locations on a daily basis.

1 Provide realtime information to our contact so as they may
2 act ASAP on location. Purchase devices to implement the
3 location of vehicles and persons on a daily basis. Provide
4 background checks on license plates and determine the
5 location petitioners may be staying or vehicles may be
6 utilized. Provide reports on activities as soon as
7 reasonably possible. Mileage per investigator will be
8 collected and placed on a separate invoice at the end of the
9 two-week period.

10 **Q** Thank you, Agent Wetzel.

11 And were you able to compare these invoices against
12 the 17 Consulting Group bank account?

13 **A** Yes.

14 MS. GLATFELTER: Ms. Terry, if we could keep this
15 exhibit up on the left. And, Your Honor, permission to
16 publish 132, which has been admitted?

17 THE COURT: Yes.

18 MS. GLATFELTER: And, Ms. Terry, if we could take a
19 look at page 62.

20 **Q** Okay. Agent Wetzel, do you see any of -- do you see
21 any images on the right side of the screen on Government's
22 Exhibit 132 that correspond with Exhibit 628?

23 **A** Yes, the check at the top.

24 **Q** Okay. And can you circle that one for us?

25 **A** (Witness writing.)

1 Q Okay. What's the amount of that check?

2 A \$67,800.

3 Q Where else do you see that amount listed?

4 A It is the amount of the invoice on the left in 628.

5 MS. GLATFELTER: And, Ms. Terry, if we go to
6 page 63, the next page.

7 Q Agent Wetzel, do you see any other payments or checks
8 to CGI Investigations?

9 A Yes. There are two on this page.

10 Q All right. And will you circle those for us?

11 A (Witness writing.)

12 MS. GLATFELTER: And, Ms. Terry, if we can scroll
13 on 628 to the next page, please. And to the following page.
14 Sorry, last page. All right.

15 Q Agent Wetzel, are there any invoices that correspond
16 to the checks on the right hand part of the screen?

17 A Yes.

18 Q Can you tell us what those are?

19 A So the invoice currently on the left is for \$80,640,
20 which was the second check that you see on the right.

21 Q Agent Wetzel, during your investigation, did you
22 identify any communications regarding the services of CGI
23 Investigations?

24 A Yes.

25 MS. GLATFELTER: Your Honor, permission to publish

1 626 A, which has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 626 A?

4 A Yes. This is a text conversation between Juan
5 Cespedes and Jeff LaRe.

6 Q Okay. And what are the dates of these messages?

7 A This is the 9th of September 2019.

8 Q Okay. If you read the blue messages, I'll read the
9 green messages.

10 A Jeff LaRe: Talked to Chris Gill without giving
11 details. Just told him you were a friend working on a
12 political project. He normally charges \$75 per hour
13 all-inclusive but said he would cut you a break. He has the
14 GPS trackers already and he covers the entire state. His
15 guys are retired detectives.

16 Q Juan Cespedes: I like it. You trust him?

17 A Mr. LaRe sends a contact for Chris Gill and then below
18 that: I trust the guy that hooked me up with him.

19 Q Juan Cespedes: Okay, thanks.

20 Juan Cespedes: I'll call him tomorrow.

21 A Jeff LaRe: Copy.

22 Q Juan Cespedes: I connected, thanks.

23 A Jeff LaRe: Liked, quote, I connected, thanks, close
24 quote.

25 Q All right. And Agent Wetzel, did you identify any

1 communications with respect to either Matt Borges and Juan
2 Cespedes and CGI Investigations?

3 **A** Yes, I did.

4 MS. GLATFELTER: Your Honor, permission to publish
5 627 A, which has been admitted?

6 THE COURT: Yes.

7 **Q** Agent Wetzel, do you recognize this exhibit?

8 **A** I do.

9 **Q** What is it?

10 **A** This is a text conversation between Juan Cespedes and
11 Matt Borges. It was recovered from Mr. Borges' iPhone.

12 **Q** And what's the date of these messages?

13 **A** This is the 9th of September.

14 **Q** Okay. And can you put that in context to the
15 in-person meetings that we've listened to today between
16 Mr. Borges and Mr. Fehrman?

17 **A** Just before. This one is a day before the meeting on
18 the 10th and then a few days before the one we listened to
19 on the 13th.

20 **Q** Okay. Let's go ahead and read this one as we have
21 done with the previous messages.

22 Matt Borges: Spoke with Hancock. The deeper dives
23 we've asked for will take two to three weeks to complete.
24 Do you know if that's in line with what we are expecting?
25 If not, we probably need to give a heads-up and go a

1 different direction, if he wants something sooner. Thanks.

2 **A** Juan Cespedes: I don't think we have a choice except
3 to continue, but that timeline isn't going to make him
4 happy. What is the cost on deeper dives?

5 **Q** Matt Borges: I'll ask.

6 **A** Juan Cespedes: You hanging in there?

7 **Q** Matt Borges: Oh, yeah. You?

8 **A** Juan Cespedes: Yeah, I just had to deal with a ton of
9 NSC, Kiani, and Lou. HRS of calls I spared U. Ha.

10 **Q** Matt Borges: I'm a little frustrated just because a
11 lot of what Kiani wants (and wants done yesterday), isn't
12 turning out as well or as quickly as we hoped, but we're
13 trying.

14 **A** Juan Cespedes: He is fine. He just wants everyone
15 thinking creatively and making day-to-day progress. Do you
16 have any other PIs that do more scouting work?

17 Juan Cespedes: Thinking we need to get their offices
18 monitored to help FieldWorks.

19 Juan Cespedes: We can connect in the morning if U
20 have time, I am open until 10.

21 **Q** Agent Wetzl, did you find any or did you identify any
22 text messages about Mr. Fehrman and about surveilling
23 Mr. Fehrman in particular?

24 **A** Yeah. Yes, I did.

25 MS. GLATFELTER: Your Honor, may we publish 626 B,

1 which has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize Government's
4 Exhibit 626 B?

