

Wednesday, May 7, 1997 (afternoon)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Criminal Action No. 96-CR-68
UNITED STATES OF AMERICA,
Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,
Defendant.

REPORTER'S TRANSCRIPT
(Trial to Jury - Volume 83)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:38 p.m., on the 7th day of May,
1997,
in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

PATRICK M. RYAN, United States Attorney for the
Western District of Oklahoma, 210 West Park Avenue, Suite 400,
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Law,
Szlichta and Ramsey, 8 Main Place, Post Office Box 1206,
Stillwater, Oklahoma, 74076, appearing for Defendant McVeigh.

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PROCEEDINGS

(Reconvened at 1:38 p.m.)

THE COURT: Be seated, please.

Is Mr. Dexter the next witness?

MR. HARTZLER: No. We're going to call Lawrence Martin next and then Mr. Dexter.

THE COURT: All right. Well, I take it that a lot of the direct on Mr. Dexter will be the foundation for this summary exhibit, and I don't think we can hear the objections to it until the foundation is laid; so it may be that we'll have an interruption before -- as far as the jury is concerned before proceeding with the substantive use of the summary exhibit if it's received. So I would intend to take the objections to that after we hear the foundation.

MS. RAMSEY: After we hear Mr. Dexter.

THE COURT: Yeah. I mean, it's premature to talk about it now. I don't know what he'll say.

MS. RAMSEY: I agree. I think you need to hear his testimony before.

THE COURT: All right.

(Jury in at 1:39 p.m.)

THE COURT: All right. Next witness, please.

MR. HARTZLER: Lawrence Martin. Mr. Ryan will question him.

THE COURT: Thank you.

(Lawrence Martin affirmed.)

THE COURTROOM DEPUTY: Thank you. Would you have a seat, please.

Would you state your full name for the record, and spell your last name.

THE WITNESS: My name is Lawrence Martin, and it's spelled M-A-R-T-I-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

Lawrence Martin - Direct
DIRECT EXAMINATION

BY MR. RYAN:

Q. Mr. Martin, where do you live?

A. I live in Oklahoma City.

Q. Are you married?

A. Yes.

Q. And children?

A. No children.

Q. Are you employed?

A. I was in the United States Army. I was a captain, and now I'm substitute teaching for the Oklahoma City schools.

Q. What is your age?

A. 40.

Q. What is your education, sir?

A. I went to Indiana Wesleyan University, graduated in 1980 with an elementary education degree.

Q. What did you do after you obtained your degree?

A. I found a job as a teacher and coach, taught fifth and sixth graders for five years.

Q. All right. And then up until what year then would you have completed your five years of teaching?

A. 1985. And always in the back of my mind, I had a dream of being an Army officer; and so I decided to stop teaching and to

go for my gold, pursue that.

Q. And did you do that?

Lawrence Martin - Direct

A. Yes, I did.

Q. Tell us about that, please.

A. I went down to your local recruiter station and they got me

all signed up, and then I went to OCS, officer candidate school, at Fort Benning, Georgia, went through 15-week training

there; and then I was assigned to Fort Knox for armor -- the armored basic course to be trained on tanks. After that six-month course, my wife and I were assigned to Fort Dix, New Jersey, where I was an executive officer of a basic training company. After that assignment, I noticed I needed to try and get back into my branch with tanks again, so I got Korea, that assignment, spent one year in Korea on a company tour; and I was a platoon leader with the tanks.

Q. What kind of tanks are we talking about?

A. These are M-683 tanks just before the M-1 tanks came into production.

Q. And were you physically located in a tank while you were doing your service in Korea -- or not all the time, just part of the time?

A. I was located at Camp Casey, which is about 15 miles south of the DMZ; and most of my duty was in the field with the tanks.

Q. Okay. All right. After you completed your tour in Korea, where are we chronologically?

A. Okay. After Korea, I saw the downsizing in the military in

Lawrence Martin - Direct

the early 90's, so I said it would be a smart move to switch to

another branch; instead of being with armor, combat branch, be with the people business, Adjutant General Corps, and so that's

what I did. I switched to that branch, went to training for six months, and then I was -- that was at Fort Benjamin Harrison, Indiana, and then my first assignment with that branch was Fort Sill, Oklahoma, where I was for two years.

Q. Where is Fort Sill, Oklahoma?

A. Fort Sill is located southwest about 90 miles from

A. Fort Sill is located southwest about 90 miles from Oklahoma City.

Q. What did you do at Fort Sill?

A. At Fort Sill, I was in charge of the requisitions, how many people came into the military, how many people went out; and so I kept everything balanced is what I did. So I had three main units there at Fort Sill, and I made sure that everybody was up to strength. So that was basically my job.

Q. All right. After you completed -- when did you -- before we do that, when did you complete your two-year assignment at Fort Sill?

A. It would have been in 1993.

Q. All right. And what did you do following the completion of the two years there at Fort Sill?

A. Okay. After that assignment, my branch manager said I had a choice of five locations that I could go to for my next assignment, and I talked with my wife. And Oklahoma City was

Lawrence Martin - Direct

one of the assignments, and so that's where we went, to Oklahoma City.

Q. All right. And what was your assigned duty in Oklahoma City?

A. Okay. I was a -- with personal administration again, something like Fort Sill where I did the requisitions, how many recruiters were coming in, how many recruiters were going out. Just keep a balance of all of the personnel is what my responsibilities were.

Q. All right. And where did you work in Oklahoma City?

A. I worked on the fourth floor of the Murrah Federal Building.

Q. All right. Would you explain the presence of the Army and their offices in the Murrah Building in April of 1995.

A. Start with the third floor. We had personnel that were on that floor. There were three people down there --

Q. Before we go to the specific people, just talk to us generally about what kind of presence was in the Murrah Building in terms of the kinds of things that were done there and the number of people who worked there.

A. Okay. We had 29 assigned to the Oklahoma City recruiting battalion. There were 16 military and there were 13 civilians that were assigned.

Q. And generally speaking, what did those 29 people do?

A. Anything to help with the recruiting effort, to bring our

Lawrence Martin - Direct

young adults into the military, just to screen applicants,

make
sure things were correct, not under age; but we have rules,
you
know, to make sure that these people are following.

Q. All right. Now, I have about three exhibits that are
already admitted into evidence, and I'm going to show them on
the computer, please.

Let's first turn to the third floor of the Murrah
Building. Should come up on your screen there in a moment.

Do
you have it?

Would you explain to us where the Army was located
on
the third floor and who was there.

A. Okay. Go ahead and mark it?

Q. Yes. Go ahead, and you can use that pen and demonstrate
to
the jury the location of the Army on the third floor and who
was there.

A. This was our secretary for the Oklahoma City recruiting
company, Marisa. That was her office right there.

Q. All right. Kind of take us through the rest of the space
there on the third floor.

A. Right. Okay. This is where our first sergeant was for
the
Oklahoma City recruiting company. This was First Sergeant
Price that was located in that area, and then this was our --
the company commander, and his name was Captain Towdy. So
there were three sections that made up that whole office.

Q. All right. So three of the 29 people connected with the

Lawrence Martin - Direct

Army in the Murrah Building were on the third floor?

A. The 29 was just for the Oklahoma City recruiting
battalion.

Q. Yes.

A. That's separate. The 29. This is a company. There are
six companies that fall -- that make up the battalion, and
this

is one of the companies, the Oklahoma City recruiting company.

Q. All right. And the balance of the employees in the Murrah
Building with the Army are on the fourth floor?

A. Yes, sir.

Q. All right. Let's turn to that. Do you have that on the
screen yet?

A. No. No, I don't. Now I do.

Q. Okay. Now, if you would, why don't you take us from the
standpoint of someone who is coming into the building arriving
up on the elevator on the fourth floor. Let's enter through
the door, Army office there; and take us around the office and
tell us who worked there in April of '95.

A. Okay. This is the front door right here. If I was to go
over in this section, this is public affairs. I go into this
office right here. This is John Moss's office. He's the

chief

of advertising and public affairs. Next to him is Peggy Holland, and she is our computer specialist. She worked in that office. And then we have Karen Carr, who is the advertising assistant, who is right there. And then we had a Clark Peterson, and he was -- also helped with the public

Lawrence Martin - Direct

affairs. So we had four people that were in that section of the office, the public affairs office.

Q. All right.

A. Okay. So going from that office, and I come over, go through this doorway, there was a Sergeant Davenport that works

in this section. This is the operations section. What I'm going to do is just draw a line to show you -- well, it's not doing it. This is the operations section. Sergeant Davenport was there; and the next person that we came in contact with was

Sergeant Sohn, and she was located right there.

Q. Why don't you put an X where Sergeant Sohn was.

A. Okay.

Q. Okay. Keep going, please.

A. Okay. The next two individuals that we come across are Dolores Stratton and Wanda Watkins. This is Dolores right here. And Wanda worked right here on that side of the wall right there.

Q. All right. And why don't you erase all those marks for us before we go on to the rest of the floor space.

Okay. Now --

A. Okay. Next, we go to my section, and this is the personnel

section. This is where we do our personal administration. I said this is where we do the requisitions. This is -- we have a Sergeant Evans. He was my E-7 sergeant. We had a Sergeant Blanchard, we had a Sergeant Travis, and we had a Sergeant

Lawrence Martin - Direct

Thompson. And then we had a Cindy Hawkins. She was a civilian

worker. And then my office is this square back here, this section right here.

Q. Over in the far -- that would be, what, the northeast -- northwest corner of the Murrah Building?

A. Yes, sir. Northwest corner.

Q. All right. Okay. Why don't you erase those marks and continue on through the floor space there, please.

A. Okay. Next, we've got our supply section. This is going from my office to the supply office. We have Sergeant Bolden. We have Sergeant Jones. It's not marking.

Q. Just go real slow with it.

A. Okay. Sergeant Jones. We have two civilians. We have

Anthony Scott. We have Jackie Ned Walton. It's not specifically marked where that X is there. Okay. So they were

in the supply section.

Q. All right. Why don't you erase those marks, if you would.

A. I'm trying to.

Q. Are you clicking the side of the pen?

A. Yes. There we go.

Q. There we go.

A. Okay. The next section, we have what's called the RT shop, and we have --

Q. What does that stand for?

A. That is recruiter trainers, and these -- there was a

Lawrence Martin - Direct

Sergeant Gordon and a Sergeant Miller, who -- I'll mark both of them in there. That they trained their recruiters so they know what to do.

Q. All right. If you'll remove those marks.

A. Okay. As we go back, we go into the command section and we

have the colonel's secretary, and that's Jona Lee Gert.

That's

where she's located. Then we go back to my commander, Colonel Carr. He's back in that section. And then we have Major Bain,

who is the executive officer. And then we have Sergeant Major Stewart.

Next to his office -- that takes care of the command section -- we have the education office, and there's a Kathy Hamilton that works there and taking care of test scores with high school folks, that kind of thing. Next, we have two people that are back here, a Vicki Hamm and a Jerri McCauley; and they are the budget folks that take care of all the money for the Oklahoma City recruiting battalion.

Q. Okay.

A. And that is everybody.

Q. All right. Thank you. Now, let me turn your attention to April 19, 1995. I would like for you to tell us about your morning, when you got up and what you did.

A. Okay. I got up around 6:00 that morning. Just did routine

things, shower, shave, that kind of thing. But my wife got up with me this particular morning because my car -- my own

Lawrence Martin - Direct

personal car was in the shop getting repaired. They had picked

up some debris off the interstate, so she was going to take me in to work that morning. So we ate breakfast together. and

in to work that morning. So we ate breakfast together, and then she took me in to work.

Q. Okay. What time did you arrive at work?

A. We arrived at 7:30.

Q. Tell us -- tell us what you did after you arrived at work at 7:30.

A. Okay. So going to the Murrah Federal Building, I go up the elevator, go down the hallway on the fourth floor, and go in the main door again. And the first person I see is a Sergeant Sohn.

Q. This is Vickie Sohn?

A. Vickie Sohn, right. Usually, Sergeant Sohn was the early person. She came in usually around 6:00, and she's the one that prepared the reports for the colonel to read.

Q. After you saw Sergeant Sohn, what did you do?

A. Okay. And I was working my way going over to my section, the personal administration section. As I did this, I went across by two people, Wanda Watkins and Dolores Stratton, and they were eating breakfast. They apparently had picked up something from the snack bar across the hallway from our office.

Q. Let me stop you right here. Sergeant Sohn, Dolores Stratton and Wanda Watkins, all three of them had offices that

Lawrence Martin - Direct

faced the north windows of the Murrah Building; is that true?

A. Yes, sir.

Q. All right. Tell us what you did after you saw Ms. Stratton and Mrs. Watkins.

A. Okay. Went over to my section, like I was saying, and then checked in with my sergeants, just went over routine work, that kind of thing that morning. Then I went into my office, and my first project was to work on requisitions, you know, see the balance of incoming personnel, who was going to replace recruiters who had left. So I was going to do this for about an hour, and that's what I worked on.

Q. All right. And what did you do after that?

A. Well, while I was doing that, there was a Sergeant Bill Titsworth who came in.

Q. All right. Now, who is Sergeant Bill Titsworth?

A. Okay. Sergeant Bill Titsworth came from Fort Riley. And he had a wife, Chrissy, and two daughters, Kayla and Katie.

Q. All right. And did his family come with him?

A. His family came with him, but I didn't meet the family -- the rest of the family.

Q. All right. Tell us what happened. Did you have an appointment with him that morning?

A. It had been worked out that particular day with my E-7 sergeant that he should report that day. He had a two-week span where -- or two-week window where he could have come in

Lawrence Martin - Direct

any other time except that day to report in for my unit, to my section.

Q. Right.

A. So he came in. I was on the telephone working on these requisitions, and then he was -- I said to him, you know,

"I'll

talk to you later. I'll visit you with later, but I'm glad to have you here." And that was it, the last time I talked to him.

Q. Let's start there with Sergeant Titsworth. You said he had

been previously assigned to Fort Riley, Kansas. That's near Junction City; correct?

A. Yes, it is.

Q. All right. And then he was doing what in relationship to your office in the Murrah Building?

A. He was in-processing into our office; and as I mentioned earlier, he had a two-week window where he could have come any other time.

Q. So he was going to work there on the fourth floor of the Murrah Building?

A. Right.

Q. Okay. So that was his new duty assignment?

A. Yes, sir.

Q. All right. After you had this brief conversation with Sergeant Bill Titsworth, what did you do?

A. Okay. It was getting to be near 9:00, and I was -- my next

Lawrence Martin - Direct

project was to work -- have a conference call with San Antonio,

Texas, and St. Louis, Missouri. San Antonio is our recruiting headquarters for Oklahoma City recruiting battalion, and St. Louis, Missouri, was the reserve Army section. And so I had a three-way conversation going all at once to try and get a recruiter out of the Army who had been in an automobile wreck, who had ran his car into a tree.

Q. All right. Were you by yourself?

A. Yes, I was.

Q. And this is what time of the morning?

A. This was around 9:00.

Q. Now, how many people of the 29 that worked there for the Army on the fourth floor were there on the morning of April 19, 1995?

A. We had people going to doctors' appointments, colonel, sergeant, major were on a trip down to San Antonio coming back.

We had 22 that were there that particular day.

