IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,
Plaintiff,
vs.
TERRY LYNN NICHOLS,
Defendant.

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REPORTER'S TRANSCRIPT
(Trial to Jury: Volume 71)

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Proceedings before the HONORABLE RICHARD P. MATSCH, Judge, United States District Court for the District of Colorado, commencing at 8:45 a.m., on the 12th day of November, 1997, in Courtroom C-204, United States Courthouse, Denver, Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription Produced via Computer by Paul Zuckerman, 1929 Stout Street, P.O. Box 3563, Denver, Colorado, 80294, (303) 629-9285

APPEARANCES

PATRICK RYAN, United States Attorney for the Western District of Oklahoma, for the Western District of Oklahoma, 210 West Park Avenue, Suite 400, Oklahoma City, Oklahoma, 73102, appearing for the plaintiff.

LARRY MACKEY, BETH WILKINSON, GEOFFREY MEARNS, JAMIE ORENSTEIN, and AITAN GOELMAN, Special Attorneys to the U.S. Attorney General, 1961 Stout Street, Suite 1200, Denver, Colorado, 80294, appearing for the plaintiff.

MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHWELL, and REID NEUREITER, Attorneys at Law, 1120 Lincoln Street, Suite 1308, Denver, Colorado, 80203, appearing for Defendant Nichols.

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PROCEEDINGS

(In open court at 8:45 a.m.)

THE COURT: Be seated, please.

You wish to approach the bench, Mr. Tigar?

(At the bench:)

(Bench Conference 71B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: Members of the jury, good morning. We

appreciate your cooperation and this being another one of those days where, for some you at any rate, it took a little extra effort to get to the assigned spot on time; and we appreciate the effort that you made in that regard.

And so we're ready to resume our testimony, and you will recall that at the time that we recessed on Monday, we were hearing testimony from the witness, Mr. John Kane, about the operations of a telephone debit calling card. And we'll resume with Mr. Kane's testimony. Mr. Goelman was examining.

(John Kane was recalled to the stand.)

THE COURT: Mr. Kane, if you will resume the stand under the oath you took with us on Monday, we'll continue with you examination.

THE WITNESS: Okay.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

May I have Agent Tongate put up Government's Exhibit 506, the enlargement that we discussed on Monday?

THE COURT: Yes.

DIRECT EXAMINATION CONTINUED

BY MR. GOELMAN:

Q. Good morning, Mr. Kane.

A. Good morning.

Q. Referring to the poster behind you, Government Exhibit 506, when we broke on Monday, you had just explained the path that a debit-card phone call would take through the WCT OPUS system. Can you refer back to the poster and explain what is signified by the number 3911 and the word "in" below it on the left-hand side of the WCT switch box.

A. 3911 is a -- a number or numeric identifier for something we call a trunk group in the industry. Essentially, a trunk group is a group of telephone lines, each line being denoted as a port. Those ports in a group would constitute a trunk group. A port essentially in its simplest form would be the equivalent of essentially your home telephone that you would have in your house.

Q. Why the word "in" written below 3911?

A. 3911 is a group where the (800) 793-3377 number comes into the WCT switching equipment, so therefore, it is an inbound call. So we refer to that as the "in" trunk group.

Q. Okay. And then you were describing how the call went to the OPUS group; is that right?

A. Correct. Once the call is processed beyond the -- the WCT switch, it then enters the OPUS system as an inbound call to the OPUS system.

Q. And that's where the balance check is performed that you were talking about?

A. Balance check and further call processing.

Q. Okay. Could you please explain what's represented by the

Q. Okay. Could you please explain what's represented by the blue box that says "3910 out."
A. When the OPUS system has decided that the customer has enough of a balance to make a particular phone call, the OPUS system will originate a call back to the WCT switch. That call was received in the WCT switch on the 3910 trunk group and is routed out of the WCT switch to the terminating telephone so that the conversation can take place. It's just another -- Essentially, an arbitrary number that was assigned to this particular group of trunks.
Q. But here, it represents an outgoing phone call?
A. Outgoing phone call from the OPUS.
Q. Mr. Kane, I think we're all familiar with the monthly telephone bill. Did WCT send its debit-card customers a monthly bill?
A. No, they didn't.
Q. And why not?
A. Well, the debit-card user had prepaid for their telephone calls and there was really no reason to send them a bill, and so it was -- it was just not done.
Q. Did WCT nonetheless keep track of all the information that's listed in the local or monthly phone bill?
A. Oh, yes.
Q. And does that include the "from" and "to" number of every call?