5 A I do.

6 Q What is it?

7 A This is a text message conversation between Chris Gill
8 and Juan Cespedes recovered from Mr. Cespedes' iPhone.

9 Q And do you recognize the name Chris Gill from your
10 investigation?

11 A Yes. He is the gentleman who we were just talking
12 about with CGI Investigations. We looked at their invoices.

13 Q Is that who you received the invoices from?

14 A Correct, yes, pursuant to a subpoena.

15 Q All right. If we can go ahead and read this text
16 message exchange as we've done the ones before.

17 A Chris Gill: Hey, bro, do you want us to follow the
18 petitioners or do you want us to follow Tyler Fehrman and
19 David Luciano? Mean, we can do both, but it's going to be
20 kind of difficult so which one do you want us to do?

21 Q Stay on Tyler and Davis.

22 A Chris Gill: Okay.

23 Q Agent Wetzel, what's the date of these messages?

24 A This is the 24th of September 2019.

25 Q Okay. And can you correlate that or put that in time

1 with the \$15,000 check?

2 **A** It's about 11 days after.

3 MS. GLATFELTER: Okay. We can go to the next page,
4 Ms. Terry. Oh, that is the only page, okay. Sorry, there's
5 a dot on my screen that makes it look like a 104. My
6 apologies.

7 Your Honor, may we publish 627 C?

8 THE COURT: Yes.

9 MS. GLATFELTER: It's been admitted.

10 **Q** Okay. Agent Wetzel, do you recognize Government's
11 Exhibit 627 C?

12 **A** I do.

13 **Q** What is it?

14 **A** This is a text conversation between Matt Borges,
15 Christopher Gill, and Juan Cespedes. It was recovered from
16 Mr. Borges' iPhone.

17 MS. GLATFELTER: Ms. Terry, if we can look at the
18 message.

19 **Q** All right. And what are the dates of these messages?

20 **A** This is the 24th of September 2019.

21 **Q** All right. How does this date relate to the previous
22 message?

23 **A** Same day.

24 **Q** Okay. Let's go ahead and read these text messages as
25 we've done before.

1 **A** Juan Cespedes: This is the text string of Matt and I.
2 Please save his number.

3 **Q** Matt Borges: There is a circulator at the Hilliard
4 Library right now.

5 **A** Christopher Gill: Okay. Juan Cespedes: They are
6 going to keep the teams tracking Tyler and Dave right now, I
7 believe. Juan Cespedes: If we have an extra resource to
8 see where petitioners go at the end of the day, could be
9 helpful.

10 **Q** All right. Agent Wetzel, after September, around this
11 time in September, September 24th, did the conversations
12 between Mr. Borges and Mr. Fehrman continue?

13 **A** They did.

14 THE COURT: Would this be a good moment to pause or
15 do you want to finish something up? We're past due.

16 MS. GLATFELTER: This would be fine, Your Honor.
17 Thank you.

18 THE COURT: We're going to take our midafternoon
19 break. I want you to have a break. I want you to take it.
20 And you are not to discuss the case with anyone, including
21 among yourselves. No independent research. Continue to
22 keep an open mind. Out of respect for you, we'll rise as
23 you leave. Hope to get you here at 3:15.

24 THE DEPUTY: All rise for the jury.

25 (Jury exited the courtroom at 2:54 p.m.)

1 THE COURT: Jury has left the room. We're going to
2 stay here until we get notice that we've cleared the floor,
3 as always. You're welcome to be seated or stand as you
4 choose.

5 We're in recess until 3:15. You're free to go.

6 THE DEPUTY: All rise. This court is in recess
7 until 3:15.

8 (Recess taken from 2:55 p.m. to 3:15 p.m.)

9 THE DEPUTY: All rise. This court is in session
10 pursuant to the recess.

11 THE COURT: Thank you. Please be seated. We ready
12 for the jury from the government's perspective?

13 MS. GLATFELTER: Yes, Your Honor.

14 THE COURT: From Mr. Householder's perspective?

15 MR. GLICKMAN: Yes, Judge.

16 THE COURT: And from Mr. Borges'?

17 MR. SCHNEIDER: Yes.

18 THE COURT: Very well. Let's call for the jury.

19 (Pause.)

20 THE DEPUTY: All rise for the jury.

21 (Jury entered the courtroom at 3:18 p.m.)

22 THE COURT: Jury can be seated as they join us.
23 You may all be seated. Thank you. To the 15 Members of the
24 Jury who have come back into the courtroom, welcome back.
25 We're going to finish up our segment for today. Thank you

1 for your continuing attention. Ms. Glatfelter, you may
2 proceed.

3 MS. GLATFELTER: Thank you, Your Honor.

4 THE COURT: Very well.

5 **Q** Agent Wetzel, before the break, I believe we were
6 talking about a communication that occurred on October 11th,
7 2019?

8 **A** Yes, ma'am.

9 MS. GLATFELTER: Your Honor, at this time, we would
10 ask to publish Government's Exhibit 619 A, which is an audio
11 recording, and ask that the jurors be allowed to follow with
12 619 B in their transcript binder?

13 THE COURT: Yes. Yes.

14 (Recording playing.)

15 **Q** All right. Agent Wetzel, there's another page or two
16 of the transcript left. They talk about other matters like
17 dogs and --

18 **A** Football again.

19 **Q** Okay. Agent Wetzel, if you look at page 4 of the
20 transcript, there's a reference to something called a
21 Form 15.

22 **A** Yes, I see it.

23 **Q** Do you recognize what Form 15 refers to?

24 **A** Yes. That's a reference to the paperwork, I believe
25 we discussed it earlier, that you have to fill out and

1 submit to the Ohio Secretary of State's office if you want
2 to work on a ballot referendum.

3 **Q** And, Agent Wetzel, above that a couple of lines or a
4 couple of paragraphs, do you see a reference to circulating
5 their own petition?

6 **A** Yes.

7 **Q** Did you identify documents during your investigation
8 related to a different petition?

9 **A** Yes, I did.

10 **Q** We'll come back to that in a few minutes after we
11 finish -- after we finish these calls.

12 And, Agent Wetzel, were there two remaining contacts
13 after this?

14 **A** Yes, I believe.

15 **Q** In terms of telephone contacts?

16 **A** Yes.

17 MS. GLATFELTER: Your Honor, permission to publish
18 what's been admitted as 620 A, which is a short audio
19 session on October 21st, 2019?

20 THE COURT: It's been admitted. Yes.

21 MS. GLATFELTER: And ask that the jurors be allowed
22 to follow along in their binders, 620 B?

23 THE COURT: Yes.

24 MS. GLATFELTER: Thank you.

25 (Recording playing.)