Q. 22 of the 29?

A. Yes, sir.

Q. All right. After you went into your office to have this conversation that you told us about with San Antonio, did you ever again see Sergeant Vickie Sohn alive?

A. No, I didn't.

Q. How about Dolores Stratton?

A. No.

Lawrence Martin - Direct

Q. Wanda Watkins?

A. No.

Q. Sergeant Lola Bolden?

A. No.

Q. Karen Carr?

A. No.

Q. Peggy Holland?

A. No.

Q. John Moss?

A. No.

Q. All right. Tell us what happened while you were on the telephone call.

A. Everything happened so quickly. And I was about 4 or 5 feet away from the windows the way my office was -- the way my chair and desk were. So it happened so quickly, I didn't have time to react, to hide or whatever, find cover. It just happened so quickly. And I ended up about 12 feet from my desk, went through a wall, and ended up in the next office.

Q. Did you ever hear anything?

A. No. I -- I did not hear a noise at all.

Q. All right. Tell us what happened after you found yourself knocked through this wall.

A. Okay. I wasn't unconscious at all, but everything was in a slow motion. It -- it had been like I had been in a boxing ring and had gotten beaten up real badly. My body felt numb,

Lawrence Martin - Direct

and everything was in slow motion. When I looked up to what used to be my window, all I saw was fire and smoke.

Q. Let me ask you to look at a photograph here that's already been admitted into evidence, Exhibit 1007. Do you see this photograph?

A. Yes.

Q. Do you recognize it?

A. Yes.

Q. All right. And would you -- would you show the jury where you were in relationship to this photograph.

A. Well, I started out in my office right here, and then --

Q. Make it a little larger, if you would, Captain Martin. Okay.

A. And then I ended up 12 feet, approximately -- should I mark

MALN

that?

Q. Yes.

A. Okay. So I ended up about right there.

Q. All right. All right. What did you do now after you had found yourself in this position you described that you felt numb? What happened? What next event occurred?

A. Well, another thing that was awful was that two of my sergeants, female sergeants, were crying; and it wasn't like a normal cry. It was like a wailing sound and it was just very eerie, and I knew something bad had really happened. And then I looked at myself and I noticed that on my wrist was damaged

Lawrence Martin - Direct

real badly and blood was pouring out. And then like I said, I'd been 4 to 5 feet away from the window, and glass had gone in the side of my head in the temple area and also in my eye, so the wounds were really bad at the time.

Q. All right. What did you do?

A. The -- one of the civilian workers, Anthony Scott, who was assigned to the supply room, he's the first one that saw me. But the first thing if I was to say what happened was I started

praying immediately. I started praying. I said, God, take charge of what's going on in this situation.

And Anthony Scott came over to calm me down, and

then

Major Bain, who was on the south side of the building, came and

he fortunately went -- wore a tie that day because he usually doesn't wear a tie with his uniform; and he tried to make a tourniquet for my wrist to stop the bleeding.

Q. Where did he put the tourniquet?

A. Right here.

Q. Okay.

A. And then he took off his shirt and he covered this section right here that was really bad and --

Q. You're referring to the left side of your face?

A. Yes. And I found out later the reason he covered it was because I had a chunk of glass sticking out this 3-inch scar. I had a big piece of glass sticking out.

Q. Was that -- what did he do after he placed the tourniquet

Lawrence Martin - Direct

and placed his shirt over your face?

A. Then Major Bain started running around to help other individuals.

Q. And you were there alone?

A. Anthony Scott stayed with me.

Q. Okay. Then what happened?

A. And then he escorted me out of the building, the south side

of the building since the stairwell was still intact. Took

about 20 minutes to get outside, but he had to, you know, help me to get downstairs. And then I sat out there at the intersection on the sidewalk, the person saw me, talked to my wife, described that I was sitting in a pool of blood.

Q. Okay. Then what happened?

A. Then it was chaos of course, ambulances going everywhere, policemen, firetrucks, roadblocks. And there were -- finally, someone came over with a stretcher, some individuals, put me in the back of an ambulance. We had four individuals in our ambulance instead of your normal one or two. And then went to Presbyterian Hospital, one of the nearer hospitals for injuries, severe injuries.

Q. I don't want you to go into a lot of detail, but just tell the jury generally what happened to you, what your injuries were.

A. Okay. I had twelve tendons -- let me take my coat off.

THE COURT: Well --

Lawrence Martin - Direct

BY MR. RYAN:

Q. I just want you to just to generally tell the jury, not display.

A. All right. I had twelve tendons, two nerves and an artery that were cut down to the bone. It was called a spaghetti injury because the way it looked.

Q. How many surgeries have you had to your arm and wrist?

A. I've had five surgeries on my wrist, and I've had one surgery on my eye.

Q. All right. And are you still under the care of Oklahoma physicians?

A. I'm in the transition of getting out of under their care.

Q. Now, with respect to your career in the Army, what occurred?

A. Virtually, my Army career is over. I had major's board -- if I had been still in the Army two months ago, I would have been going through the major's board.

Q. Have you been medically discharged from the Army?

A. Yes, I have.

Q. All right. Now, did you look at an exhibit before you came here today that contained the photographs of the seven people that were with the Army that died on the morning of April 19?

A. Yes.

Q. Is it a current -- true and accurate depiction of their photographs?

Lawrence Martin - Direct

A. Yes, it is.

MR. RYAN: Your Honor, we would offer at this time Exhibit 1039.

MS. RAMSEY: No objection, your Honor.

THE COURT: Received.

MR. RYAN: If I could enlist the marshal's help there.
The very first board there behind the easel is the photograph we need to put on the easel.

BY MR. RYAN:

Q. Mr. Martin, if you would, I'd appreciate it if you would call each person by name and briefly state what they did for the United States Army.

A. Okay. You want me to stand up --

Q. You can do it just from the chair there.

A. Okay. Lola -- Lola Bolden. She was the supply sergeant, and she had just arrived about three months earlier to -- to fill that position.

Karen Carr. She was the advertising assistant, and she had been there quite a while at the Oklahoma City recruiting battalion.

Peggy Holland. She was our computer specialist, and she could do about any -- anything to help people.

John Moss. He was the chief of advertising and public affairs and man of all trades. He could do a little bit of everything.

Lawrence Martin - Direct

Vickie Sohn, down on the bottom row. She was -- had just been there about two years. She was the operation NCO, noncommissioned officer.

Dolores Stratton. She was military personnel, civilian that helped in the operations section.

And the last person, Wanda Watkins. She was a budget individual for the operations section.

Q. Thank you, Captain Martin.

MR. RYAN: Marshal, if you would please take that chart down and put the very next one up, which is the fourth floor of Exhibit 952. It's already in evidence.

BY MR. RYAN:

Q. Mr. Martin, in the folder there on your table are name plates of the seven people who died. Would you please, with the Court's permission, place those name plates in the locations where these seven people were.

A. Yes.

Q. In addition to those seven men and women, Sergeant Titsworth died that morning on the floor?

A. Yes, sir.

MR. RYAN: That's all, your Honor.

THE COURT: All right. Are there any questions?

MS. RAMSEY: No, your Honor.

THE COURT: Witness is excused, I take it.

MR. RYAN: Yes, your Honor.

THE COURT: You may step down. You're excused.

Next witness, please.

MR. HARTZLER: Fred Dexter. Mr. Mackey will

question

question
him.

THE COURT: All right.

(Frederick Dexter affirmed.)

THE COURTROOM DEPUTY: Would you please have a seat.

Would you state your full name for the record and spell your last name, please.

THE WITNESS: My full name is Frederick R. --
Frederick Raymond Dexter, D-E-X-T-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Dexter, how old are you?

A. 48.

Q. And where do you live?

A. I live in Alexandria, Virginia.

Q. Are you married?

A. Yes, I am.

Q. Children?

A. I have two children, 16 and 13.

Q. What's your educational background?

Frederick Dexter - Direct

A. I have a math degree from Elizabethtown College.

Q. Is that your major?

A. That was my major.

Q. What was your minor?

A. I have a minor in theology.

Q. Is that from the same university?

A. Yes, it is.

Q. Where precisely is that?

A. That is located in central southern Pennsylvania, about 12 miles from Hershey, Pennsylvania.

Q. Is that the region in which you grew up generally?

A. No. I grew up in northeastern Pennsylvania, the Scranton, Pennsylvania, area.

Q. For whom do you work?

A. I'm employed by the FBI.

Q. And how long have you worked for the FBI?

A. A little over 23 years.

Q. Has that 23 years of experience been largely dedicated to a single area of specialty?

A. Yes. The majority of my work has been working with -- stationed in Washington, D.C., but working with field offices on major cases doing all kinds of automation work, always in the data-processing area.

Q. Do you know what a special agent of the FBI is?

A. Yes, I do.

Frederick Dexter - Direct

Q. They enforce federal criminal laws?

A. That's correct.

Q. Correct?

Are you a special agent?

A. No, I am not.

Q. Has your field been -- or field of expertise been to support operations of the FBI?

A. That's correct.

Q. What is your current position?

A. I'm the unit chief of the Investigative Intelligence Support Unit.

Q. And in that position, do you supervise or oversee other computer specialists?

A. Yes, I have 23 -- approximately 23, maybe 24, computer specialists that work for me.

Q. Tell the Court and the jury a little bit about your present-day duties.

A. The unit supports automation efforts for the FBI in many program areas. One of our tasks is to support major case investigations throughout the United States. When records are subpoenaed or whatever, we automate those records to support the analysis for agents in the field. That's one of the tasks.

Q. So you take those data-processing skills and put them to work in the way you've described?

A. Yes.

Frederick Dexter - Direct

Q. What sort of positions have you held in that field or in that unit over your 23 years?

A. When I came to the FBI, I was a programmer, wrote software for all kinds of investigations, white-collar crime, investigations in the early 70's through the mid 70's. And I became a computer systems analyst, which I was in charge or the

team leader over some computer programmers. Then I became a project manager over that continued group and advanced through the same unit until where I am today to be the unit chief.

Q. In the course of those years prior -- prior years, have you had the task of organizing, managing and understanding large volumes of telephone records?

A. Yes, I have. In some cases, numerous cases, UNABOM investigation, the Judge Vance murder investigation in Alabama,

World Trade Center investigation, numerous other investigations. I managed, analyzed and help write software to the tune of millions of records in -- in numerous cases.

Q. And did such a task, although on a smaller scale, fall to you in this particular investigation?

A. Yes, it did.

Q. Tell the Court exactly what your assignment was as it relates to the present case.

A. My task which I was assigned around June 1 was to obtain records from WCT in California and take those records -- all of the records that were needed and produce what would be an

Frederick Dexter - Direct

intelligible, easy-to-read summary of calls that were made against the debit card.

Q. And did you, in the course of time, then prepare a summary just as you've described?

A. Yes, I did.

Q. I want to spend a little time now, Mr. Dexter, acquainting the court and the jury with the steps that you took in order to

reach that end of producing that summary. Let's start with the

records that you had analyzed and the information before you. Tell the Court and the jury what it was that you worked with.

A. When I visited with the people from WCT initially, I found out that there were three sets of records from them. After much discussion with them, learning their business practices, learning about the architecture of their system, learning about

the data flow of the telephone information, I was tasked with or I took those records and put them together.

In addition, there was other information that was needed. There was a particular area of the country that did not pass the "from number" to the WCT place, so those records had to be subpoenaed and merged in with them. Once the telephone numbers were identified that were either originating numbers or terminating numbers, then the subscriber data had to

be subpoenaed and then merged in with those records or matched to those so that we know who the subscriber was of that telephone at the time that the phone calls were made.

Frederick Dexter - Direct

Q. Let's turn your attention to a series of computer disks that should be before you marked as 509, 513, and 511, previously admitted into evidence in this case. Do you recognize those exhibits?

A. Yes, I do.

Q. Tell the jury what those are.

A. The -- they are three sets of -- the first one which -- which we have here, which is 511, is what I'll refer to as the debit information or the OPUS information, 399, or use those terms interchangeable; but that is three computer disks that were received by -- by them that had information on it.

Exhibit 513 -- let's talk about 509 first. 509 is the incoming information into the WCT switch that is referred to a lot of times. You may have heard 3911. That is the

information as it comes into the switch.

The last set of disks that we obtained from them is the 3910 records, the file that they refer to as 3910, and that

is the information of calls that are answered. If a call is not answered, then it would not be on these disks.

Q. And is the data on those disks among the records that you worked with in the course of producing and preparing the summary for a particular account?

A. Yes, it is.

Q. Now, with the Court's permission, could I have Agent Hershler put up Government Exhibit 506, the schematic of the

Frederick Dexter - Direct

OPUS and WCT supply format?

THE COURT: Yes.

BY MR. MACKEY:

Q. Mr. Dexter, Exhibit 506 behind you, does that accurately outline in somewhat simplistic fashion the system -- the network system that you've been referring to?

A. Yes, it is.

Q. And using Exhibit 506, could you just briefly describe how it depicts the records that you analyzed.

A. When a phone call is made in the left-hand corner there, you will see that the -- the information -- or when you dial the number, it goes to your local phone company. If you dial

an 800 number and the other seven digits, that phone call will then go to NASC, the number administration and service center, for routing. And at the NASC, every time a call comes in there -- there's one of those that's located somewhere in the United States. Every time a local phone company gets an 800 call, they send it to that place. It does a query for that local phone company, and it determines the routing for how it goes to the destination that it needs to go to.

Q. Let me interrupt and ask you, are you familiar with who managed the 800 number for the Spotlight debit calling card system? What company?

A. WCT.

Q. All right.

Frederick Dexter - Direct

A. Managed the -- the information for them.

Q. All right. Thanks.

A. The -- the routing on this particular chart that we have up

here shows that the NASC routed it directly to the switch at -

-
the Los Angeles switch, as the title says. So it would go then

to WCT. Within the red box is a switch that is at Los Angeles,

WCT's location. The information would come in on the left

WCT'S LOCATION. THE INFORMATION WOULD COME IN ON THE LEFT side into what is known as the -- we refer to it as the 3911, the incoming call group. And it -- at that point, certain information is captured. Information is captured, it logs it as it comes in, the date, the time, the number of the telephone that sent -- sent the call to it, etc. And at that point, it is assigned a particular number to follow its way through here.

Down to No. 5, it then passes the information to OPUS at -- somewhere's right here, it goes -- there's a message that goes back to the caller and says, "Thank you for calling Spotlight," if that's who it is, or whatever debit card they -- they handle. WCT handles many debit-card systems or debit-card customers, and it welcomes them and it says, "Now would you put in your PIN number and also put in the 'to number.'" If you put in the "to number" right away, it doesn't come back and tell you how much is on your balance.

Q. Mr. Dexter, each of these steps along the process of this call, I take it those computers that were outlined there are gathering information; is that what you're saying?

Frederick Dexter - Direct

A. That is correct.

Q. And it becomes part of the data that you have identified previously?

A. Yes.

Q. All right.

A. In fact, up at No. 1, when you make the call to the local phone company, they create a record right there of the date and time of that call, and much information is done there. Then as it passes through the 3911, it captures the information there. A computer captures that. Once a person puts in a PIN number and their "to number," it would be then passed down to No. 5. No. 5 checks to make sure there's some money in the account that you can make a call. If it doesn't, it comes back and tells you you can't make a call because there's no money in there. If, in fact, everything is okay, there's money, it then passes. It goes to one of the four computers down on the bottom from the servers in the middle and one of the four computers or processors.