A. We kept track of all of the transactions "from" and "to," from all the systems.
Q. And does it also include the day, time, and duration of each phone call?
A. Yes, it did.
Q. Turning back to the poster, can you describe how many different records each phone call going through the system would make.
A. A typical telephone call would make one record with the local telephone company, one record in 3911, one record in OPUS, one record in the 3910, and one record in the local telephone company at the distant end, so a total of, in this case, five.
Q. And leaving aside the local phone records, for the moment, how many records were made of each phone call that WCT maintained?
A. There would have been at least -- at least one, but possibly as many as three, depending on how far the call progressed.
Q. And would all the information contained in the local phone bill be contained within those three records of a single phone call?
A. In combination, yes.
Q. Okay. Can you tell us the names, just for the ease of reference, of those three different types of records.

A. We've named them in this case 3910, 3911, and OPUS.
Q. And are you familiar with the system by which each of these records was kept?
A. Yes, I am.
Q. Okay. I want to talk about the way each of these records were kept, very briefly. Instead of starting with 3911, however, I want to start with the OPUS record.
A. Okay.
Q. Can you explain how and when the OPUS record is first written.
A. The OPUS record: As in all telephone records, the record begins when the system is accessed by the originating caller. In this case, the originating caller would be coming from the 3911 record, but the OPUS system would begin compiling a record as the call progressed. It would record the date and time of the call, the port number where the call came into the system on, and then it would record the information that pertained to the user, the PIN number, 14-digit PIN number that we talked about. And then it would record the telephone number that the caller dialed, if the caller ever dialed a telephone number.
Q. What would happen to all this data in the OPUS file after the call terminated?
A. Once the call was completed, the amount of dollars associated with the call and the time the call terminated would be recorded by the system, and the balance for that customer

would be updated in the accounting files.
Q. Okay. And what would happen to the OPUS record at that point?
A. It would be stored in electronic medium, either on a hard disk or on a backup system.
Q. Why did WCT store this information if it didn't need to send its customers a monthly phone bill?
A. Well, we did have cases where there were callers who had problems with various telephone calls who requested credits for those calls; that had a bad connection or whatnot, if we needed to be able to look at that. We also needed in some cases to reconstruct financial histories of some of these accounts if there was a dispute over the balance and whether or not the -- the card was being used by the user properly. There were different issues.
Q. Mr. Kane, you mentioned that in addition to the from and to number and date and time and duration, that the port number was written to the OPUS file?
A. Yes, it was.
Q. What exactly is a port number?
A. Port number, again, is the lowest level of connection between these -- each of these systems. Port number again is the same as your home telephone. A single -- the smallest element under which a single phone call can be carried.
Q. And after the Oklahoma City bombing, Mr. Kane, did you

receive a subpoena, asking you for certain records in your files?
A. Yes, we did.
Q. And did you, in fact, provide the FBI with these records?
A. Yes, I did.
Q. How did you provide them with the OPUS records that you gave them?
A. We asked the system to provide those records to us in a database file. We then took that file and transferred it onto diskettes, which we then verified by matching the information on the OPUS system to the information on the diskettes; visually on two computers next to each other.
Q. Okay. You said you asked the system to provide you with certain information. What were the parameters of the computer search that you did?
A. We -- we asked the system to provide us with all the records that it had pertaining to the Spotlight calling card 800 number. All of those records.
Q. What was that 800 number?
A. (800) 793-3377, I believe.
Q. Okay. And did you do that for a specific period of time?
A. We did that for the entire period of time that the Spotlight calling program had been in existence. It was either November, December, '93, through, I believe, April 17.
Q. 1995?

A. 1995.
Q. Okay. Could you look inside your folder up there and see if you can find Government Exhibit 511. There should be a group of computer diskettes.
A. I have them.
Q. Do you recognize them?
A. Yes, I do.
Q. What are they?
A. These are the diskettes that we provided to the Government under the subpoena.
Q. And how do you know those are the same diskettes?
A. I initialed and dated them.
Q. How do you know that the information contained on those diskettes is the same information that was in your file?
A. I verified that information once we had made these diskettes.
Q. How did you verify it?
A. I physically had the information that's on these diskettes on one screen and the -- the information from the system on another screen, and I was able to look at them side by side and compare them.
Q. Mr. Kane, on Monday, you spoke about a process whereby the OPUS computer would reboot during the day.
A. Yes.