1 **Q** Agent Wetzel, before we move on to the last phone call
2 here, just to provide context for the phone call, during the
3 referendum period, are you aware of a lawsuit that was
4 filed?

5 **A** Yes.

6 **Q** Okay. And without -- you know, without talking about
7 the substance of the lawsuit, when about did that occur?

8 **A** That occurred in October.

9 **Q** Was that a subject matter that was referenced by
10 different text messages that you reviewed during your
11 investigation?

12 **A** It was.

13 **Q** All right. And did it come up during the course of
14 the next call?

15 **A** It did.

16 MS. GLATFELTER: Your Honor, at this time I'd ask
17 to publish 620 D -- I'm sorry, 620 C, which is an audio
18 recording that's been admitted, and ask that the jurors be
19 able to follow at 620 D?

20 THE COURT: Yes. Yes.

21 (Recording playing.)

22 MS. GLATFELTER: Your Honor, I would ask to admit
23 the following transcripts after listening to the recordings
24 today: 614 D, 615 C, 616 D, 617 B, 618 B, 619 B, 620 B, and
25 620 D?

1 THE COURT: I spoke to this previously. I do not
2 intend to admit them into evidence. I intend to send it up
3 to the jury room during deliberations if they need
4 assistance. The evidence is the recordings.

5 MS. GLATFELTER: Okay. Thank you, Your Honor.

6 **Q** Agent Wetzel, we -- you've testified previously about
7 the extraction of various phones in this case?

8 **A** Yes, that's correct.

9 **Q** Did you attempt to -- did the FBI attempt to extract
10 info from or information from Mr. Borges' device?

11 **A** Yes.

12 MS. GLATFELTER: Your Honor, may we publish what
13 has been admitted as Exhibit 703 A?

14 THE COURT: Yes. And if I misheard on the previous
15 issue, the recordings are admitted into evidence. I think
16 it's 616 C, not D. The transcript will go up to the jury,
17 but it is not evidence.

18 MS. GLATFELTER: Yes, Your Honor. Thank you.

19 **Q** Agent Wetzel, do you recognize Exhibit 703 A?

20 **A** Yes, I do.

21 MS. GLATFELTER: Ms. Terry, if we could enlarge the
22 first half of the document so Agent Wetzel can see it.

23 **Q** Do you recognize this document?

24 **A** Yes, I do. This is a device report. So when the
25 program that we use does an extraction on an Apple iPhone or

1 an Android phone, there's some device information that is
2 taken off the phone and it becomes a part of the report, and
3 so that's what's listed here under "device information."

4 **Q** And do you see Mr. Borges' name or e-mail address on
5 this, on this device report?

6 **A** I do. Listed under Apple ID are two e-mails that bear
7 the name of Mr. Borges.

8 **Q** And can you circle those where you see them on the
9 screen?

10 **A** (Witness writing.)

11 **Q** Thank you, Agent Wetzel.

12 When you were examining the contents of the phone, did
13 you find any messages between Mr. Fehrman and Matt Borges?

14 **A** I did.

15 **Q** Can you explain that to the jury?

16 **A** Yes. So when we do the phone extraction, we get lots
17 of data. We've been looking at a number of different -- a
18 number of different things. We get photographs, text
19 messages, calendars, contacts, all of the kinds of -- the
20 e-mails, the things that we have been looking at so far, and
21 so in this case, we received all of those things from
22 Mr. Borges' device.

23 **Q** Okay. And was there any correlation -- strike that.

24 Did you compare the messages that you had received
25 from Mr. Fehrman versus the contents of Mr. Borges' cell

1 phone?

2 **A** I did.

3 **Q** Okay. And what did you find?

4 **A** Some of the messages between Mr. Borges and
5 Mr. Fehrman had been deleted.

6 MS. GLATFELTER: Your Honor, may we publish,
7 please, what's been admitted as 623 K?

8 THE COURT: Yes.

9 **Q** Agent Wetzel, do you recognize what's Government's
10 Exhibit 623 K?

11 **A** Yes. This is a text conversation between Tyler
12 Fehrman and Matthew Borges and it was recovered from
13 Mr. Borges' iPhone.

14 MS. GLATFELTER: And if we can zoom out, Ms. Terry,
15 and we can scroll through the pages, please, so Mr. -- or
16 Agent Wetzel can see them. Okay. And if we can return to
17 the first page.

18 **Q** Are these the messages that you were referring to
19 before about Mr. Fehrman?

20 **A** Yes, that's correct.

21 **Q** Okay. And can you describe what, if any, differences
22 there were between these messages and the one that you
23 received from Mr. Fehrman?

24 **A** So Mr. Fehrman provided me screenshots, as we were
25 talking about, of the message conversations and some of the

1 messages here, I did receive. Actually, I believe all of
2 the messages we found on Mr. Borges' iPhone, we received
3 from Mr. Fehrman, but there were also additional messages
4 that were not present on Mr. Borges' device.

5 **Q** Okay. So if we zoom into the first page, okay, and
6 what's the date of this first message?

7 **A** The 18th of September 2019.

8 **Q** Okay. And so when we're talking about messages
9 between these two individuals, we're talking about then
10 during the time period of the referendum; is that right?

11 **A** Correct.

12 **Q** Okay. And is this the first message that you saw
13 related to the referendum period?

14 **A** In this device, yes.

15 **Q** Between these two individuals?

16 **A** No. There were earlier messages that were provided to
17 me by Mr. Fehrman. This is just the earliest one that was
18 present on Mr. Borges' device.

19 **Q** Okay. And can you date -- can you tell us where in
20 the communications this date relates to between --

21 **A** This is actually the 18th, so this is after both of
22 the meetings that we previously discussed, as well as some
23 of the phone calls we listened.

24 **Q** Okay. Was the payment to Mr. Fehrman before or after
25 this text message?

1 **A** It was before.

2 MS. GLATFELTER: Sorry, one moment, Your Honor. I
3 seem to have misplaced my paper.

4 THE COURT: That's fine.

5 MS. GLATFELTER: Permission to publish what's been
6 admitted, Your Honor, as 621 D?

7 THE COURT: Yes.

8 **Q** Agent Wetzel, do you recall 621 D?

9 **A** I do.

10 **Q** Is this something that we already saw today?

11 **A** It is.