The 3911 is hard-wired. A lot of wires go down and wires go to each one of those four. And we'll refer to those as Processor 1, 2, 3 and 4 later on. Once the OPUS has those records, it then sends the information up -- back to the switch, the WCT switch, to the 3910 and the number is dialed to

go out to wherever you're calling. And when you do that, the information again is collected at the 3910 saying, "This

Frederick Dexter - Direct
information has started."

Then the information goes to a local phone company and your phone rings. If you pick up the phone and answer it, and when you hang up, then a record is completed at the 3910. If you didn't answer the phone, no record is actually written at the 3910. When you hang up the phone, records are written at each one of those places when both the phone number at No. 7, the telephone, and No. 1 hang up, and a record is created at each one of those locations.

Q. All right. As I understand your testimony, information is gathered in each of those three boxes, 3911, OPUS and 3910.

Is that information always the same?

A. There are certain pieces of information in each one of those files that are collected. There is -- the date is collected in each one of those files. There is a time that is collected in each one of those files. That time obviously isn't the same in each one of those files because it's a progression thing. The -- when you dial the 800 number, the 3911 captures that. It's a little bit later when you put in the PIN number and the "to number," at the time you captured down in the 39 -- in the OPUS record, and then it's a little bit later, like a second later, that it would get captured in the 3910.

Q. Is there some fields of information that are common and others that aren't among those three sets of records?

Frederick Dexter - Direct

A. That's correct.

Q. Just for my visual understanding, Exhibit 509, is that the data that was provided to you from WCT's file known as 3911, the red box on the chart?

A. The left side of the red box; correct.

Q. Yes. Thanks.

And Exhibit 511, is that the data that was provided to you from WCT representing the bottom of the box marked OPUS?

A. That's correct.

Q. And Exhibit 513, is that the data that was provided to you from WCT derived from the box marked 3910?

A. That's correct.

Q. Now, if I have that disk and I stick it in the computer and

I pull it up on the screen, what am I looking at?

A. You're going to look at raw data as it is collected. An example, on the 3911, there's no headings on the charts. There's nothing like that. It would be information. If my

recollection is right, the first thing would be the 800 number that was called; and then in between each one of the fields, there's a comma. So you would have the 800 number, then a comma, and then it would be like a trunk number, a comma, a port number, a comma. All the fields that have been predefined on that disk by WCT are on there, but the data -- there's no blanks between it or anything. It's all run together, and you need a layout to decipher that.

Frederick Dexter - Direct

Q. And to people who understand computers better than I do, comma is a word used to describe how that information is loaded

on the disk -- is that right -- the word comma?

A. No. Comma is a field separator. You could use whatever you want, a slash, you could use a question mark in between it,

but that signifies the end of one field and the start of the next. They used a comma when they created these strictly to separate the data in the fields on the table.

Q. Mr. Dexter, did you prepare or produce a sample of what one might look at or the information one might see if they examined

a 3911 record?

A. Yes, I did.

Q. And is that Government Exhibit 509A?

A. Yes, it is.

Q. You've seen that before coming to court?

A. Yes.

MR. MACKEY: Your Honor, I'd move to admit Government Exhibit 509A for that limited purpose.

THE COURT: To illustrate what it looks like?

MR. MACKEY: Yes, your Honor.

THE COURT: Any objection to that?

MS. RAMSEY: No, your Honor.

THE COURT: All right. 509A is received for the announced purpose.

BY MR. MACKEY:

Frederick Dexter - Direct

Q. Let's just pick one field then. Now, let's start with -- we'll start and end with one line. Focussing your attention on

this line and just for illustration so the jury knows what you were looking at, what do you see there?

A. I see a bunch of numbers because I don't have the -- I don't have the --

Q. That's exactly my point, Mr. Dexter.

A. Right. I'm going to try to do this -- I don't have the layout in front of me, but I can point to certain things that

layout in front of me, but I can point to certain things that I recognize right away. This is the 800 number. The first thing -- and then you have a comma. Then the next field is a trunk number. The next field here is a port number. And you can see this particular call is a date '94 -- the first of April of '94. I believe this next field is the time of the call, at 9:0927.

The next thing is duration, which is in parts of a minute, so it's .6 of a minute. Then this would be the from -

-
"from number." The next thing is the city of where the call originated. The next -- and it carries around there, but the next field is the state of which the call originated. Then down to -- I believe these -- I don't remember without looking at the layout what this and this are. I know this is a switch number. This 10 and the last two things are the beginning tic time of a call and the ending tic time of a call.

Q. And is 509A representative of the kind of data you found on

Frederick Dexter - Direct

all of the computer disks that you have identified?

A. Yeah. This is how the data looks on -- on each one of the disks. There are different fields on each one of them based on

what they collect, but this is how the data actually looks.

Q. Part of your objective was to make this data a little more user friendly to understand the activity and reflect it?

A. Correct.

Q. All right.

A. I might point out one thing is on this, when you bring it up, you see a line that starts with 800 and a call number.

How

that actually is put on there is a carriage return line feed and we recognize that to know that a new record has started.

We don't have to look for that 800 number. It's specific that -- it's like you hitting the end of a typewriter carriage-return line feed.

Q. That was going to be my next question.

A. Yeah.

Q. Mr. Dexter, we have heard previous testimony about records in this case, WCT 3910 and 3911 records. Using 509, is that one line that you just described a record?

A. That's correct.

Q. How many total records of telephone calls did you have to look at among or from those three disks or three sources?

A. Without looking at the exact numbers, there was over 100,000 in each one of the files. Approximately -- I'm sure we

Frederick Dexter - Direct

have an exhibit that gives us the exact numbers.

Q. And this is previously admitted, 516. Does that quantify the data that you found on each of those several computer disks?

A. That's correct.

Q. Broken down by incoming 3911, balance checks at OPUS and outgoing 3910?

A. Right. I would point out one thing is in the 3911, those are unique records that we found. When they put them on the disk, there were some duplication. You may find the same record on there twice just the way they did it. Those are a unique record on each one of the files.

Q. Let's spend a little time, Mr. Dexter, talking about the timing of events. You described three different sets of records, timing of events somewhat close but maybe never always

the same moment. Did you find there were different times among

the records you were looking at?

A. Yes, we did. And going back to the chart, the one thing that is common is that every -- every call that comes in has to

go through 3911. If -- if every clock was synchronized on every one of these computers, the computer at the local phone company at the top, that would be the earliest time if they were all in synch. The time that is in the 3911 when it starts

would be the next time if they were all in synch. When you get

down to OPUS, if all four of those computers had the exact same

Frederick Dexter - Direct

time on it, then whichever one it went to, that would be a little bit later.

So the furthest you go in the progression from 1 through 7 as it captures the time, the time is -- we're talking milliseconds or a second or two seconds this happens, very quickly after a person puts their PIN number and "to number" in. But there can be or usually is a minute or so from the time you put the 800 number in until you get down to the OPUS record, because a person has to put in the PIN number, the "to number" and the processing, etc. It takes that much time.

Q. And that all assumes that every computer that processes that call has a synchronized clock?

A. That's correct.

Q. And do they?

A. There were none of them that were synchronized.

Q. What did you -- what did you do to address that problem of identifying an accurate time of telephone calls?

A. Well, since -- since every call had to go through the WCT switch, no matter where it originated or where it went out, we used that as our constant clock. And then everything we

worked

with was a difference or a deviation from that particular WCT switch. The clock, by the way, in the 3911 and the 3910 is the same clock because it's in the same computer, the same switch.
Q. So the first step was to use the same measure of time in pulling together the various items of telephone calls?

Frederick Dexter - Direct

A. You use a constant clock, yes.

Q. In this case, you use the clock on the L.A. switch?

A. Yes.

Q. Faced with some -- more than 300,000 records, what was the first step you took to reconstruct the activity on one account in the name of Daryl Bridges?

A. The first thing that we did since we knew that the account number is logged into only one of these files, and that is the file at the bottom called OPUS or where the debit card records are, we ran a program to go in there and pull off all of the records that were -- had been stored in the database using that particular account number.

Q. Have you seen before coming to court today Government Exhibit 535, a schematic similar to 516, but with one change?

A. Yes.

Q. All right. And do you know what that represents, Exhibit 535?

A. It represents the numbers in the two files plus only the records that we used in the OPUS file for the matching.

MR. MACKEY: Your Honor, I would move to admit Government Exhibit 535.

MS. RAMSEY: No objection, your Honor.

THE COURT: 535 is received.

BY MR. MACKEY:

Q. Mr. Dexter, what is Exhibit 535 and how is it different

Frederick Dexter - Direct

from the previous exhibit?

A. The previous exhibit in the OPUS file told us how many records there were in the OPUS file by all of the Spotlight customers. This particular exhibit shows us exactly the number of records that were stored in the OPUS file that had the Daryl Bridges account number in each of those records.

Q. So you could design a computer program to say from the 155,000 plus records, find just those with the Daryl Bridges account number?

A. That's correct.

Q. And what you started with then was down to 687 such records?

A. Correct.

Q. Mr. Dexter, can you tell the jury that the time to

Q. Mr. Dexter, can you tell the jury what tic time is.

A. Two of the files, the 3911 and the 3910, kept track of the time of day in what they call tics. And what that is is every 3 seconds as the clock goes by, starting at midnight, it adds one to a counter on the switch. So after -- if you happen to look at a record that had the beginning tic time of 20 in it, you would multiply each one of those tics by three and you would know that it's actually 60 seconds or one minute past midnight. If you were to look at a record that had 1,200 tics in it as the starting time, then you would multiply 1,200 by 3 and have 3,600 seconds past midnight.

In the computer, we put in an algorithm to figure

Frederick Dexter - Direct

out -- to convert that to clock time so everybody could understand it, because looking at tics doesn't mean anything to

anybody. It's a very simple algorithm in that once you've multiplied by the 3 seconds and know how many seconds it is past midnight -- there's 3,600 seconds in an hour, so you just take that number that you have, divide it by 3,600, and you have how many hours you are past midnight. Whatever the remainder is, you have that many seconds left. You divide that

by 60, and you have -- that's how many minutes you are -- that many hours and minutes past midnight. And then whatever the remainder is, that's how many seconds there are.

And the clocks in 3911 and 10 kept the beginning and ending time in tics for each one of those. So every record there, when you look at it, you automatically had -- you could never get finer than 3 seconds because they didn't capture anything other than 3-second intervals.

Q. And did you use this unit of measure, the tic time, in your preparation of the summary?

A. Yes, we --

Q. Why did you do that? Why did you rely on tic time?

A. We were -- we were in -- in meetings with WCT while they were explaining their records, they explained that there was a field in their records. You've seen the file layout for the 3910, 3911. There's a field called "Time," but that is not the

actual time of the call. That was actually time of the

Frederick Dexter - Direct

customer, where they wanted to be billed. These computers were

on the West Coast, but if you were a company that was in Mountain Time, then you would ask for your billing records to be offset one hour so the time in the record that they have under the field called "Time" was not really the time. It was always an offset. The tic time was always absolutely the time when a call started and ended according to Pacific either

when a call started and ended according to Pacific Standard Daylight or Standard Time.

Q. By relying upon tic time as a way to do those calculations you've described, would you produce a more accurate summary?

A. Absolutely.

Q. Now, having focused on the Bridges records and the OPUS file, what was your next step in producing the summary?

A. The next step was to take each one of those records; and by

looking at those records, we knew certain information. We knew

a lot of information by looking at the OPUS record. We knew the date of the call. We knew the time of the call. We knew the terminating number of the call. We had the account number because we only pulled one account number. And we had a duration that came with the OPUS records. So we had all of those. The thing that we needed to match it was -- was to find

the "from number." The only file that carried the "from number" was, in fact, the 3911. So the first step would be to go in and match each one of those OPUS records, each one of those 8 -- 687 records with a corresponding 3911, how it came

Frederick Dexter - Direct

into the L.A. switch.

Q. So all of us are together, the "from number," as you use that term, is where the person picked up the phone and dialed in that 1(800) number?

A. That's correct.

Q. And then the rest of the numbers?

A. Right.

Q. That's what you were looking for, that's what OPUS did not have?

A. That's correct.

Q. And where again did you go to find that originating number?

A. It was in the -- in the 3911 file.

Q. Let me show you this time, Mr. Dexter, Government Exhibit 518, previously admitted into evidence. And incidentally, Mr. Dexter, if at any point you need to refer to exhibits, I've

placed notebooks to your left there.

With the benefit of this chart, tell us how you used the information in each of these three files in this next step.

A. In -- in this particular -- we started with the bottom, and

this is just generic, the labels. In the OPUS file -- and the key to matching that up to the 3911 was the port, which is right -- right above the -- the word OPUS. Right here. This port has a corresponding port number. And then the date, of course, would have to match the date down here. And the beginning time would match the beginning time here. To match

a

Frederick Dexter - Direct

3911 record, that was the key fields that you used to match.

Q. You made reference to associations between ports. What exactly was that relationship?

A. There is a -- I call it a matrix, but it was a process that

was developed by WCT and their contractor. When a particular -- it's -- I'm even going to back up from when a call -- in the 3911, there is on the back of that -- if you would envision like 132 electric outlets. And each one of those outlets, you would plug a wire into it. And some of those wires in 3911 would go down to Processor 1, some of those

wires would go to Processor 2, and some of those would go to 3 and some would go to 4.

On the back of each one of those, it looks like electrical outlets, also. So from the 3911, there is a hard wire that goes from the 3911 down to -- and I'll just use Processor 1. On the back of there, there's actually a number. Each one of those electric outlets, ports, have a number associated with it. And when you go down to the processor at OPUS, that has a number associated with it, also. So when a call comes in to the 3911, it follows -- it comes in, it goes out of a particular port onto that wire and goes into a port into the OPUS processor; and each one of those are numbered so that it follows that constant path, depending on which one of the ports it selected when it came into the 3911.

Q. And so back to Step 1, when you're looking in the OPUS

Frederick Dexter - Direct

file, you have a port number?

A. That's correct.

Q. And with that port number, you can then trace exactly what port it came out of 3911?

A. That is also correct.

Q. And if you trace it, then you're going to get that originating number?

A. Yes.

Q. All right. Before coming to court, Mr. Dexter, did you prepare an exhibit that would illustrate the steps in the process of matching calls that had gone through the L.A. switch?

A. Yes, I did.

Q. And is that set forth in Government Exhibit 536?

A. Yes.

Q. Would it assist you in describing to the Court and the jury just that process?

A. Yes.

MR. MACKEY: Your Honor, I move to admit for demonstrative purposes Government Exhibit 536.

MS. RAMSEY: No objection for that purpose only.

THE COURT: Proceed. For that purpose.

BY MR. MACKEY:

Q. Mr. Dexter, what is Government 536?

A. We would start here with an OPUS record. And in that

Frederick Dexter - Direct

record, we would look at a date, a begin time, and a port.
And

we would be trying to match that with a 3911 record that has a corresponding port over here. The date would have to match exactly. And since the clocks were not synchronized, we would look for a record in the 3911 that is within 2 minutes of the -- of the time in the OPUS record.