Q. Do you remember that?

A. Yes.
Q. And you testified that during this process, certain information would be discarded by the system?
A. That's correct.
Q. Now, which system? Would that be the OPUS system or the WCT switch computer would discard information during the reboot?
A. That was only the OPUS system.
Q. And what records would be discarded during the reboot?
A. The -- the way the -- the system would reboot and any call that happened to be in progress at the time the system was rebooted, the record could potentially not be written to the storage file.
Q. Did this rebooting process have any effect at all on the records that OPUS did save?
A. No, it did not.
Q. And did any feature of the WCT or OPUS system cause there to be records of phone calls that were never made?
A. No.
Q. Are the records that are on those three diskettes business records of WCT made and kept in the regular course of WCT's business?
A. Yes, they are.
MR. GOELMAN: Your Honor, I would move to admit Government 511.

MR. TIGAR: May I inquire, your Honor?
THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. TIGAR:
Q. Hello again, Mr. Kane. The records that you assembled, they relate, you said, to three different things; right? In, out, and OPUS; right?
A. Correct. Yes, sir.
Q. Okay. And if -- for ease of reference, 3911, 1 is in; right?
A. Yes.
Q. 3910, 0 is out. Right?
A. Yes.
Q. And then there's the OPUS record?
A. That's correct.
Q. Now, when you turned over the records, if a call was in progress during this time when the computers were rebooting or starting up again, there would still be a 3911 and 3910 record; is that right?
A. It would be at least a 3911. 3910 would only exist if there was an outbound call currently in -- in progress at the time.
Q. But what would be missing -- what's missing then on that

Q. But what would be missing -- what's missing then on that diskette is attributing the call that was in progress to any particular Spotlight card; is that right?

A. Yes.
Q. So in order to know if -- if -- during that period of time, if any particular Spotlight user was responsible for a particular call, other steps would have to be taken; right? It would not appear from the OPUS system?
A. That would be correct.
Q. Okay. So that's not a -- so -- and so thus, in -- for those calls, that information that -- that the -- from the computer is missing insofar as particular Spotlight customers are identified; correct?
A. That's correct.
Q. And in doing your research, you know of at least one instance in which a call you were being asked about fell into that category that there was no OPUS record; right?
A. That's correct.
Q. Okay. Now, in -- also in looking at your business records, is it the case that the origination file, the 3911, always tells you the calling number?
A. The calling --
Q. The number that's -- the phone you see that's up No. 1 there.
A. Yes.
Q. That's when the customer picks up the phone?
A. Right.
Q. Does the 3911 always tell you the phone number that's on

that phone that somebody picked up?
A. There is a numeric identifier in that number. In most cases, it tells you the specific number; and in some cases, you have to obtain other information to get that number.
Q. And in fact, there's one community in the United States where due to the phone company records, all you get is 000-0000 on the 3911?
MR. GOELMAN: Your Honor, I'm going to object as beyond the scope of voir dire on the OPUS records.
THE COURT: Overruled.
THE WITNESS: That would be incorrect.
BY MR. TIGAR:
Q. All right.
A. In that particular -- it's probably more than one community.
Q. Okay. All right. So --
A. Okay. There is an area in Arizona that gives you information in a different format, and what it does is it gives you the area code and then seven 0's.
Q. Okay. And so in the 3911 records that you turned over to the Government, all calls from this particular area of Arizona,

when you look at the 3911 to see, gee, what number was that that was used, you're going to find in the records the area code and the seven 0's?
A. That's correct, yes, sir.

Q. Tell the jury what community that is in Arizona where we get the seven 0's.
A. I believe it's Kingman, Arizona.
Q. So the records you turned over to the FBI with respect to Spotlight calls originating in Kingman, the 3911's all just have the seven 0's; right?
A. Have the area code and the seven 0's; correct.
Q. And so that the records -- but -- with that understanding, the records you turned over were records that you did keep in the ordinary course of your business; right?
A. Yes, sir.
Q. And the fact that they have these features we've talked about is nothing that was caused by any particular interference you made with the records or -- or anything untoward; right?
A. I don't understand the question.
Q. Well, you -- you kept the -- you gave the FBI the same kinds of records as you kept for the Daryl Bridges card as you kept for everything else; right?
A. Absolutely, yes, sir.
Q. And these omissions we're talking about, that's system-wide, not limited to any particular card; is that correct?
A. The information is not an omission; it's just transported differently. We just don't get the number.
Q. You just don't get the number?