12 **Q** That gray -- those two gray boxes in the middle, can
13 you remind us what those say, please?

14 **A** Okay, just keep me posted as a friend on how you guys
15 are doing, that's really all I need to know. Thanks.

16 Second message: And no matter what, don't ever tell
17 anyone about our conversation from earlier. Thanks.

18 **Q** Did you find this particular message on Mr. Borges'
19 phone?

20 **A** It was not present.

21 **Q** Now, with Mr. Fehrman's assistance with the FBI, I
22 wanted to ask you a few questions about that.

23 **A** Okay.

24 **Q** Okay. Can you remind us roughly what period of time
25 Mr. Fehrman collected evidence for the FBI?

1 **A** He first spoke to me in early September and he
2 continued to very actively work with us through mid-October.

3 **Q** Okay. And on days when there was a recorded meeting,
4 meaning like an in-person meeting, can you give us an
5 example of the time that Mr. Fehrman gave up from his day?

6 **A** Sure. He would have to travel from where he was to
7 the meeting location. There would be a discussion and
8 preparation. Then we would have to be prepared, give him
9 the devices. Sometimes we would talk about it on the phone
10 first, setup the logistics and so on. He would then go to
11 the meeting, he would then run through the process that I
12 described to make sure he wasn't being followed. And then
13 he would come back and meet with me and give me the devices
14 and we would debrief. It usually took many hours.

15 **Q** All right. And during the time, between that time,
16 September and mid-October, was Mr. Fehrman employed fully?

17 **A** He was.

18 **Q** So he was balancing meeting with you with his job?

19 **A** Correct.

20 MR. GLICKMAN: Objection.

21 THE COURT: Overruled.

22 **Q** During that time, did Mr. Fehrman ever ask you to be
23 paid?

24 **A** He never asked to be paid.

25 **Q** Did he ever ask if he could keep the \$15,000?

1 **A** He did not.

2 **Q** Did you discuss money or compensation with him during
3 the time period that he was assisting the FBI?

4 **A** I did not discuss it with him before I paid him.

5 **Q** Okay. And you said you paid him, when did that occur?

6 **A** I don't recall the exact date of the payment.

7 **Q** Okay. Can you give us a general idea of when it
8 occurred?

9 **A** It was after this activity.

10 **Q** And how much did you pay him?

11 **A** I paid him \$1,000.

12 **Q** Can you describe his demeanor when you gave him the
13 money?

14 MR. SCHNEIDER: Objection.

15 THE COURT: Basis?

16 MR. SCHNEIDER: Relevance.

17 THE COURT: Overruled.

18 THE WITNESS: He was surprised and I think maybe a
19 little taken aback. I had never discussed it with him, and
20 so he was certainly surprised when I broached the subject
21 with him.

22 **Q** And what was the compensation that you paid for?

23 **A** For his time.

24 **Q** All right. Agent Wetzels, I want to talk about a
25 couple of different portions of the referendum period.

1 During the last recording that we were listening to, do you
2 recall some references to a petition?

3 **A** Yes.

4 **Q** Now, taking a step back for a moment, during the
5 referendum period, is it normal to have a petition?

6 **A** Yes.

7 **Q** I mean, a petition is the type of paperwork that
8 you're talking about?

9 **A** Yes, that's correct. After the language of the
10 petition is approved by the Ohio Attorney General's office,
11 you then carry it around and try to get signatures.

12 **Q** Okay. And as an example, what was Mr. Fehrman's
13 employment for?

14 **A** He was a regional manager for AMT over some of the
15 signature collectors, specifically, he managed those in the
16 Columbus area.

17 **Q** And when you say "signature collectors," how do
18 they -- what do they do and -- with respect to a petition?

19 **A** They take the petition around and try to get
20 registered voters to sign.

21 **Q** And during your investigation, did you receive
22 business records and find communications related to a
23 different petition?

24 **A** I did.

25 MS. GLATFELTER: Your Honor, permission to publish

1 what's been admitted as 613 A?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 613 A?

4 A Yes, I do.

5 Q And what is it?

6 A This is a group text message between a number of folks
7 including Matt Borges, Juan Cespedes, John Kiani, Dave
8 Griffing and Steve Burnazian. It was recovered from
9 Mr. Borges' device.

10 MS. GLATFELTER: Okay. Ms. Terry, if we can scroll
11 out to the message on the second page.

12 Q Okay. And, Agent Wetzel, and can you tell us the
13 dates of these messages?

14 A This is August 4th, 2019.

15 Q Okay. And can you orient us and explain where this is
16 in the cycle of the referendum?

17 A Yes. This is before the petition language had yet
18 been approved. It was just after the passage of House Bill
19 6.

20 Q Okay. Agent Wetzel, if we can read this message as
21 we've done so today, you reading the blue boxes, I'll read
22 the green.

23 A Yes, ma'am. Juan Cespedes: For the purpose of the
24 call we will not identify ourselves as FES to FieldWorks.
25 We'll be introduced as interested parties overseeing the

1 expenditures of the effort. The engagement of FieldWorks is
2 through Gen Now and the Speaker wants us to stay under the
3 radar. David Griffing, thanks for the heads up.

4 **Q** Matt Borges: Liked: For the purposes of the call, we
5 will not identify ourselves as FES to FieldWorks. We will
6 be introduced as interested parties overseeing the
7 expenditures of the effort. The engagement of FieldWorks is
8 through Gen Now and the Speaker wants us to stay under the
9 radar.

10 **A** A phone number replies: Got it.

11 **Q** And, Agent Wetzel, are these basically the same
12 messages?

13 **A** Yes, acknowledgements of the previous message from
14 Mr. Cespedes.

15 **Q** Now, during your investigation --

16 MS. GLATFELTER: If we can return to the first
17 page, Ms. Terry. I'm sorry, the second page. And if we can
18 enlarge the top message, please.

19 **Q** And during your investigation, did you become familiar
20 with something called FieldWorks?

21 **A** Yes, I did.

22 **Q** What is FieldWorks?

23 **A** FieldWorks is another firm that works in the signature
24 collection ballot referendum area.

25 **Q** And did you obtain business records from FieldWorks?

1 **A** I did.

2 MS. GLATFELTER: Your Honor, permission to publish
3 629 D?

4 THE COURT: Yes.

5 **Q** Do you recognize Government's Exhibit 629 D?