Then we would take that pair down here, once we find that record, and we -- we'd try to find if, in fact, that call was answered. If the call was answered, a record is created in

the 3910 file. Now, from this pair that you have created, one record from the 3911 and one record from the OPUS, the comparison in the 3910, the date has to match, of course. But now we have a couple of things that really lock in here, is that the "to number" in the 3910 has to match exactly the "to number" in the OPUS record. The port also carries through, so this port was sequenced there. I didn't say that before.

But when there's -- in the OPUS file, there's an electric outlet like an electric outlet the plug goes into and goes back up to the 3910, so that is hard-wired the same way as

coming from the 3911 down to OPUS. There's a hard wire that goes up to the 3910. So for each one of these, there is a path

and a singular path once it selects a port in the 3910.

So this port -- for a port that is selected in 3911, there is one and only one port that matches to an OPUS, and it continues to one and only one port in the 3910. The other

Frederick Dexter - Direct

thing is -- is the end time in the 3910 and the 3911 are the same. They are to within one tic because when they hang up the

phone, the WCT switch writes the record out, and it writes it at the same time or within 1 second of each other. So when you

find a record in the 3910 that the end time matches exactly, you have absolutely locked in on the record.

Q. Mr. Dexter, how many phone calls did you find took place on

the Daryl Bridges account after September 14, 1994, and April 19, 1995?

A. There were 604 calls.

Q. And how many of those calls were matched in the process you've just described?

A. Using the WCT switch as this process?

A. USING THE D.A. SWITCH AS THIS PROCESS:

Q. Yes.

A. There were -- of the 604, there was around 500 of them that were matched in that process.

Q. Mr. Dexter, taking the information that you've gathered from these three files, did you try to -- or formatted in such a way that you could determine the date, duration, time of call

and "to" and "from numbers"?

A. Yes, we did.

Q. And did you prepare an exhibit that would demonstrate to the Court and jury what of these records you were relying upon for each of those fields of information?

A. Yes, I did.

Frederick Dexter - Direct

Q. And is that set forth in Exhibit 537?

A. Yes.

MR. MACKEY: I would move to admit 537.

MS. RAMSEY: For demonstrative purposes only, your

Honor.

THE COURT: Pardon me?

MS. RAMSEY: For demonstrative purposes only.

THE COURT: Yes. This is to illustrate what he did.

MR. MACKEY: Only, yes, your Honor.

THE COURT: All right. Received.

BY MR. MACKEY:

Q. Describe the header at the top of Exhibit 537, please.

A. This was when -- when we matched the records and created an electronic record, we took information -- since there was some of the same information or the fields were the same in each one

of the records, we had to decide where it was that we would take information. The starting time was in each one of the three files. But since the 3911 was the constant one -- so this chart and the heading up there explains where the information came from, which one of the three files we used to, in fact, create the summary.

Q. So your objective was for each date, identify a start time,

how long the call lasted, where the call was dialed from, and where it was called to?

A. That's correct.

Frederick Dexter - Direct

Q. And this number sign here is just a sequence?

A. Yes.

Q. And what record did you rely upon in determining the start time?

A. Start time was taken from the 3911 record as long as

there -- in the majority of the time, yes.

Q. And from what file or record did you obtain the start time?

A. That's what I was explaining was the start time came from the 3911.

Q. My apologies.

A. The date which actually had to match all three files, since

we started with the OPUS file, the date came from the OPUS file, but it was the same in all three files.

Q. So of the five fields of information, you relied on the 3911 for start time and called from and for the other three, the OPUS source?

A. That is correct with one exception. The length in the OPUS file, there was always a length of a call. If, in fact, the call was answered, then it was the talk time of the call. If, in fact, the call was not answered, then the duration in the 3910 record was the ring time of the call. So in our summary, if a call was not answered, we wanted to demonstrate that the call was not answered. So therefore, zero was put into the summary.

Q. All right. Building upon this format, did you prepare a

Frederick Dexter - Direct

couple of examples with data that you actually found among the files that you examined?

A. Yes, we did.

Q. And let me turn your attention to Exhibit 539. Is that one such example?

A. Yes.

MR. MACKEY: I would move to admit for demonstrative purposes 539.

THE COURT: All right.

MS. RAMSEY: That's fine, your Honor.

THE COURT: You may proceed.

BY MR. MACKEY:

Q. All right. Mr. Dexter, reading across the top, this says on October 23, there was a call starting at 4:41 in the afternoon Central Daylight Time lasting 10 minutes and 39 seconds, placed from a phone -- a pay phone subscribed to KEDE BO Video in Junction City. The number is listed call to William McVeigh in Pendleton, New York. The number is listed.

What information did you get from which of the files below to come up with that conclusion?

A. One -- one thing. Could you move it up a little? I can't -- the bottom is missing.

Q. I'm sorry.

A. Okay. From the previous slide, you see that the date, which is -- now we can't see at the top, but the date was the

Frederick Dexter - Direct

same from all three files, 10-23-94. It came from OPUS. We started down here with -- with the OPUS file. So the date came from there. The start time of the call in the 3911, the tic time on that was 1441. That was moved up to our summary in our database -- electronic database when we put these together and you can see that this was military time, Pacific Daylight Time. In this field right here, we changed them to be standardized so that they were all Central Time and that 1441 Pacific Daylight Time is, in fact, 4:41 p.m. Central Daylight Time. Two hours ahead, Central Time is. The -- the -- from the 3911 also, you can see that the -- the "from number" was moved to our database up here as where the call originated. The "to number" is down here in the OPUS record. That gets moved up here and, in fact, like I said, it is the same number as in the 3910 so that you -- it is available in both places, but we moved it when it matched from the OPUS file. The length of the call, this was down here, the duration, in the OPUS file, 1039. That is the length of the call that we put into our electronic file of this summary.

Q. Now, you started your search on this call with the OPUS record and you knew that there was a -- a call went through port 709; correct?

A. That's correct.

Q. And you went back then to the 3911 file, looking for its sister port, 11504?

Frederick Dexter - Direct

A. That is correct.

Q. When you analyzed the data that had gone through that port on that day, how many other phone calls did you find?

A. I believe on that particular day, that port for Spotlight customers was used only three times. It was either three or four. It was three, I believe.

Q. Do you remember where in relationship timewise those other uses of that same port had occurred?

A. They were hours difference. I can't -- I don't want to -- without pulling back reference material and looking exactly, but they were hours away from that particular time.

Q. So the choice was not particularly difficult?

A. No. It was --

Q. As a general matter, on average, how many phone calls did the ports -- individual ports carry during the course of a day?

A. Based on the total number of calls in the 16-month period and the number of ports that were available coming out of the 3910, it would average somewhere around three calls a day

that

that

would cross each one of those ports.

Q. So when you're matching most often, you would have only three other calls to match up against?

A. Yeah. And on a -- on a day that was more difficult, it may be five or six, but I mean, I can't remember any time it was more than that.

Q. And how many times when you had multiple choices of two or

Frederick Dexter - Direct

three or four calls were any of those calls within ten minutes of the call you were tracing?

A. I don't remember any.

MR. MACKEY: Your Honor, may I also show the witness Government Exhibit 540 for the same purpose, the second illustration of the matching process.

THE COURT: All right. You may do so, yes.

BY MR. MACKEY:

Q. Mr. Dexter, at the top, the header shows your finding that on this date, October 17, '94, you found a call starting at 8:58 and 39 p.m. Central Standard Time -- or Daylight Time that

lasted about six minutes and 41 seconds? It was placed from the Pizza Hut pay phone in Herington, Kansas, that number, and called a residence with a subscription Lana Padilla at that number; is that right?

A. That's correct.

Q. And is the information that you relied upon in making that finding set forth in the boxes below?

A. Yes.

Q. Describe how you used it.

A. We started with the OPUS record. The port 1405 compared on the matrix. The -- when you follow it down -- or in this case,

we started with OPUS. Where did it come from? It came from port 11284. The time that it matched against, the beginning time 1858 and then 1900, is within a little over a minute

Frederick Dexter - Direct

difference. And the date, of course, 10-17, matched. So that gave us our original match with the 3911. Then the second step

was -- is to find if, in fact, the call was answered. To match

that pair, the OPUS with the 3911, we go and match over to the 3910. The things that we look for, of course, to find a 3910 record is the date had to match, the "to number," the 702897, is the identical number, the time, the ending time which is tic

time right here and right here is exactly identical. And of course, the port had to match the 11296 match on that.

-----, ---
When we matched this, by the way, on this one, there -- again, there was three records or so on the 3911. On the 3910, there was only one record that matched all of the criteria with the "to number" being the same, the date and the end tic times, etc. There was one and only one choice.

Q. Now, the method that you have described and illustrated thus far, did that allow you to match all of the data that you have before you?

A. No. That was the first of three different ways that the information had -- had to be matched.

Q. And what was the second method?

A. The second method was if -- dealt with information that did not come directly into the Los Angeles switch. When the local call was made and it went to the NASC, the NASC routed that call to a switch other than L.A. first. And then it would be routed to L.A. so that was the second set of calls that had to

Frederick Dexter - Direct

be matched.

Q. And why did the fact that a call might start in the Chicago switch cause any special problems for you in your matching?

A. The -- the problem there was -- is that in the 3911 record, the information that was captured in each one of the records for a non-L.A. switch carried with it the time that it was and the switch where it came from. So if it was Atlanta, it carried East Coast time. That was stored in the record. Although those 3911 records that came through L.A., the time was always Pacific Time. If a switch was not L.A., then it -- the record carried the time of the time zone where that switch was located.

Q. Let me stop and ask you if you assisted in preparing Government Exhibit 541, a slightly modified version of 506 that

would depict the added link in this chain.

A. Yes, I did.

MR. MACKEY: I would move to admit 541 for demonstrative purposes.

MS. RAMSEY: No objection.

THE COURT: All right. May be used for that purpose.

A. Okay. This -- this chart shows -- the only difference is is when you come down to No. 4, that it comes out of the local phone company to -- it goes over to the NASC, comes back to the local phone company. Now they route the call to a switch other than Los Angeles. WCT had, I believe, six of those switches

Frederick Dexter - Direct

around the country to help offload. You can't send everything to one switch. So they had information there that processed the information and then would send it on to Los Angeles.

When

the record left the non-L.A. switch and came to L.A., it would go to the 3911 side and it would go into a port there and the call would be handled within the record, although those records

would be created, the 3911, the OPUS, the 3910, exactly the same way as the other one except that in the 3911 record, it captured information from the non-L.A. switch because they needed it for carrier billing and it didn't capture certain information that was available in the L.A. switch at that time.

So the port that was used in the L.A. switch, in fact, was not captured in the 3911 record.

Q. Thinking about those computer disks again, what data did you have before you to tell you whether that call had started at the L.A. switch, or gotten there through Chicago, Atlanta, Philadelphia, or otherwise?

A. In each one of the records, there is a field that is called switch, and there's a number in it. If the number is a 10, then we know that record originated in the L.A. switch. If it was -- I'll give two other examples. If it was a 2, it was -- it told us it was -- originated in the Chicago switch. If it was a 4, it originated in the Dallas switch. There was also switches in Philadelphia, Atlanta, San Francisco and Seattle -
-
I believe that was the other four places.

Frederick Dexter - Direct

Q. So once you knew where that call had started, you knew how many hours to adjust in your calculations?

A. That's correct.

Q. Time zone calculations, simple as could be?

A. Yes.

Q. All right. Did you then develop a methodology for matching

calls that originated outside of the L.A. switch?

A. Yes.

Q. Is that set forth in Government Exhibit 552? -- excuse me -- 542?

A. Yes.

MR. MACKEY: Your Honor, I would move to admit 542 for demonstrative purposes.

MS. RAMSEY: No objection.

THE COURT: All right. You may do so.

THE WITNESS: Okay. We would -- we would in this case -- first, you would have looked for -- when you have an OPUS record, you would have looked to see if, in fact, the ports matched over to the 3911. In fact, if it did not, then what you did is you looked for a 3911 record with a -- the

same
date and the same time; but the 3911 had to be adjusted for
the
number of hours, wherever that switch was. So you would be
looking for a record that would be either 1 -- there were no
switches in Mountain Time so you'd be looking for a switch --
a
record that was two hours difference, if it was Central, or

Frederick Dexter - Direct

three hours difference if it was East Coast Time to do the
match there.

BY MR. MACKEY:

Q. And so essentially, making that time adjustment, the
process you followed is depicted on 542, to end up with a
match
that you've described?

A. Yes. When we go to Step 2, once you have matched an OPUS
with a 3911 record to match a 3910 record, the ports now are
available again. So that match guarantees when you go across,
you have the OPUS record as it's hard wired up to the 3910.
You have that port sequence that follows through. You have
the
ending tic time, and the 3910 matches the ending time in the
3911. And the "to number" in the OPUS record matches the "to
number" in the 3910. So the only difference in the entire
process is that original port number is not available in the
3911.

Q. Did you assist in preparing Government Exhibit 543 that
would illustrate a matching process for a call you found where
it had been routed from someplace other than L.A. originally?

A. Yes, I did.

MR. MACKEY: Would move to admit 543 for that
purpose.

MS. RAMSEY: No objection.

THE COURT: All right. Received, and you may
proceed
for that purpose.

BY MR. MACKEY:

Frederick Dexter - Direct

Q. You found on December 18, 1994, a phone call that lasted -
-
excuse me -- started at 6:49 p.m., Central Standard Time,
lasted a little more than a minute, minute 25, originated from
a pay phone at the speedway in Saginaw, Michigan, and ended at
a number subscribed to Nicholas Reynolds in Vassar, Michigan;
is that correct?

A. Yes.

Q. What is the information below and how does it support that
finding?

A. Well, we started with the OPUS record. And we tried to
find a 3911 that was the task that the date matched and that

find a 3911 that was the task that the date matched and that the begin time would be based on the switch. We looked for all records that would have had Switch 2 or 4 that the time would be exactly or -- two hours less than that. And we looked for the records that had the switches in the East Coast to be three hours less than that, and we looked for the switches on the West Coast that would have had the time matching.

And so when we did this, we would allow for the time to be off two minutes, because those switches may have been off two minutes. So you see that it did match up with a record that started at 4:51 Pacific Time -- well, 1651 matched with 1851. It was two hours off, this begin time with that time right there.

And then we tried to find if, in fact, this OPUS record or this telephone call was answered. And you see that

Frederick Dexter - Direct

the "to number" there matched exactly the "to number" here. The duration, in fact -- I haven't been saying this, but the duration in this call right here is usually about a minute more, a little bit less than a minute more than the duration in either of the other two.

But the duration in the 3910 and the OPUS file are usually within three seconds, within a tic of each other. So there's a minute 24 and a minute 25. The ending time up here for the call, 1652:36, is matched against the ending time over here, 1852:12. Because the times in the 3910 record are from the L.A. switch -- all the 3910's are L.A. switch, but the times in the 3911 are from the Chicago switch.

Now, we -- we ran so that we did not -- and you notice the ending -- when it's -- when it's -- goes through the L.A. switch, originally, the ending time in each one of those records, 3910 and 3911, match exactly, or they would be off the most would be three seconds. One tic. The -- the time in the Chicago switch was not synchronized with the L.A. switch. So you see the ending time here is 24 seconds off.

We ran some programs for every day that there was, in fact, a Bridges call to determine by using non-Bridges records only of calls that were answered to find out what the variance was, what the difference was between each one of the switches in the entire country, the seven that I said. For this particular date, 12-18, looking at non-Bridges calls, it was

Frederick Dexter - Direct

determined that the switches in L.A. and Chicago were set 24 seconds difference. So when we look at this, to verify that

was done without ever looking at the Bridges records, we -- we then can verify and say absolutely the time on this particular ending time on those two calls is 24 seconds difference and we -- we have a match without a doubt.

Q. And you took that extra step to standardize your search process and your methodology?

A. Right. And to guarantee the accuracy of it.

Q. Incidentally, Mr. Dexter, in this diagram, there are names associated with the subscriber number. When you were working with the data, did you have any subscriber information?

A. When -- when we worked with these three files, I had no subscriber information. And it was not until we had totally completed the process and handed it to the people to do the subpoenas for the particular numbers, which then they came back, that any of these numbers were identified or known to me.

I did not know any of those numbers during the matching process.

Q. So as you were identifying choices for matches, you had no idea whether one of those choices was a name associated with the investigation or not?

A. I did not.

Q. You had numbers only?

A. Numbers. Dealt strictly with numbers.

Frederick Dexter - Direct

Q. You mentioned that there was a third and final rule or method that you used in preparing the Bridges summary. What was that, please.

A. This -- this debit card for Spotlight has a process a lot like a lot of debit cards or calling cards that you can make or call a second number without redialing the 800 number again or

without putting your PIN number in again. And how that works is on the original call, you dial the 800 number. Spotlight answers it and says put in your PIN number, put in your "to number." You do all that. The money is available. You connect with that call, talk to the person, or whatever. When they hang up, instead of you hanging up the phone, you can hit the pound sign. And when you hit the pound sign, that then you

can dial another "to number," instead of having to go through the whole process of getting into the system again. And you continue to repeat this as many calls as you want as long as you have money in your account that will continue to be subtracted when you're making -- calling that particular number.

Q. What's that feature known as?

A. We refer to that as the reorigination feature within the calling card.

Q. And did you find evidence that on the Bridges account, someone had used that feature in placing calls?

A. Yes. That is a common practice.

Frederick Dexter - Direct

Q. What was the consequence in terms of the records that you had available to match if that person had done a series of reorigination calls?

A. Well, the -- the thing we want to remember is when the 800 number is called, a 3911 is created. And it is only created when a 39 -- when an 800 number is called. An OPUS record is called every time -- or is created every time that a "to number" is put in, and a 3910 is created every time a call is answered. So if you use the reorigination feature, you end up with one 3911 record created in the file, and you will end up with many OPUS -- OPUS records or the bottom tier for each one of the two numbers that you put in, and you will get a 39 -- corresponding 3910 record for each one of those that is, in fact, answered. But what you will have is a 3911 record that the -- the beginning time and ending time, and the duration span the time of all of the calls that you made within that sequence, in that series of calls.

Q. So the answer in 3911 will encompass more than one call?

A. Yes, it will.

Q. And then it fell to you to figure out how many steps or how

many parts there were to that total sequence?

A. Yes.

Q. Did you develop a methodology for doing that?

A. Yes. And it -- it actually worked in reverse. We didn't go in with known 3911's. We had OPUS records. 687. And what

Frederick Dexter - Direct

we had is we matched up all the ones that would match up through the L.A. switch, because you had a 3911. You matched up all the ones through the non-L.A. switch that -- that followed the procedure we just had. Then what you had is you had a certain number of records that did not match to a 3911.

It -- it became -- when we did a printout to visually look at it and then write the software to -- to do the same thing as a visual look at the records, it was very obvious on reorigination records, because once you were into the 3911 record, that port was selected for all of your calls that you made during that reorigination. So every call that you made used the same port in OPUS and if it was answered, used the port in the 3910, because you had that electrical connection that it just continued to use that same one path through there all the time.

Q. So that port combination was committed to as many calls as existed in that series?

A. That's correct.

Q. Mr. Dexter, did you prepare Government Exhibit 545 to illustrate at least in schematic fashion the methodology used for matching reorigination calls?

A. Yes, I did.

A. Yes, I did.

MR. MACKEY: Would move to admit 545 for demonstrative purposes.

MS. RAMSEY: No objection.

Frederick Dexter - Direct

THE COURT: All right. You may proceed.

BY MR. MACKEY:

Q. I'm going to show you page 1 of that exhibit. Does this outline the steps you took at least in Step 1 for matching reorigination calls?

A. Right. And the first step, we -- we would have been going down through the list, the 687 OPUS records. This first one would have matched with the method -- one of the first two methodologies, the L.A. switch or the non-L.A. switch. The date would have matched, the beginning time, and the port would have matched. That is A.

B right here would have been a record that did not match any particular 3911. What we find is is that this port, this port here, and this port are the same. And when we look at this duration and this duration added to this duration, these two added together always have to be less than this, and the beginning time of this has to fall between the beginning time and the ending time of the 3911. So you -- we wrote that all into the software. The key here is that the -- the ports are exactly the same. And they just follow through. Follow it through.

Q. You're getting acquainted with the records and seeing certain problems and then solving those problems with the aid of a computer program?

A. That's correct.

Frederick Dexter - Direct

Q. And each of these methodologies you described you used, then, to describe the computer program and work with the data that you identified?

A. Yes.

Q. Let me show you Step No. 2 on this, please.

A. All right. Now, from Step 1, we had, in fact, matched this pair. And I'm going to draw it this way: That this OPUS record also was associated with this 3911. There were two calls made, and then the -- the process of matching up the 3910

with each one of the OPUS records was exactly the same as it was in the earlier process. The ports had to match, the two --
-
the two phones had to match, the beginning time had to match, the -- the ending time here where we always said that it was identical on this one, the ending time would have to be a

little bit less. On this one, the last call in the series of calls, the ending time, the ending tic time, matched the ending time in the 3911 exactly. So you knew when you were at the end of the series of calls, because that time matched.

Q. And in similar fashion, did you design an exhibit that would illustrate the data that you worked with your methodology at work?

A. Yes.

Q. Is that Government Exhibit 546?

A. Yes.

MR. MACKEY: I would move to admit 546 for

Frederick Dexter - Direct
demonstrative purposes.

MS. RAMSEY: No objection.

THE COURT: Received for that purpose. Proceed.

BY MR. MACKEY:

Q. This is page 1 of that exhibit. What is that, please, Mr. Dexter.

A. You see, we started with an OPUS record that had Port 803. It was on date of 1-24, and the "begin" time was 8:44. That, through the normal matching process, matched with this record]here. The corresponding port back at the 3911 is 16466. You can see the duration here is 306. The duration over here is 104.

This particular call did not match during the first two processes. So then the -- the system, the software goes in and looks at, well, in the sequence of calls in this account, is the call that's preceded this particular call -- and every call in the OPUS records, by the way, had a sequence number assigned to it at the end of the call so you could tell the order of the calls by particular account number in OPUS. So was the call that preceded it for that particular account number the same port number?

And when you look at it, you can see that it is.

You then look and see did the beginning time here in the OPUS record, was it in between the beginning time and the ending time of that? And the answer was yes. And did the duration of

Frederick Dexter - Direct
these two together -- does it fall within that? And yes, it did fall within that.

Q. And with that matched information, what did you do with it?

A. As you can see, we looked for a 3910 for the first OPUS record to see if it was answered; and in fact, there was no

3910, because that call was not answered. So then we go to the second pair, if you will, and we looked to see if that call was answered. The two numbers matched down here. The duration is 6 seconds on the 3910. It's 5 seconds on the OPUS record. The ending tic time, 84721, exactly the same as the ending time on the 3911 right here. So you have come to the end of the series of the calls. And you know that there cannot be another one because that ending tic time matched the 3911.

Q. What steps did you take then to calculate the time of calls that took place in the series of reorigination calls?

A. The -- if there was a -- a long series, let's say more than two, there was a possibility that you would end up with -- the first call, you always knew the start time of the call because it's the 3911 when it came in. You always knew the ending time of the last call because you have the duration from the OPUS record, whether it's 5 seconds, it's a minute; and you know the ending time of the 3911.

So all you have to do is subtract the duration from the end of it. So the last call in the series, you always know what -- what time it was.

Frederick Dexter - Direct

If, in fact, a call was answered and a 3910 record is created, then the -- there's a 3910 record, which is the L.A. switch time for that one -- you always know. The one situation where you do not know the start time of the call is if it's in the middle of a series of more than two calls and, in fact, that call was answered. Then you had to come up with and we did come up with a standardized formula to calculate that time, so that it was the same across every reorigination call.

Q. In the 600-plus Bridges phone calls that took place after September 14, '94, how often did you find such a series of reorigination calls?

A. There was less than 50. It was in the 40's.

THE COURT: Would this be a good break point?

MR. MACKEY: Yes. Can we have a longer break?

THE COURT: We'll ask you to step down. We're going to take our afternoon recess now, Mr. Dexter.

And members of the jury, we'll take our usual 20-minute recess, during which, of course, please avoid discussion about any aspect of the case and continue to avoid anything outside the evidence.

you're excused now. 20 minutes.

(Jury out at 3:24 p.m.)

THE COURT: Where are you in this process, Mr. Mackey?

MR. MACKEY: I would say -- time, or temperature, Judge?

Frederick Dexter - Direct

THE COURT: No. No. Time.

MR. MACKEY: I would say probably 10 minutes away from laying all the foundation that I would offer before offering the exhibit, itself. Maybe 15 minutes.

THE COURT: All right. Now, 554 is a -- is a -- an exhibit that I've looked at, you've mentioned yesterday. Parts

of that, of course, are not relevant. Right?

MR. MACKEY: You mean some of the individual calls?

THE COURT: Yes.

MR. MACKEY: Yes. That's right.

THE COURT: Now, are you going to break that down from 554 to some other exhibit where all of the calls are deemed to be pertinent?

MR. MACKEY: 555, Judge.

THE COURT: That's 555.

MR. MACKEY: Yes. What we want to do is demonstrate in its totality the method used.

THE COURT: I understand.

MR. MACKEY: But only 555, yes, your Honor.

THE COURT: -- is what's going to be relevant to the issue. So it seems to me, you know, that what we have to do is to provide an explanation to the jury with respect to, in view of the objections -- the objections are hearsay and inaccuracy.

MS. RAMSEY: Yes.

THE COURT: I doubt -- you know, the hearsay thing

Frederick Dexter - Direct

really only goes to the subscriber information, or portions of it, because as I understand this process, the fields that he's been discussing and that Mr. Kane discussed are created with electrical and magnetic impulses being recorded. They are not really statements within the definition of the rules of evidence. These are things that are not created by some human making a declaration to anybody. They are created through this machinery. But what we have here is going to be exhibits which are, I think -- what we have to do is caution the jury that these exhibits are not going to tell us who made the call or who received the call or what was said in the call and that

who received the call or what was said in the call and thus with respect to the subscriber information, again, it's simply based on what these phone companies have in their records with respect to who they sent the bills to.

With those limitations, I don't see any problem with the exhibit.

MS. RAMSEY: Your Honor, our underlying basis for the objection is that the records that were given -- not only they were given from OPUS as well as from Mr. Kane to the FBI -- were inaccurate because of the testimony that was given by Mr. Kane with regard to records being dumped.

THE COURT: Well, are you going to cover these OPUS discards with this witness and how he handled those?

MR. MACKEY: In particular regard, the call on April 14 at the -- to Ryder, yes.

Frederick Dexter - Direct

MS. RAMSEY: And that's the basic problem. I mean, the one call that should be the most important call, they can't prove.

THE COURT: You know, nothing's perfect.

MS. RAMSEY: I understand that, your Honor.

THE COURT: So -- all right.

MS. RAMSEY: That would be the basis for not admitting it is because it isn't perfect.

THE COURT: Well, that won't stand up.

MS. RAMSEY: I believe Mr. Kane testified that there was perhaps a 1 to 2 percent error rate -- I don't recall what his specific testimony was -- with regard to the records that were given to the FBI.

THE COURT: Well, I'm not -- you know, your records may. You filed your response here and it's in here.

MS. RAMSEY: Yes.

THE COURT: So I don't think we need to talk about it.

MS. RAMSEY: All right.

THE COURT: Okay.

MS. RAMSEY: As long as the court takes that into consideration.

THE COURT: Yes. I'm not trying to finesse you out of your objection. I mean, it's there and it's a matter -- but I don't think that it's going to take time when we -- because I think that I need to instruct the jury with respect to the

Frederick Dexter - Direct

limitations of what's in this document -- or what will be in these exhibits in just the way I've already described them.

MR. MACKEY: We would so agree.

THE COURT: Okay. Well, we've got a recess.

(Recess at 3:28 p.m.)

(Reconvened at 3:48 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:49 p.m.)

THE COURT: Please resume the stand, Mr. Dexter.
Mr. Mackey, you may continue.

MR. MACKEY: Your Honor, may the record reflect that every juror has returned.

BY MR. MACKEY:

Q. Mr. Dexter, with every good approach, did you find any exceptions?

A. Yes. The exceptions -- the exception that we found, of course, goes back to the clock time. Can we get the chart back?

THE COURT: Yes.

MR. MACKEY: I'm sorry. It's the next one.

THE WITNESS: Every one of these computers in OPUS have a clock in that computer, of which the time was recorded in the OPUS record. And we did see numerous times when -- well, every time the clock was never exactly the same as 3911.

The majority of the time, it was less than 2 minutes'

Frederick Dexter - Direct

difference; but we did see times of the year when somebody would come in and they always on time changed the clock. When it changed to Daylight Savings Time or back to Daylight Time (sic) they would change the clock in the switch out there. They did that without fail. They did a good job.

Down here at the OPUS one, it seemed like they didn't do as good a job; so for a few days, you might find that the time would be off an hour or would be off 58 minutes or it would be off 62 minutes; so we had to do something to determine

what it was that -- the difference in the clock for each one of

the OPUS computers, the four of those, vs. the L.A. switch.

BY MR. MACKEY:

Q. And when you'd find such a time variance, then would you apply that in your methodology in coming up with an accurate summary?

A. Yes, we would.

Q. You mentioned earlier that the phone company in Kingman, Arizona, unlike other phone companies, did not routinely forward the originating number to WCT.

A. Yes. Kingman, Arizona, was the only one that we came across in the records that we examined.

Q. And how did you address that problem in the course of your work?

A. In the records, the 3911 records, there was, in fact, a record created; but in the field where the "from number" was,

Frederick Dexter - Direct

there would be a zero. There would not be a legitimate number there like you would normally see.

So in the process of knowing that, in the city field and state field, it did tell us that it was from Kingman, Arizona; so we knew that that's where it came from, either though there was a zero in that -- in the number field.

The records were subpoenaed from Citizens in Arizona for all of the records that the 800 number was called; and then

we took and matched up based on chronological sequencing of days and times of those calls and matched up when the call was made from that local phone company, matching it up with the time that it came into the switch in Los Angeles and could determine what the "from number" was for those particular records.

Q. And for the record, are pages 1 through 72 in Government's Exhibit 521 those records from Citizens Utility that you relied upon in the fashion you've described?