6 **A** I do.

7 **Q** Okay. And what's the title of the document?

8 **A** Petition Agreement.

9 **Q** Okay. And does the first paragraph explain who this
10 petition is between?

11 **A** Yes. This agreement is entered into by and between
12 Generation Now, LLC., and Ohio Limited Liability Company,
13 Gen Now and FieldWorks, LLC, a District of Columbia Limited
14 Liability Corporation, FW.

15 MS. GLATFELTER: Ms. Terry, if we go to the
16 signature page, I think it's the last page.

17 **Q** Agent Wetzl, do you recognize any of the names on
18 this last page?

19 **A** Yes. I recognize both Generation Now, which is signed
20 as executive director by Jeff Longstreth, who we've been
21 discussing, and then there's also a signature by a gentleman
22 by the name of Chris Galloway.

23 **Q** And what's the date of the signature for
24 Mr. Longstreth?

25 **A** It is July 24, 2019.

1 **Q** And the signature date for Chris Galloway?

2 **A** The same.

3 **Q** How does that relate to the final HB 6 vote?

4 **A** It's the day after.

5 MS. GLATFELTER: Your Honor, permission to publish
6 605 C, which has been admitted?

7 THE COURT: Yes.

8 **Q** Agent Wetzel, do you recognize 605 C?

9 **A** I do.

10 **Q** Can you explain what it is?

11 **A** This is a text conversation between Mr. Borges and
12 Mr. Cespedes. It was recovered from Mr. Borges' iPhone.

13 **Q** Okay. And what are the dates of the messages here?

14 **A** This is August 4th again.

15 **Q** And if we can read this text exchange like we've done
16 the previous ones today.

17 **A** Juan Cespedes: I told NSC that you would be running
18 the statewide signature challenge efforts and I would fund
19 it through Gen Now. He had no issues.

20 **Q** Matt Borges loved: I told NSC that you would be
21 running the statewide signature challenge effort and I would
22 fund it through Gen Now. He had no issues.

23 **A** Juan Cespedes: I'm sure he's getting his back
24 scratched on this FieldWorks deal, so as long as that isn't
25 touched, he knows better than to pick a fight with us on

1 this.

2 **Q** Matt Borges: Agree.

3 **A** Juan Cespedes: At your convenience, let's tighten up
4 proposal and what we would need financially in short order.
5 We need to include the invoice to the company this week if
6 we need more money by Thursday. We can discuss tomorrow.
7 Also, Kiani and others want to discuss the reasoning for
8 maybe wanting AG to allow opponents to proceed.

9 **Q** Matt Borges: Sure thing on all. Let me know.

10 MS. GLATFELTER: Your Honor, permission to publish
11 611 D, which has been admitted?

12 THE COURT: Yes.

13 **Q** Agent Wetzel, do you recognize what 611 D is?

14 **A** I do.

15 **Q** And what is it?

16 **A** This is a text conversation between Juan Cespedes and
17 John Kiani. It was recovered from Mr. Cespedes' device.

18 **Q** Okay. If we can read this as we have the previous
19 messages. Juan Cespedes: May we do a 5:30 EST call with
20 FieldWorks and the Speaker's team and FieldWorks?

21 **A** John Kiani: How about 6 ET, please?

22 **Q** Juan Cespedes: Let me change and confirm.

23 **A** TYVM.

24 **Q** Juan Cespedes: Just sent the call-in info, we are
25 using Speaker's call-in number. Juan Cespedes, Neil, and

1 Jeff will be on the call.

2 MS. GLATFELTER: And, Your Honor, if we may publish
3 611 C, which also has been admitted.

4 THE COURT: Yes.

5 MS. GLATFELTER: Thank you.

6 **Q** Agent Wetzel, do you recognize 611 C?

7 **A** I do.

8 **Q** What is it?

9 **A** This is another conversation between Juan Cespedes and
10 John Kiani that was recovered by -- excuse me, recovered
11 from Mr. Cespedes' iPhone.

12 **Q** Thank you.

13 And if we can read this as we have the previous ones.
14 Juan Cespedes: I have an update for you re: Future op-ed
15 opportunities at some point when you are available.

16 **A** John Kiani: Okay. Let's talk after call W Lou.

17 **Q** Juan Cespedes: Okay.

18 **A** John Kiani: What happened to black ops.

19 **Q** Juan Cespedes: We can cover this on the phone. I
20 have the Speaker joining this call.

21 **A** John Kiani: Excellent. John Kiani: This is not
22 inspiring.

23 **Q** Juan Cespedes: The laughing is not good. I'll give
24 you that.

25 **A** John Kiani: He is at the fucking mall. John Kiani:

1 This is a joke. We need a 911. John Kiani: He is assuming
2 they screwed up.

3 **Q** Juan Cespedes: I wanted the Speaker to hear this. I
4 need him to take ownership. Things will change after this
5 call. Mr. Cespedes: On the follow-up call, may we ask the
6 Speaker's team to assume more responsibility for FieldWorks?
7 They handpicked this firm.

8 Now, Agent Wetzel, you mentioned that you reviewed
9 some business records involving FieldWorks?

10 **A** Indeed.

11 **Q** And if we can publish 613 E, Your Honor, which has
12 been admitted?

13 THE COURT: Yes.

14 MS. GLATFELTER: Whoops. I had this written down
15 as a report but it must be a text message.

16 **Q** Do you recognize this document, Agent Wetzel?

17 **A** I do. This is a group text message between Jeff
18 Longstreth, Juan Cespedes, Neil Clark, and Matthew Borges.
19 And it was recovered from Mr. Borges' iPhone.

20 **Q** And if we can continue to the message, and if we may
21 read this one like we've done in the past today.

22 **A** Juan Cespedes: FYI, John does not have today's
23 FieldWorks report yet. Jeff Longstreth: I'm on the call.
24 I have not seen any report since 11:33 this morning.

25 Jeff Longstreth: SLH will have a great idea how to

1 solve this. He needs to be briefed first. Juan Cespedes:
2 I agree that SLH needs included.

3 **Q** All right. Agent Wetzel, before this document, you
4 mentioned you had reviewed some records regarding
5 FieldWorks?

6 **MS. GLATFELTER:** Your Honor, if we could turn to
7 629 J, which has been admitted?