A. Yes, they are.

Q. You found a bunch of numbers in the WCT and OPUS files, and

then and only then did you look to associate names and addresses; that is, subscription information with those same numbers?

A. That's correct.

Q. What process was used?

A. Once we identified all of the "from numbers" and the "to

Frederick Dexter - Direct

numbers" -- they weren't all at one time, but as they were identified, a team of the task force issued through the appropriate channels subpoenas for each one of those local phone companies, each one of those numbers, to determine who the subscriber of that number was at the time that that call was made.

Q. And did you rely upon records previously identified as parts of Government's Exhibit 520 in preparing the summary that you've described here today?

A. Yes, we did.

MR. MACKEY: Your Honor, I'd formally move for admission Government's Exhibit 520. That has been redacted to exclude those records not previously identified this morning; and for the record, pages 59, 119, 156, 157 and 313 through 318

have been withdrawn from that exhibit. In all other respects they've been previously identified by other witnesses this morning.

MS. RAMSEY: Your Honor, we would make the same objection we made previously.

THE COURT: All right. It's overruled. The exhibit is received.

is received.

MR. MACKEY: Thank you, your Honor.

BY MR. MACKEY:

Q. Mr. Dexter, in contacting other telephone companies, did the FBI on occasion also receive, in addition to subscriber

Frederick Dexter - Direct
information, billing or phone activity information?
A. Right. We subpoenaed records that were pertinent to these particular numbers in the time periods that -- that calls were made.

Q. And as you described earlier, those phone companies also keep track of dates and times and durations for their own purposes?

A. That's correct.

Q. With the benefit of that information, did you use that non-Bridges source of records to verify or cross-check your own work?

A. Yes, we did. We took from all of the phone records that were available to us from the phone companies and matched them against the dates and times of the records that were supplied by WCT after we had done the matching; so we would take and look at the start time from the local phone company to the 800 number and match it against the 3911 start time that was provided by WCT to see if we could match them one for one.

Q. And the records you've described: Are they in Government's Exhibit 521?

A. Yes, they are.

Q. Are they the ones you've relied upon in the fashion you've described?

A. Yes.

MR. MACKEY: Your Honor, we'd move to admit in its

Frederick Dexter - Direct
totality Government's Exhibit 521.

MS. RAMSEY: Same objection.

THE COURT: All right. Received. Again as backup material and not in and of itself --

MR. MACKEY: Yes, your Honor.

THE COURT: -- relevant. All right.

BY MR. MACKEY:

Q. Did you make, then, some comparison between the information you had from the other phone companies and what you had from WCT and OPUS to do such a comparison first as to start times?

A. Yes, we did.

Q. Did you reduce that work to written form?

A. Yes.

Q. Is that Government's Exhibit 556?

A. Yes, it is.

Q. And could you tell the jury on average how those records

from two different sources compare?

A. Of the records that we had over, I believe it was 276 -- in the 270's, every one of the records that we have, we could match the start time against a record in WCT. And the average difference in the start time in the local phone company's clock and the 3911 was less than 20 seconds. It was 19 something seconds.

MR. MACKEY: Your Honor, I'd move to admit Government's Exhibit 556 for that limited purpose.

Frederick Dexter - Direct

MS. RAMSEY: Your Honor, same relevancy objection.

THE COURT: All right. The objection overruled.

556

received for the limited purpose identified.

BY MR. MACKEY:

Q. And similarly, Mr. Dexter, did you do the comparison for duration?

A. Yes, we did.

Q. And did you reduce your findings to written form?

A. Yes, we did.

Q. Are they set forth in Government's Exhibit 557?

A. Yes.

MR. MACKEY: Would move to admit for the same limited purpose that exhibit.

THE COURT: Same objection?

MS. RAMSEY: Yes.

THE COURT: Same ruling. Received for that purpose.

BY MR. MACKEY:

Q. Mr. Dexter, what did you find when you compared the local phone company's records with the records you got from WCT and OPUS?

A. We compared the local phone company duration with the duration in the 3911 because that would be the closest duration.

When the local phone company made the call and it got to WCT, that was the first time that the start time was

Frederick Dexter - Direct

recorded.

When they hung up, the ending time in the 3911 would be the closest to what the local phone company had because then they terminated their record, also. And we found with somewhere around 280 of the records provided by the phone company that we could match against the WCT. The duration average was about 5 seconds' difference -- 5 seconds' difference in the two.

Q. Thank you, Mr. Dexter.

Let me turn our attention now to April 14 -- Friday, April 14, 1995. Did you in your work study records relating to phone calls placed from J & K Bus Depot in Junction City, Kansas?

A. Yes, I did.

Q. And as part of your work, did you examine information from exhibits previously admitted, 525 and 526?

A. Yes, I did.

Q. And did you also examine the information available to you from WCT and OPUS records for that same date and place?

A. Yes, I did.

Q. First let me ask you, did you identify that there were two phone calls placed on the morning of Friday, April 14, from the

J & K Bus Depot in which the Bridges -- excuse me -- the Spotlight 1(800) number was dialed?

A. Yes.

Frederick Dexter - Direct

Q. Did you set forth the information relating to those two phone calls in a schematic identified as Government's Exhibit 558?

A. Yes, I did.

MR. MACKEY: Your Honor, I'd move to admit for demonstrative purposes Exhibit 558.

MS. RAMSEY: Your Honor, we would object. I think this is going beyond demonstrative purposes at this time.

This

is a critical call. We would object to the admission of 558.

THE COURT: Let me get it, here.

Well, are you going to ask him how he prepared this?

MR. MACKEY: Yes.

THE COURT: Same methodology.

MR. MACKEY: Same chart, same methodology, of course.

THE COURT: Overruled. 558 is received for the purpose of identifying or illustrating the testimony.

BY MR. MACKEY:

Q. Mr. Dexter, does this set forth the information you worked with or found in the WCT files and the OPUS files as relates to

phone activity on the Bridges account on Friday, April 14, 1995?

A. Yes, it does.

Q. Can you use this chart to describe what use you made of that information?

A. Okay. We had an OPUS record, as you can see, come in on

Frederick Dexter - Direct

Port 701 at 7:53, the OPUS time on the record.

The OPUS record also showed us that the duration was 54 seconds, and the two numbers down there -- that's the

54 seconds, and the two numbers down there -- that's the information in the OPUS record.

We matched, tried to find the 3911 corresponding record. The port number that matches to 701 in the 3911 is the 11496. We went in and matched on the begin time and the date, and we matched the 3911 with that particular -- that particular OPUS record.

We then went with that pair and looked for 310 to see if the call, in fact, was answered. And you will see that on the same date, 4-14, the ending time on the 3910, right there -- if I can make this work -- is exactly the same ending time as the 3911.

The "to number" in the 3910 on the right-hand side is the same as the "to number" down here. The duration in the 3911 is a little bit more, a little less than a minute more, and the duration in the OPUS record exactly matches the duration in the 3910 record.

Q. So from the records you analyzed -- or you found that at approximately 9:51 that morning, a call lasting 54 seconds was dialed from that pay phone to a number subscribed to Terry Nichols. Is that correct?

A. Yes.

Q. Did you identify or look for information about a second

Frederick Dexter - Direct

phone call from that same pay phone in which the Spotlight 1(800) number had been dialed?

A. Yes, we did.

Q. Did you set forth the information that you found in your records in Government's Exhibit 559?

A. Yes.

MR. MACKEY: We'd move to admit for demonstrative purposes 559.

MS. RAMSEY: We would make that same objection, plus it's being offered for the truth of the matter that a phone call was made to (913)238-8533 -- or 34, I'm sorry -- with that Spotlight number (sic), and that is not the evidence that would be presented by the chart.

THE COURT: Well, again, I'll receive the exhibit for purposes of the witness identifying what he did in an attempt to match the information that was provided through the data fields.

MR. MACKEY: Thank you, your Honor.

BY MR. MACKEY:

Q. Does Exhibit 559 show you the information that you had available from the files of WCT and OPUS?

A. Yes, it does.

O. And what information was found in the 3911 file?

A. The information that was found in the 3911 file, again here is the date, the begin time, the end time, the number where the

Frederick Dexter - Direct
call originated, and a duration and the port, in fact, in which it came in through the 3911 record.

Q. And what information did you find in the 3910 file?

A. 3910, the 21468 is the hard wire that goes up to the 3910 when a call originates on 21456 -- that port. We found that the ending time, the 8:01, matched exactly with the 8:01:39 -- both of them are 8:01:39. The duration is approximately a minute less, a little less than a minute. The beginning times matched up very, very close.

Q. And what information, if any, did you find in the OPUS file for that very same phone call?

A. Found no information. There was not an OPUS record that corresponded to that.

Q. And based on your investigation, do you know why the OPUS record did not exist?

A. Yes, we do. The -- there were occasions on a daily basis where WCT rebooted their computer -- three times a day, 7:00, 1400 hours and 2200 hours to refresh the program. And through discussions with them, we learned that, in fact, when any call that was in progress -- when that happened, a record was not written to the OPUS file, therefore not being billed either to the customer.

Q. So based solely on the records from WCT and OPUS, you could not determine, could you, the account holder that placed the call at 9:53:33 on Friday, April 14?

Frederick Dexter - Direct

A. Could not.

Q. Mr. Dexter, as part of your work in this case, did you attempt to determine how many Spotlight customers ever placed a call from the J & K Bus Depot?

A. There were only two calls from all of the Spotlight customers from the data I had available, which was from December of '93 through April of '95. There were only two calls placed from the J & K Bus Depot.

Q. And those were the same two calls that you've identified in your testimony this afternoon?

A. That's correct.

Q. In the course of your investigation, did you attempt to determine how many times any Spotlight customer dialed the Ryder rental agency in Junction City?

A. Yes, we did.

Q. What did you find?

A. It was only one time, and it was that 3910 record right there that -- on the 14th of April when any Spotlight customer dialed that number.

Q. Prior to coming to court, Mr. Dexter, did you, relying upon evidence already in evidence, prepare a chart that would depict

the time sequence of those events at the J & K Bus Depot?

A. Yes, I did.

Q. Is that set forth in Exhibit 560?

A. Yes, it is.

Frederick Dexter - Direct

Q. And would that chart illustrate your findings?

A. Yes, it would.

MR. MACKEY: Your Honor, I'd move to admit Government's Exhibit 560.

MS. RAMSEY: Same objection, your Honor.

THE COURT: Just a moment.

All right. This is not an exhibit that is like other exhibits in these records. This is his interpretation.

MR. MACKEY: A collection of information previously admitted, your Honor, from --

THE COURT: And his interpretation of it.

MR. MACKEY: No -- it's simply data. It's repeating data that's found in exhibits admitted. The time of various -

THE COURT: I know, but it's also his view of that data. Is that right?

THE WITNESS: The numbers on this chart that I created are strictly from the Sprint records. They're just moved from one of the previous exhibits to there, is all they are, the beginning time and duration based on a prior exhibit.

THE COURT: Well, identify what records you put together here.

BY MR. MACKEY:

Q. Mr. Dexter, what exhibits did you rely upon in preparing Government's Exhibit 560?

A. They were the Exhibits 525 and 526, I believe, two exhibits

Frederick Dexter - Direct

that were presented by Sprint regarding the local phone company for the J & K telephone.

Q. And in addition -- excuse me?

MR. MACKEY: That is satisfactory?

THE COURT: Well, whatever exhibits were used to

create this exhibit: That's what we need to know. Those are the two?

Do you want to check?

THE WITNESS: I can check.

MR. MACKEY: Your Honor, may I approach?

THE COURT: Yes.

THE WITNESS: Yes. 526 -- 525 and 526.

Yes. These two.

THE COURT: So you used those two exhibits to create 560?

THE WITNESS: Yes.

MS. RAMSEY: Your Honor, I don't believe it says on 525 or 526 that there was a 20-second hang up the phone and picked up the phone, got a dial tone and dialed the 1(800) number. I think that is an interpretation.

MR. MACKEY: It's a computation of information on those two exhibits, your Honor.

THE COURT: Well, have him testify about it and then we can decide.

MR. MACKEY: All right.

Frederick Dexter - Direct

BY MR. MACKEY:

Q. Based on the data that was available in those two exhibits,

Mr. Dexter, did you identify when the first call started at J & K Bus Depot?

A. Yes, I did.

Q. How long it lasted?

A. Yes, I did.

Q. When that first call ended?

A. By adding the duration of the call to the start time, yes.

Q. When the second phone call started?

A. Yes.

Q. When it was answered?

A. Yes.

Q. At the other end?

A. Yes.

Q. And when that second call ended?

A. Yes.

Q. And the computations that are set forth in the middle of Exhibit 560: Is that simply relying upon your math abilities and the information set forth in those two exhibits?

A. Yes.

MS. RAMSEY: I still would object because that is a guess on his part as to what happened to that 20-second time period.

THE COURT: That's why I was pointing out that this is

Frederick Dexter - Direct

not an exhibit that speaks for itself in any respect This is

NOT AN EXHIBIT THAT SPEAKS FOR ITSELF IN ANY RESPECT. THIS IS AN INTERPRETATION MADE BY THE WITNESS.

MR. MACKEY: I am now focused on that portion of the exhibit, Judge. I apologize. I understand now.

THE COURT: All right. 560 is received with that understanding.

MR. MACKEY: Thank you, your Honor.

BY MR. MACKEY:

Q. Mr. Dexter, could you describe for the jury what's depicted on 560.

A. From the J & K Bus Depot telephone number (913)762-9765, a call was placed to the 800 number. According to the local phone company, that phone call was placed at 9:52:05 a.m.

Q. How long did it last?

A. The local phone company recorded the billable time as 1 minute 42 seconds. I added the 1 minute 42 seconds to the start time, and that came up to 9:53:57 as the ending time of the first call.

Q. And when did the second call start?

A. According to the local phone company, the second call started at 9:54:07.

Q. And according to those same records, when was it answered at Elliott's Ryder Rental?

A. According to the reverse calls on Exhibit 526, the call was

answered at 9:54:35, and it was total duration of 7 minutes 34

Frederick Dexter - Direct

seconds, terminating the number at the time you see there.

Mine is very fuzzy here. I can't --

Q. And does Exhibit 560 depict that the phone call to the Ryder Rental was in progress at 10 a.m. Central Time?

A. Yes, it does.

Q. How much time elapsed between the end of the first call from the bus depot and start of the second?

A. 20 seconds.

THE COURT: Well, I think we should have him explain this portion that they've seen there and that 20-second interval as being his speculation.

MR. MACKEY: All right. I understand, your Honor.

BY MR. MACKEY:

Q. Mr. Dexter, do you see some verbiage below the 20 seconds? Based on your familiarity with making telephone calls, is that your interpretation of what transpired in that 20-second time period?

MS. RAMSEY: Your Honor, we would object. That's based upon whatever familiarity he has with any phone calls. This particular phone call is what we're interested in.

THE COURT: Well, I asked that the exhibit be explained, so I'm going to overrule your objection to my question.

THE WITNESS: Yeah. At the -- knowing that it was not a reorigination call at WCT, it came in on different ports,

Frederick Dexter - Direct

etc., and the 800 number was dialed twice, the person, whoever made the first phone call, would have had to hang up the phone call, they would have had to pick up the phone again, they would get a dial tone, and they would dial the 800 number, which then would come to WCT and be recorded at WCT. And that is what would have happened during that 20-second interval.

BY MR. MACKEY:

Q. Those are the events you've described in that portion of the exhibit?

A. Yes.

Q. Mr. Dexter, as a result of the work that you've done in this case, did you prepare a summary that we've been alluding to in the course of this afternoon's examination?

A. Yes, I have.

Q. And have you previously identified that or reviewed it in the form of Government's Exhibit 554?

A. Yes, I have.

Q. And does it accurately set forth calls that you found attributable to the Daryl Bridges account between the period September 14, 1994, and April 17, 1995?

A. Yes, it does.

Q. Does it in the manner you've described previously show the date of each call?

A. Yes.

Q. The duration?

Frederick Dexter - Direct

A. Yes.

Q. The phone number from which the call originated?

A. Yes.

Q. The subscriber of that same phone number?

A. Yes.

Q. The phone number to which the call ended or the termination number?

A. Yes.

Q. And the subscriber information?

A. Yes.

Q. Before you is Government's Exhibit 555, right in front of you, Mr. Dexter, which is a condensed version of 554; correct?

A. Yes. There is some additional information other than the condensed, yes.

Q. Additional information being subscriber, or where the phone call is from, other records already in evidence?

A. Yes.

Q. Is the information that you found in your analysis of the Bridges account accurately set forth in 555?

A. Yes, it is.

MR. MACKEY: Your Honor, I'd move to admit

Government's Exhibit 555.

THE COURT: Well, are you going to admit 554, also, just so we have it?

MR. MACKEY: For the record, yes, your Honor.

Frederick Dexter - Direct

THE COURT: All right. And we -- this has been the subject of objection.

MS. RAMSEY: Yes, your Honor. That's what our brief goes to.

THE COURT: Yes. And I'll explain to the jury that there has been discussion with counsel outside of your presence with respect to these exhibits. 554 is an exhibit that contains a lot of material that's not directly relevant to the Government's case; but it is a backup, really -- or not a backup, but a predicate for 555, just as a lot of other records have been that we talked about during this day.

So I've considered objections that have been made to the exhibits, and I've ruled that they will be received; but in doing so, I must caution you about the limitations of that, because you understand, I'm sure, from what you've heard that these exhibits have been prepared from records. And as any exhibits prepared from records, they're subject to whatever inaccuracies might be inherent in the system of records and also the methodologies employed in preparing the exhibits from those underlying records.

Now, I'm sure whatever those inaccuracies are, they may be explored on cross-examination; and you can consider the value or lack thereof of the exhibits accordingly after you've heard from -- on cross-examination.

But what we did here was receive records from phone

Frederick Dexter - Direct

companies that are subscriber records. And they include the names and addresses that have been used by these local phone companies for their purposes; that is, the phone company's purposes in billing and service to these customer accounts.

They may or may not be correct, and you have to understand that. These are the phone companies' records, and they're admissible as their business records.

Additionally, these telephone calls attributed to the debit card that's been discussed here -- the information here was created through data fields created by the computer technology that was used, and that has been explained in some detail here. But that shows us what it shows us. It does not show us who made a particular telephone call or any of these telephone calls, who received the calls, or what was said in the conversation.

So you understand the limitations that are on these

so you understand the limitations that are on these exhibits before we receive them; and I will receive them, then, with those limitations identified.

MR. MACKEY: Thank you, your Honor.

I have two final areas for Mr. Dexter, if the Court pleases.

BY MR. MACKEY:

Q. Mr. Dexter, before coming to court today, did you compare information set forth in Yellow-Page exhibits already admitted in this case with information you found in the course of

Frederick Dexter - Direct
analyzing the Daryl Bridges phone activity?

A. Yes, I did.

Q. Are those comparisons set forth in Exhibits 565, 566, 567, 568, 569, 570 and 571?

A. Yes.

MR. MACKEY: Your Honor, with the Court's permission, I'd like to move through each one of those exhibits and ask Mr. Dexter to show the comparisons as he determined them.

THE COURT: All right. These are -- you've collected these exhibits together into what really amounts to demonstrative exhibits.

MR. MACKEY: Yes, your Honor.

MS. RAMSEY: Your Honor, we would object as this having special emphasis because these pages have already been introduced, I believe, through another witness, the Yellow Pages, and we're now admitting or we just admitted the other information that's on the left side of the page. I think it's cumulative.

THE COURT: Well, it's appropriate to assist the jury in understanding the exhibits that are in evidence; so that's what demonstrative exhibits are for.

MR. MACKEY: Thank you, your Honor.

THE COURT: They're received -- again, these are not records in and of themselves. These are synthesizing or collecting exhibits that are already in evidence to make them

Frederick Dexter - Direct
understandable in the way in which at this point the Government is asking you to understand them.

MR. MACKEY: Thank you, your Honor.

With the Court's permission, could Mr. Dexter step down and show the comparisons between the two?

THE COURT: Yes.

MR. MACKEY: Mr. Dexter, you may need a microphone. Your Honor, would it be possible, given the print on

this size, to move it in front of the jury box?

I have given copies to the defense --

THE COURT: I guess I have them here, too, don't I?

MR. MACKEY: Yes, your Honor.

THE COURT: All right. We'll be blocking some of us off from the jury for a while, but is that agreeable?

MS. RAMSEY: I'm sure they won't mind.

THE COURT: Yes, you may do that. Put it in front of the jury box.

I'll even let the witness turn his back to me.

If you want to observe, you may, of course.

MS. RAMSEY: Thank you, your Honor.

THE COURT: Do you want to come right over to the jury -- or the witness box?

MS. RAMSEY: Can I sit down in the jury box?

THE COURT: Not the jury box.

THE WITNESS: Numerous -- numerous telephone

Frederick Dexter - Direct

Yellow-Page books were examined under categories for matching numbers that are in the summary vs. what we found in the Yellow

Pages. And on this particular one --

BY MR. MACKEY:

Q. Mr. Dexter, if you could scoot back just a little bit so that everybody can see.

THE COURT: Which one are we on here? I've lost track.

MR. MACKEY: For the record, it's 565.

THE COURT: Thank you.

THE WITNESS: What we have is the telephone book; and under the category in the telephone book of "Chemicals," you will see by the highlighting there that -- going right down the summary, that Mid-America Chemical was in our summary and found on this particular page.

We also found Vulcan Chemicals on the same page down here, the same number.

We found Barton Solvents numerous times, the call in the summary, to right here, 755.

BY MR. MACKEY:

Q. Mr. Dexter, let me interrupt and go back. On September 26, 1994, how many occasions was Mid-America Chemical in Oklahoma City, Oklahoma, called?

A. It was called from two different places four times.

Q. And is the number that you found in your survey also listed

Frederick Dexter - Direct

in Yellow Pages under "Chemicals"?

A. Yes, it is.

Q. Now, let's go to September 27, '94. Did you find in your analysis of the records a number of calls on the Bridges account to chemical companies?

A. Yes, I did.

Q. Are they set forth on the left-hand side of that exhibit?

A. Yes, they are.

Q. Let's start with Vulcan Chemicals. Do you recognize that number?

A. Yes, I do.

Q. And did you find it in the Bridges account?

A. Yes.

Q. Did you find it also in the Yellow Pages?

A. Yes, I did.

Q. Show the jury where that is.

Next is Barton Solvents.

A. Yes, I did find that in the summary.

Q. And is that same number found under "Chemicals" in the Yellow Pages?

A. Yes. I believe that was called three times in my summary.

Q. So the same day?

A. Yes.

Q. Did you find a number for Mid-Con Plastics, Inc.?

A. Yes.

Frederick Dexter - Direct

Q. And was that number also located in the Yellow Pages?

A. Yes, it is.

Q. Did you find a phone number for Distributor to Industry, Inc., in Wichita?

A. Yes.

Q. And was that same number listed under "Chemicals" in the Yellow Pages?

A. Yes, it is.

Q. Did you find a phone number for Harcros Chemicals, H-A-R-C-O-S-S (sic), in Wichita?

A. Yes, I did.

Q. And did you find that same number in the Yellow Pages under

"Chemicals"?

A. Yes.

Q. Now, the number that appears below the first Wichita entry is different, is it not?

A. Yes, it is.

Q. And how so?

A. It's at a different area code for Harcros, and that particular number is not found in the Yellow Pages there.

Q. On how many total occasions between September 26 and September 28 were chemical companies called, as you found in the Bridges analysis?

A. 14, if I count correctly.

Q. And the Yellow Pages that is part of Exhibit 565: Does

Frederick Dexter - Direct

that come from the Wichita Yellow Pages previously admitted into evidence in this case?

A. Yes. Yes, it does.

Q. Let's turn our attention now to 566.

Tell the jury first what's on the right-hand side of that chart.

A. In the Yellow Pages, we looked under "Hobby & Model Construction Supplies, Retail."

Q. And is the Yellow Pages from Wichita, Kansas, phone book for the fall of '94 the source for that portion of the exhibit?

A. Yes, it is.

Q. Did you find any corresponding numbers in your search of the Bridges records?

A. Yes, I did.

Q. Is that information set forth on the left-hand side of that exhibit?

A. Yes, it is.

Q. Tell the jury what you found on September 28, '94.

A. I found that the number for Ebersole Hobby and RC Raceway was found that day -- in the Yellow Pages.

Q. And what -- was that same number listed in the Yellow Pages?

A. Yes, it was.

Q. What did you find on September 29?

A. A call to Newton Hobby Center was found in the summary and

Frederick Dexter - Direct

was also found in the Yellow Pages down near the bottom.

Q. That was for September 29?

A. Correct.

Q. Let's move to Exhibit 567.

On the left-hand -- excuse me -- the right-hand side of that exhibit, what appears?

A. We looked under the column of "Racetracks."

Q. Also from the Yellow Pages in the Wichita, Kansas, area phone book?

A. Yes, it is.

Q. And did you find listings in the Yellow Pages also as having been called on the Bridges card?

A. Yes, we did.

Q. I direct your attention to the left-hand side of Exhibit 567. What appears there?

A. This is -- on the left-hand side is calls made on 9-28-94, first call to 81 Speedway, which was found on that particular page in the Yellow Pages, which you can see on the right-hand side.

Q. Was there a second phone call to racetracks or raceways on that same day on the Bridges card?

A. Yes. A call was made to Wichita International Raceway

... 199. A call was made to Wichita International Raceway,
also
that day, and that is found right there behind on the Wichita
phone book Yellow Pages.
Q. Thank you. Let's move to 568, please.

Frederick Dexter - Direct

On the right-hand side of 568, what appears, please?

A. The Yellow Pages under the categories that we looked --
where we looked was under the "Heavy Demolition" part of the
Yellow Pages.

Q. And are the portions relating to that listing in the
Yellow
Pages set forth on that chart?

A. Yes, they are.

Q. Did you find that any of those numbers listed under
"Demolition" in the Yellow Pages were also called on the
Bridges card?

A. Yes, they were. There were two calls on 9-29 of '94. The
first one was to a company, Heavy Demolition, in Wichita. The
number is found there.

There was also a call to a company called
C-O-R-N-E-J-O -- I don't want to mispronounce it -- & Sons,
Inc., and they had a large, in fact, ad in the Yellow Pages on
that same page, right there.

Q. Were both of those two calls placed from the number
subscribed to Terry Nichols in Marion, Kansas, on that date?

A. Yes, they were.

Q. Move to Exhibit 569, please.

On the right-hand side of 569, what appears?

A. The Yellow Pages; and under the heading of "Barrels &
Drums," we looked.

Q. And did you find any numbers listed in the Yellow Pages

Frederick Dexter - Direct

under "Barrels & Drums" that had been called on the Bridges
account?

A. Yes, we did. On 10-19-94, we found a call to SDS,
Coffeyville Phone number is (316)321-6570, which appears right
there in the Yellow Pages. We found that a call -- numerous
calls were made to Coffeyville Re-Con, (316)251-1520; and that
appears right there in the phone book.

And we found from a different phone down here that a
call was made to Greif or Greif Brothers Corp. -- Corporation,
which is right there on the phone, 221-2230.

Q. And you found from the Bridges analysis that the phone
calls listed at the top of the purple section were placed from
a Denny's pay phone in Wichita, Kansas. Is that right?

A. That's correct.

Q. And the Yellow Pages that is a part of 569 comes from
Wichita, Kansas, does it not?

A. Yes, it does.

Q. Let's turn to 570, please.

What appears on the right-hand side of Exhibit 570?

A. We looked under columns for "Barrels & Drums" in the Yellow Pages.

Q. And did you find numbers listed in the Yellow Pages set forth on that exhibit that had been called on the Bridges card on or about October 24, 1994?

A. Yes, on October 24, we found a call to Packaging West,

Frederick Dexter - Direct

(816)241-1717, that appears right there in the Yellow Pages.

We found a call to Container Recycling, (913)281-5770, that had an ad on the paper right there, a large, separate ad.

And we found a call to Scott Barrel Company, (913)342-2290, which also had a separate ad on that page in the Yellow Pages.

Q. I think that's all I have of these exhibits. Thanks, Mr. Dexter. You can return to the stand.

Mr. Dexter, finally, as part of your work in this particular case, did you prepare other exhibits that would assist the jury in understanding the information that was set forth in the voluminous Bridges summary?

A. Yes, I did.

Q. And do these particular exhibits I'm referring to illustrate by use of maps the location from and to relevant phone calls?

A. Yes, they did.

Q. And did you have a separate exhibit prepared for each of those?

A. Yes.

Q. Are they set forth as 565A through 565S?

A. I believe they're 564A through S.

Q. 564A through 564S?

A. I believe so.

Q. And do each of those exhibits illustrate the relative

Frederick Dexter - Direct

positions of the "to" and "from numbers" that you found in analyzing the Bridges numbers?

A. Correct, and the distance between the locations of the calls.

MR. MACKEY: Your Honor, I'd move to admit those exhibits solely for demonstrative purposes.

MS. RAMSEY: If I might have just a moment, your Honor?

THE COURT: Yes, of course.

MS. RAMSEY: Your Honor, we would make the same objection that we made previously that those are exhibits that are not necessary, the information has already been put in evidence, and it's cumulative and draws particular attention

to
items that are already in evidence unfairly.

THE COURT: Those objections are overruled, and the exhibits may be used and displayed for demonstrative purposes from the evidence in the case.

MR. MACKEY: Kathi, if we could have the computer.

THE COURTROOM DEPUTY: Computer?

BY MR. MACKEY:

Q. Do you see before you, Mr. Dexter, a visual depicting activity on the Bridges account on September 24, 1994?

A. Yes, I do.

Q. Could you describe what that visual depicts?

A. It depicts that there were five phone calls from Marion,

Frederick Dexter - Direct

Kansas, charged against the Bridges card. They point out, if the call is accurate or if you can see it, that answered calls will have a blue arrow and the unanswered call, zero duration, is gray.

Q. That's a little too light perhaps to see on the screen, but

did those -- all of those calls originate from the same location?

A. Yes, they did.

Q. In what city?

A. Marion, Kansas.

Q. Let me show you next phone activity for September 26, 1994.

Would you describe what's depicted there, please.