8 **THE COURT:** Yes.

9 **Q** Okay. Agent Wetzel, do you recognize these documents?

10 **MS. GLATFELTER:** We can scroll through them,
11 Ms. Terry.

12 **Q** Okay. We can stop there. Agent Wetzel, do you
13 recognize these documents?

14 **A** I do.

15 **Q** What are they?

16 **A** These are circulator exclusivity agreements, as the
17 title indicates, with Ohioans for Energy Security.

18 **Q** Okay. And during your investigation, did you identify
19 any kind of relationship between Ohioans for Energy Security
20 and Generation Now?

21 **A** Yes. It's an LLC and it is exclusively funded by
22 Generation Now.

23 **Q** Was it operated during this period of the referendum?

24 **A** It was.

25 **MS. GLATFELTER:** Okay. And if we back up a page or

1 two, I think there was one that said a different title at
2 the top. Okay. Ms. Terry, if you go back to page 3.

3 **Q** And what does the top of this document say, Agent
4 Wetzel?

5 **A** Generation Now, LLC, Ohio Circulatory Exclusivity
6 Agreement.

7 **Q** And during your investigation, did you find documents
8 like this where the titles changed?

9 **A** Yes, I did.

10 **Q** Okay. Can you describe that to the Grand Jury -- I
11 mean, to the Grand Jury -- to the jury?

12 **A** Yes. So there are some earlier documents in the
13 period that bear Generation Now, that there were other
14 documents later that bear the Ohioans for Energy Security
15 name.

16 **Q** Okay. And you mentioned that these were circulator
17 agreements?

18 **A** Yes, that's correct. "Circulators" being petitioners.

19 **Q** Okay. And so these agreements relate to what
20 entities?

21 **A** Ohioans for Energy Security and Generation Now.

22 **Q** And can you contrast that with the organization that
23 Mr. Fehrman was working for?

24 **A** Yes. Mr. Fehrman worked for Advanced Micro Targeting,
25 which was employed by Ohioans Against Corporate Bailouts.

1 Q Okay. And these circular agreements were for what?

2 A These are bringing folks on as independent contractors
3 and it was bringing people on to circulate a different
4 petition.

5 Q One for either Generation Now or Ohioans for Energy
6 Security?

7 A Correct.

8 Q Okay. And did you, during your investigation, did you
9 find invoices related to these petitions for Generation Now
10 or Ohioans for Security -- Ohioans for Energy Security?

11 A Yes, I did.

12 MS. GLATFELTER: Your Honor, may we publish 629 E,
13 which has been admitted?

14 THE COURT: Yes.

15 Q Agent Wetzel, this exhibit is page -- is 56 pages, so
16 I would like to scroll through a few of those pages and ask
17 if you recognize this, okay?

18 MS. GLATFELTER: Okay. We can stop here,
19 Ms. Terry.

20 Q Agent Wetzel, do you recognize these records from your
21 investigation?

22 A I do, yes. They came from a subpoena to Ms. Anna
23 Lippincott.

24 Q And do you recognize what they are?

25 A Yes. This is an invoice from Let the Voters Decide,

1 LLC.

2 **Q** Okay. And the invoice, does the invoice contain
3 columns?

4 **A** It does.

5 **Q** Okay. And what are those columns?

6 **A** Name of petition, petition color, number of books,
7 signatures turned in, office count, good/checked, validation
8 percentage, signatures to pay, amount per signature,
9 payment.

10 **Q** Okay. And under number of books, what does this
11 invoice say?

12 **A** 13.

13 **Q** And what about signatures turned in?

14 **A** 127.

15 **Q** Did you find any other records of invoices relating to
16 payment of signatures or payment for signatures?

17 **A** Yes.

18 MS. GLATFELTER: Your Honor, may we publish 629 M,
19 which has been admitted?

20 THE COURT: Yes.

21 MS. GLATFELTER: And if we may go to page 9,
22 Ms. Terry. I apologize.

23 **Q** Do you recognize this document?

24 **A** Yes, I do. This is another document that I believe
25 was in the possession of Ms. Lippincott. This is an invoice

1 from Voter to Voter.

2 **Q** All right. And do you recognize the name Voter to
3 Voter from financial records like bank records you've
4 reviewed?

5 **A** I do.

6 **Q** All right. And is there anything on this invoice
7 related to signatures and payment?

8 **A** Yes. There is a signature section that lists a number
9 followed by a rate charged and then a total.

10 **Q** Okay. And circle the part of the invoice that you're
11 talking about so we can all see that.

12 **A** (Witness writing.)

13 **Q** Okay. Can you describe the different columns in that
14 portion of the invoice?

15 **A** Yes. There's a signatures column followed by a number
16 and then a rate charged and then a total on the far right.

17 **Q** So payment for the number of signatures?

18 **A** Yes, that's what it appears.

19 **Q** Okay. And is there a total?

20 **A** \$4,633,618.10.

21 **Q** Okay. And what's the date range of -- I'm sorry,
22 what's the date of this invoice?

23 **A** The 7th of October 2019.

24 **Q** Now, this invoice relates to payment of signatures.

25 Did you find other documents regarding payments to signature

1 firms?

2 **A** I did.

3 **Q** Now, before the final vote on HB 6, did you find any
4 communications about payments to signature firms as opposed
5 to signature collectors?

6 **A** I did.

7 MS. GLATFELTER: Your Honor, may we publish 493 B
8 which has been admitted?

9 THE COURT: Yes.

10 MS. GLATFELTER: I'm sorry for the pause.

11 **Q** And, Agent Wetzel, do you recognize what Government's
12 Exhibit 493 B is?

13 **A** I do.

14 **Q** What is it?

15 **A** This is a text conversation between Juan Cespedes and
16 Jeff Longstreth. It was recovered from Mr. Longstreth's
17 iCloud back-up.

18 MS. GLATFELTER: And if we scroll out, Ms. Terry,
19 you don't have to enlarge it yet.

20 **Q** But do you see the number of pages at the top right
21 corner?

22 **A** 29.

23 **Q** Okay. Does this particular conversation encompass a
24 wide range of dates?

25 **A** It does.