A. That there were four phone calls made on September 26 to Mid-America Chemical. There were two different locations that the calls originated in, Lincolnville and Marion. Since the line goes right through that one, I could tell you that three of the calls were from Marion and one was from Lincolnville.

Q. Show the jury, please, the visual for September 27, 1994. Describe what you see there.

A. This shows numerous calls from Marion, Kansas. On the top right, you'll see that on September 27, 1994, three calls were placed to Harcros Chemicals. On the bottom left, you will see three calls were placed on that day to Barton Solvent. Two were unanswered or maybe a busy signal. It was not answered in

any way. And one was. One call to Harcros Chemicals in

Frederick Dexter - Direct

Wichita, one call to Distributor to Industry unanswered. That was answered.

Vulcan Chemicals, unanswered. And Mid-Con Plastics was answered.

Q. The visual, please, then, for September 27 -- or excuse me -- 28.

Describe what you see.

A. September 28 shows us that there were numerous calls some

A. SEPTEMBER 28 SHOWS US THAT THERE WERE NUMEROUS CALLS, SOME OF THEM TO THE PLACES IN THE EAST COAST, MILES, INC., INDUSTRIES RECEIVED A CALL FROM -- I'M TRYING TO SEE WHERE THAT -- MARION. IT'S SO LIGHT HERE. THAT'S IN PITTSBURGH.

There is two calls to Olin Corp., Diversified Chemicals, unanswered calls. One to Rosewood Signs in Tonawanda.

Then locally or around Marion, there were calls to the Wichita International Raceway, Ebersole Hobby and Raceway -- RC Raceway, 81 Speedway, Harcros Chemicals. That was in Kansas City.

Q. Okay. Visual, please, for September 29, 1994. What do you see?

A. September 29, 1994, numerous calls were placed from Marion, one to Rosewood Signs, two calls to the Hutchinson Raceway in Hutchinson, one call to Heavy Demolition, a call to Newton Hobby Center, and one to C-O-R-N-E-J-O & Sons.

Q. You're no braver this time.

Frederick Dexter - Direct

A. No. I don't want to try it.

Q. Visual, please, for October 1.

What phone activity is depicted here?

A. On October 1, there were three origins for calls, Marion, Pauline -- I can't see the other one. Wamego -- I'm not sure I have that.

From Pauline, Franklin Silvernail residence, one call to Brooklyn Delicatessen, a call to TruValue Hardware in Kingman, and a call to Michael Fortier's house or residence.

Q. October 7, please.

A. On October 7, 1994, there was a balance check done against the account in Kingman. There was call to Arctic Traveler down

in New Mexico, I believe that is. There was a call to VP Racing Fuels, and a call to Coogle Trucking.

Q. And each of these calls originated from Kingman, Arizona. Is that what you found?

A. That's correct.

Q. October 17, please. This is about 10 days following the last visual; is that correct?

A. Yes, it is.

Q. What calls took place on that date?

A. From two locations in Herington. One call from one location went to Coogle Trucking, and then one call went to Lana and Leonard Padilla's residence in Las Vegas.

Q. On the next day, October 18, '94, what phone activity took

Frederick Dexter - Direct

place?

A. From one location in Council Grove, calls were made to Full

Beverage Service, one call to Coca-Cola Bottling, Pepsi Cola Bottling, Collingwood Grain, Purina Mills. I believe that's the call that was not answered. And Equity Standard Numismatics.

Q. Coin shop?

A. Okay.

Q. The next day, October 19, 1994: What phone activity did you find on the Bridges account that day?

A. On October 19, 1994, we saw that there were two calls from -- or three calls from Wichita. One went back to Liberty Lobby, one went to SDS, Incorporated, and actually down at Coffeyville Re-Con there was four calls; so there was a total of six calls from that one phone in Wichita. There was also a call from Benton down to the Greif Brothers Corporation.

Q. On the next day, October 20?

A. There was two times the card was used or the account was used. One was a Spotlight check, balance check down in Pauls Valley and one call to Coogle Trucking from Junction City.

Q. These are calls made on the same day, October 20, '94?

A. That's correct.

Q. Did the first call take place in Junction City, Kansas?

A. Yes, it did.

Q. And that call was to Coogle Trucking over in Indiana?

Frederick Dexter - Direct

A. Yes.

Q. And the second call that day on the Bridges card took place

from Pauls Valley, Oklahoma?

A. That's correct.

Q. And what was that call again?

A. It was a balance check to see how much money was left on the account.

Q. Incidentally, in your review of the Bridges account, did you find any other occasion after October 20, 1994, where there

was a call to Coogle Trucking, VP Racing, or the like?

A. I cannot answer that question. I did not analyze it for those calls.

Q. Let's go to October 23, 1994. What phone activity took place on that date?

A. From one location, one phone in Junction City, there was a call to William McVeigh's residence in Pendleton. There was one call to Lana and Leonard Padilla's house in Las Vegas and one call to Michael Fortier's residence in Kingman, Arizona.

Q. And on the next day, October 24?

A. There were four times that the card was used. One time was

a misdial, one time was to Scott Barrel, one time was to Container Recycling, and one time to Packaging West.

Q. And that's from a site east of Marion, Kansas, on that

date?

A. That's correct.

Frederick Dexter - Direct

Q. Turn your attention to the scene -- other visual for April 5, Exhibit 564N.

What phone activity took place on the Bridges card on that date?

A. From Kingman, Arizona, a call was made to Ryder Truck Rental One-Way in Lake Havasu City.

Q. Arizona?

A. Yes.

Q. April 11, please.

What activity took place on the Bridges call on that day?

A. There were two calls placed against the Bridges card on that day from Kingman, Arizona, to Terry Nichols' residence in Herington.

Q. Let's advance, if we can, to Exhibit 564R, April 16, 1995.

What use was made of the Bridges card on Sunday, April 16, 1995?

A. There was one call from Herington, Kansas, to Terry Nichols' residence.

Q. Do you know where Terry Nichols lived on April 16, 1995?

A. Herington, Kansas.

Q. Finally, let me show you the visual for April 17, 1995, Government's Exhibit 564S.

What phone activity took place on that day on the Bridges card?

Frederick Dexter - Direct

A. There were four phone calls made from three distinct phones. Phone calls went to Terry Nichols' residence from Junction City there. There was a call to Bell Taxi Transportation from Junction City, also. There was a call made

to the Dreamland Motel from Kansas City. And from that same phone in Kansas City, Kansas City airport, there was a call made to Lana and Leonard Padilla's residence in Las Vegas.

Q. The last two calls made on Bridges' card took place from the Kansas City airport. Is that what you found?

A. That's correct.

Q. And back-to-back calls first to Dreamland and then to the Padilla residence in Arizona -- or Nevada. Is that correct?

A. Those two calls. That's the place, yes, that was called.

Q. No other Bridges calls made after April 17, 1995?

A. There was a call placed against the Bridges card on April 24 that was a test call that was done later on; but that was on the set of records that we obtained.

Q. Prior to the bombing, the last call was April 17?

A. Correct.

MR. MCKEY: I have nothing else, your Honor.

MR. MACKAY: I have nothing else, your honor.

THE COURT: Start your cross-examination?

MS. RAMSEY: Do you want me to?

THE COURT: Well, we don't expect you to finish by

5.

MS. RAMSEY: I hope not, your Honor.

THE COURT: We'll get started.

MS. RAMSEY: Thank you.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Have you ever worked on a case like this as far as phone records are concerned?

A. I've worked on cases that have many, many more phone records than this; but I have never worked on a case that used a prepaid calling card.

Q. And what other types of cases have you worked on using phone records?

A. I've worked on many major investigations within the FBI, UNABOM investigation, the Judge Vance investigation where we analyzed millions of phone records.

Q. Were those mainly phone calls from one residence or from one number to another number and you checked those numbers out based upon phone records from individual phone companies?

A. That's correct.

Q. Or did you use credit card companies, also --

A. Yes.

Q. -- to work with those?

A. Yes.

Q. How in your knowledge -- what is the difference between a debit card and a credit card call for tracing purposes?

A. In a credit card call, the bill comes to you every month so

they need to keep track in -- from a billing perspective each

Frederick Dexter - Cross

individual call for you, the duration, etc., in their -- probably keep it in billing records. They also probably keep carrier records.

I would assume that every phone company does things a little bit different, so I can't speak for them across the board.

Q. But is it easier to backtrack from a phone company who bills a client or customer every month as opposed to someone in a prepaid calling-card system like we're dealing with here?

A. It would be easier, yes.

Q. Now, when you came into this case, what information did you

have with regard to the Daryl Bridges account?

A. When I started?

Q. When you very first started.

A. When I first came to Oklahoma City, I was not in charge of -- I went there to work on telephone information, if you will; but I was not assigned specifically to work on the

re-creating the Daryl Bridges card. Nobody had even assigned that task.

Q. What telephone information did you come to Oklahoma City to work on?

A. Whatever was subpoenaed for us to go in and analyze it.

When we went there, we went there with the understanding that we would collect, compile, all kinds of telephone data for lead purposes, for subscriber identification, and hopefully for

Frederick Dexter - Cross

suspect identification. That is what we collect telephone data for.

Q. And that was at your -- when you first came into this case -- did that include more than just the Bridges calling card?

A. Yes. There was a lot of records that were being subpoenaed early on.

Q. Now, you said just a few moments ago that April 24 was the last call that was made on the Bridges card, I believe.

A. Of the records that I received, the electronic records, that is the last call that's on the electronic records.

Q. And that was a test call?

A. Correct.

Q. Was there only one test call that was made that you are aware of?

A. That is correct.

Q. There was not a test call that was made from the Dreamland Motel?

A. I'm not aware of it.

Q. Okay. When did you come to Oklahoma City to begin working on this case? Prior to, or after April 24?

A. After April 24.

Q. When did you come?

A. On April 25.

Q. All right. So when you came on April 25, was there any

Frederick Dexter - Cross

special significance at that time placed to the Bridges calling card?

A. Yes. It had been identified and work was being done with WCT at that time to obtain records from them.

Q. And the information that you were provided with the Daryl Bridges calling card came from Terry Nichols' residence; isn't that correct?

A. I wasn't provided anything in that -- in -- I went there to

do data processing, so I was not involved in the investigation at all.

Q. You never discovered in your investigation of these telephone calls where this Daryl Bridges information first came from?

A. No.

Q. Still don't know today?

A. You mean as far as the process of how it was identified?

I hear the guys talking about it, but I was -- I can't tell you right now exactly what it is. I don't know.

Q. Have you ever been shown the information about the Daryl Bridges calling card that came from the Spotlight magazine or newspaper?

A. I've seen their newspaper because an exhibit was created of

it, yes. I saw that.

Q. And did you ever yourself try to call this 1(800) number?

A. No, I did not.

Frederick Dexter - Cross

Q. So when you're testifying about what happens when the phone rings and the message comes on, where are you getting that information?

A. I was in the presence of one of the WCT people when they demonstrated that for me.

Q. Demonstrated how?

A. They called the 800 number.

Q. Okay. So did you actually hear it, or did they tell you what it was saying?

A. No, I heard the process.

Q. And did you do that once or twice or how many times?

A. I only recall once.

Q. Did you actually make contact with WCT, or had someone else already contacted WCT?

A. Numerous people in the FBI and the task force had been talking to WCT; and they were providing information to the investigators long before I ever talked to them. The first time I ever talked to them was June 1.

Q. And was that information specific to the Spotlight calling card or Daryl Bridges?

A. When I talked to them?

Q. Or what was being gathered prior to your talking to them?

A. Yes. They were sending information as they obtained it to the task force.

Q. Is that was -- was it only on the Daryl Bridges calling

Frederick Dexter - Cross

card, or was it on all 800 Spotlight account holders' cards?

A. The electronic file had been provided to somebody on the task force. It was not provided to me to do any analysis; so the entire -- all three of these files but not in their entire -- partial -- they weren't the same files as we had today. They sent part of the information, electronic, to the task force.

Q. Did that deal with all of the Spotlight cardholders, or only Daryl Bridges?

A. All of them.

Q. Okay. But those are not the disks that have been admitted into evidence through you today; is that correct?

A. No. That's correct.

Q. So when you came into the picture on June 1, what were you working with from WCT?

A. When I came into the picture at WCT?

Q. Yes.

A. There were people that were collecting information as John Kane or his employees at WCT would write down numbers that they

had found in their search. Immediately, they knew the -- all -- they did a run of the OPUS records and came up with the 687, so that was immediately provided to the task force.

Q. Prior to June 1?

A. Oh, yes.

Q. Okay. Go ahead.

Frederick Dexter - Cross

A. And then as they identified through their work out there the originating numbers associated with some of those calls, that information was provided to the task force through telephone calls and written down or faxes to the telephone -- to the task force from WCT and then that was all collected at the task force.

Q. Had you ever had any dealings with WCT prior to June 1 of 1995?

A. I had not.

Q. And have you ever had any dealings with WCT other than related to this case?

A. No, I have not.

Q. When you were dealing with WCT initially around June 1, did

you get into the inner workings of that corporation or company as to how things physically worked?

A. I travelled to Santa Barbara, California, and met with them

for an entire day, over 10 hours; and they explained not the corporate structure to me but the technical structure of how their records worked, the matrix, the clocks, all of those things, etc. That's what we discussed for that day.

Q. And --

THE COURT: We're at 5:00 now, so . . .

MS. RAMSEY: All right.

THE COURT: We'll recess now and come back to it in the morning.

So you may step down. Mr. Dexter. We'll have you

so you may step down, Mr. Dexter. We'll have you
back
at 9:00 in the morning.

Members of the jury, we'll recess as usual, the
usual
quitting time for us. And again, of course, as usual, I must
caution you as you go your own ways to continue to be very
careful about how you read newspapers, magazines, publications
of all kinds, radio, television, all of those things and
conversation with others; to continue to be open-minded;
avoiding anything connected with this case and the issues on
trial so that you can be true to your oath and decide
according
to the law and the evidence presented to you here in this
room.

We're -- you're in recess now until 9:00 tomorrow
morning. We hope you have a pleasant evening.

You're excused.

(Jury out at 5:01 p.m.)

MR. NIGH: Your Honor.

THE COURT: Mr. Nigh?

MR. NIGH: May we approach for a moment?

THE COURT: Yes.

(At the bench:)

(Bench Conference 83B1 is not herein transcribed by court
order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: All right. We'll be in recess till
9:00.

(Recess at 5:05 p.m.)

* * * * *

INDEX

Item

Page

WITNESSES

Lawrence Martin

Direct Examination by Mr. Ryan

Frederick Dexter

Direct Examination by Mr. Mackey

Cross-examination by Ms. Ramsey

PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
509A	7489	7489			
520	7531	7531			
521	7532	7533			
535	7494	7494			
536	7500	7500			
537	7503	7503			

539	7505	7505
542	7512	7512
543	7513	7513
545	7519	7520
546	7521	7522

PLAINTIFF'S EXHIBITS (continued)

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
554	7547	7549			
555	7547	7549			
556	7533	7534			
557	7534	7534			
558	7536	7536			
559	7538	7538			
560	7541	7544			
564A - 564S	7560	7560			
565 - 571					
1039	7476	7476			

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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 7th day of May, 1997.

Paul Zuckerman

Bonnie Carpenter