1 MS. GLATFELTER: Your Honor -- I'm sorry,
2 Ms. Terry, we would like to go to page 21 at the bottom.

3 **Q** Okay. Agent Wetzel, before we start reading this
4 exhibit, as we have in the ones previous, you reading the
5 blue boxes, I'll read the green boxes, can you tell us the
6 date range or around the dates that these messages are?

7 **A** Yes. The three messages depicted here were the -- the
8 first one is the 18th of June, and then the next two are the
9 19th of June. That's after the bill has passed the House
10 but before it has passed the Senate.

11 **Q** Okay. Let's go ahead.

12 **A** Juan Cespedes: We will be there in 10. And then Juan
13 Cespedes: Great to see you last night. Borges mentioned
14 this morning that the opposition has engaged signature
15 gatherers, not sure who or if it's real, just want you to be
16 aware.

17 **Q** Jeff Longstreth: Great to see you too. Thanks for
18 letting me know.

19 **A** Juan Cespedes sends a link. And then below that, Juan
20 Cespedes: FYI. And then Juan Cespedes: Got this one
21 planted also.

22 **Q** Jeff Longstreth: First message is blank. Jeff
23 Longstreth: We are calling you now. Jeff Longstreth: Can
24 you please check on the wire for me?

25 **A** Juan Cespedes: Yes.

1 **Q** Jeff Longstreth: Thanks, I need to move money today.

2 **A** Juan Cespedes: I understand. The CEO is checking on
3 it.

4 **Q** Jeff Longstreth: The message is blank.

5 **A** Juan Cespedes: I am told by CEO that the wire is on
6 its way.

7 **Q** Jeff Longstreth: Thanks.

8 **A** Juan Cespedes sends a message. Quote, he, close
9 quote. And then there's an image attached.

10 **Q** Jeff Longstreth: F word!

11 **A** Juan Cespedes: I am guessing she is going to be a no,
12 LOL.

13 **Q** Jeff Longstreth: She was anyway, but I hate mistakes.

14 **A** Juan Cespedes: Just wanted to flag it for U. All
15 good. Let's talk tomorrow a.m. just you and I, if possible.

16 Juan Cespedes: Let's just get all of the signature
17 firms hired tomorrow.

18 **Q** Jeff Longstreth: We can hire the good ones. We can't
19 hire them all.

20 **A** Juan Cespedes: Yeah, let's get all of the good ones.
21 If I need to up the budget, I will.

22 Juan Cespedes: BTW start the Cespedes/Longstreth
23 signature company and pay them double, ha.

24 **Q** Jeff Longstreth: No shit! Ha, ha, we can hire the
25 four to five good ones, but there are 50-plus that could do

1 this and that don't count -- that doesn't count the people
2 that no one has ever heard of. Hell, my firm has done it
3 twice in Ohio and I wouldn't show up on anyone's radar for
4 this.

5 Now, Agent Wetzel, did you search for and identify any
6 records related to the payment of signature firms or lists
7 of signature firms?

8 **A** Yes, I did.

9 MS. GLATFELTER: Your Honor, may we publish
10 Exhibit 631, which has been admitted?

11 THE COURT: Yes.

12 **Q** Agent Wetzel, do you recognize Government's
13 Exhibit 631?

14 **A** Yes. This is a chart or a list. It was recovered
15 from Mr. Cespedes' iCloud.

16 **Q** Okay. And do you see the four columns headings across
17 the top?

18 **A** I do. They list company, principal, account name, and
19 address.

20 **Q** Okay. And are -- do you recognize any of the names of
21 the companies from your investigation?

22 **A** Yes. Lincoln Strategies, Let the Voters Decide, and
23 there are a few others that I saw, Silver Bullet, while we
24 were doing the investigation.

25 **Q** All right. Can you circle the line for Let the Voters

1 Decide so we see that entry?

2 **A** (Witness writing.)

3 **Q** Okay. During your investigation, did you recover
4 other lists or invoices related to -- to the companies
5 listed on this sheet?

6 **A** I did.

7 **Q** Okay. And so this particular document was from where?

8 **A** Mr. Cespedes' iCloud.

9 MS. GLATFELTER: Okay. If we may publish what's
10 been admitted as 629 H, Your Honor?

11 THE COURT: Yes.

12 MS. GLATFELTER: And I believe if we go to page 28,
13 Ms. Terry.

14 **Q** Okay. First off, let's start with this particular
15 document. Do you recognize this?

16 **A** Yes, I do. This is a document that was provided to us
17 by Ms. Lippincott pursuant to the subpoena.

18 MS. GLATFELTER: And if we go a couple of pages
19 down to the signature page, Ms. Terry.

20 **Q** Okay. Do you see that?

21 **A** I do.

22 **Q** Okay. Who is the signatory on this particular
23 contract?

24 **A** Jeff Longstreth.

25 **Q** And who is he signing for?

1 **A** Generation Now.

2 MS. GLATFELTER: If we go back to the start of this
3 document on, I believe it's page 28, Ms. Terry.

4 **Q** Okay. And who is this contract for?

5 **A** It's an agreement that's entered into between
6 Generation Now, LLC., and Let the Voters Decide.

7 **Q** Now, did you compare the list that we saw previously
8 with the name of this contract and cross-reference it with
9 the Generation Now bank records?

10 **A** I did.

11 MS. GLATFELTER: Your Honor, may we please publish
12 14 F, which has been admitted?

13 THE COURT: Yes.

14 **Q** Agent Wetzel, do you recognize this?

15 **A** Yes, I do. We talked about these previously. This is
16 the way that the wires were presented to us pursuant to the
17 subpoena to the bank.

18 MS. GLATFELTER: And, Ms. Terry, if we can go to
19 page 3 and page 3 first, and line 98.

20 **Q** Agent Wetzel, do you recognize what we're -- what we
21 see on the screen on page 3, line 98?

22 **A** Yes. This is a wire transfer from Generation Now,
23 Inc., to Let the Voters Decide, LLC.

24 **Q** Okay. And do we see an amount for the wire transfer?

25 **A** Yes. It lists \$40,000.

1 MS. GLATFELTER: And, Ms. Terry, if we can go to
2 page 4, line 98. Maybe the next page. No, it's not on
3 there. Might have to scroll down a few pages. I'm sorry, I
4 had the wrong page in my notes here.

5 **Q** Agent Wetzel, are these all of the wire transfers for
6 Generation Now during that time period?

7 **A** Yes, they are.

8 MS. GLATFELTER: All right. If we can go to --
9 Your Honor, if we may publish 629 A?

10 THE COURT: Yes.

11 MS. GLATFELTER: Page 87, Ms. Terry.

12 629 I, sorry. Okay. And if we may go to page 87,
13 Ms. Terry.

14 **Q** All right. Agent Wetzel, do you recognize this
15 document?

16 **A** Yes. This is an invoice from Let the Voters Decide to
17 Generation Now.

18 **Q** Okay. And the date of the invoice?

19 **A** It's listed as September 20, 2019.

20 **Q** And who is the invoice to?

21 **A** It's to Gen Now.

22 **Q** And is there a description for what the invoice is
23 being paid for?

24 **A** It says Ohio Noncompete and then a total price of
25 \$15,000.

1 Q Okay. So we have -- I think to reach this, we've gone
2 through four or five different documents, right?

3 A Indeed.

4 Q So can you go through those four documents for us now
5 in terms of -- in terms of describing them for the jury?

6 A Sure. So we started with there were invoices from Let
7 the Voters Decide businesses to Generation Now. There were
8 also wire transfers that were paying. Some of the payments,
9 as you see here, are just for an Ohio Noncompete. Other
10 ones we were looking at were listing sort of signatures
11 collected, number of books, those kinds of things. And
12 there were references that we looked at both to Generation
13 Now and also Ohioans for Energy Security.

14 Q Okay. And the last couple of documents we looked
15 through from Let the Voters Decide, you went from an iCloud
16 document that was a list of firms, right?

17 A Correct.

18 Q Okay. And then what did you go to?

19 A There were messages.

20 Q Right. And then the Generation Now bank accounts?

21 A Correct.

22 Q And, finally, what are we looking at here?

23 A This is an invoice from the company that was received
24 from Ms. Lippincott pursuant to subpoena.

25 Q Okay. And this is the same firm that was paid in the

1 Generation Now bank records?

2 **A** It is.

3 MS. GLATFELTER: Okay. Your Honor, I don't know
4 what you wanted to do in terms of the timing. I'm ready to
5 start another section, but it's 4:30.

6 THE COURT: I'm not going to indicate what I want
7 to do. I think we've reached our daily break. The jury has
8 been attentive and here for a long time. We're going to
9 send you home. I want you to take a break at home. Do not
10 discuss the case with anybody, including among yourselves.
11 No independent research. Continue to keep an open mind. I
12 want you to take a break. Just stop, go home, do what you
13 normally do.

14 I'm going to send you home with an at-home COVID test.
15 I'd like you to take it at your leisure tonight and come
16 tell us the results tomorrow. By "us," I mean Jennifer. I
17 want to keep an eye on your health, and that's the only
18 reason I ask you to do that. I may ask you to do it
19 occasionally in the future. It's because I am invested in
20 your good health and your ability to be here through the
21 duration.

22 And from the heart of the Court and the community and
23 the parties and everybody, thank you for the work you're
24 doing. Out of respect for you, we'll rise as you leave for
25 the day. I ask that you be back at 9:15 at your spot.

1 THE DEPUTY: All rise for the jury.

2 (Jury exited the courtroom at 4:33 p.m.)

3 THE COURT: Jury has left the room. The door is
4 closing. You can remain standing or seated or be seated as
5 choose. We wait for the jury to clear the floor as you're
6 well aware.

7 MR. SCHNEIDER: Judge, can I make a suggestion?

8 THE COURT: Yes.

9 MR. SCHNEIDER: This is just an open suggestion.
10 We've given the government great latitude sort of to do the
11 role playing with reading. But when we get to a "liked,"
12 can we not have the whole message that was liked read again,
13 just maybe to speed up time? Plus, I think it is improper
14 emphasis at that point.

15 THE COURT: Yes. Thank you. "Liked" is what I do
16 when I hit a heart on an e-mail and just means I like the
17 message above and you don't have to reread the message. If
18 the government is able to proceed in that way, the Judge
19 would be grateful. And is there anything you want to tell
20 me, Ms. Glatfelter, at this point? You're familiar with --
21 what is it -- curiosity killed the cat and satisfaction
22 brought it back. If you're not in a position to say
23 anything, I would understand.

24 MS. GLATFELTER: Sure. Just a few more smaller
25 sections with this witness and we'll finish up. I expect us

1 to get to Ms. Anna Lippincott tomorrow morning -- I mean,
2 tomorrow. I'm not sure, it depends on the length of cross.

3 THE COURT: That's -- your witness after this
4 witness is who?

5 MS. GLATFELTER: Anna Lippincott.

6 THE COURT: And are we likely to see any other
7 witness tomorrow in the event that things move
8 expeditiously?

9 MS. GLATFELTER: We can make sure we have another
10 one here. We've told defense counsel that Juan Cespedes
11 will be the witness following Anna Lippincott.

12 THE COURT: Very well. Is there anything I need to
13 know from anybody before we break for the day from the
14 government?

15 MS. GLATFELTER: Not from the government.

16 THE COURT: Mr. Householder?

17 MR. GLICKMAN: Just a question, Judge. Is the
18 Court going to amend the policy on masks depending on the
19 COVID test? I use cloth ones, so I have to wash them.

20 THE COURT: You need to wash your cloth. I don't
21 know.

22 MR. GLICKMAN: That's fine.

23 THE COURT: Is there anything from Mr. Borges?

24 MR. SCHNEIDER: No, Your Honor.

25 THE COURT: Are you sure?

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MR. SCHNEIDER: Yes.

THE COURT: Your recent suggestion was admirable.

MR. SCHNEIDER: It was just a suggestion.

THE COURT: I hope you have a good break. We're in recess for the day.

THE DEPUTY: All rise. This court is now in recess.

(Proceedings continued in progress at 4:37 p.m.)

C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter prepared from my stenotype notes.

/s/ Lisa Conley Yungblut 02/07/2023
LISA CONLEY YUNGBLUT, RMR, CRR, CRC DATE

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I N D E X

EXAMINATIONS

GOVERNMENT'S WITNESSES **PAGE**

BLANE WETZEL

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EXHIBITS

GOVERNMENT'S EXHIBITS **PAGE ADMITTED**

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620 A, 620 C

Nos. 615 A-B, 616 A-B 1168

No. 735 1185