A. That's correct.
MR. TIGAR: With that understanding, your Honor, we -- we have no objection to the exhibit being received.
THE COURT: The three diskettes in 511 are received. How many are there?
THE WITNESS: Three.
MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MR. GOELMAN:
Q. Mr. Kane, when you're talking about records from Kingman, Arizona, would those records -- when you refer to the five different records that are created for each phone call, would the Kingman, Arizona, local phone company have kept records of those outgoing phone calls?
A. Yes, they did.
Q. Would that be the record created in Steps (sic) No. 1?
A. That's correct.
Q. Let's move on to another kind of record. Let's move on and talk about the 3911. You indicated that the OPUS records that

have already been admitted had a lot of the information for every phone call.
A. Yes.
Q. Including the "to" number and the time, date, duration?
A. Yes. That's correct.
Q. What -- what didn't it have?

A. It didn't have the originating telephone number.
Q. And where -- what record would you turn to in order to get the originating phone number?
A. That information was available in our 3911 records.
Q. Could you explain when that information is first saved to your 3911 record.
A. The record begins to be created as soon as the switching equipment is notified that it has an incoming call to that 800 number. It starts to write the information pertaining to the telephone number of the originating location, the type of telephone that made the call, whether it was a business-, residential-, or pay-phone-type location. It also puts down the date, the time, the port numbers associated with that particular call.
Q. So it's not just the "from" number that is saved on the 3911 file?
A. No, sir.
Q. You've already testified why WCT kept the OPUS file to keep track of account information. Why were 3911 records kept?
A. Well, in the WCT box on this picture here is a long distance switching machine. And it sees that OPUS has a customer, not necessarily as an integral part of a WTC service. So for normal record-keeping and billing purposes, we would keep that information so we could bill the customer. In this case, we would be billing ourselves since we owned the OPUS --

the OPUS system. Billing information.
Q. And after the bombing, were you asked to provide this billing information to the Government?
A. Yes, I was.
Q. And did you do that?
A. Yes, I did.
Q. How did you go about doing that?
A. Again, we -- we took all of the 800 calls that had ever been made to the Spotlight calling card 800 number from various databases and assembled that information in a data file, and then we -- we copied that data file onto some diskettes, and I physically compared the diskettes -- information on the diskettes to the information in the data file in our main systems.
Q. How did you determine which 3911 records you were going to provide the Government?
A. We only provided those that were calls that were made to the Spotlight 800 number.

the Spotlight 800 number.
Q. Can you look inside your folder and see if you can find Government Exhibit 509, which would be another group of diskettes.
A. I have them.
Q. Do you recognize them?
A. Yes, I do.
Q. What are they?

A. They are the 3911 files. They are initialed and dated by me.
Q. And after you provided -- after you saved the information onto these diskettes, did you take any steps to verify that these files were the same ones that were on your system?
A. Yeah. Physically compared them side by side with two computer terminals. So I could look at the records on both -- in our system and on this -- on these diskettes.
Q. And are the 3911 records on these diskettes business records of WCT?
A. Yes, they are.
Q. Made and kept in the ordinary course of business?
A. Yes, they are.

MR. GOELMAN: Moved to admit Government 509, your Honor.

MR. TIGAR: May I inquire?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. TIGAR:
Q. Now, so that we know what we're seeing, sir, in -- did you do one search for the 3911 records that resulted in these diskettes or did you do several searches?
A. We did many searches.
Q. And did you find that in the first search you made that you had left something out?

A. I don't understand.
Q. Well, how many searches did you have to do in order to get what's on those diskettes?
A. Actually, several hundred.
Q. Now, did you do them all at the same time?
A. No. Did them over a period of time.
Q. All right. What period of time was that?
A. Several months.
Q. And why was it necessary to keep going back to the system over several months to assemble that information?
A. Just the sheer volume of calls that we had in our files, we had to essentially take backup files, load them on the system, find these particular records, extract them to another file, and then go to find other cartridges and disk storage devices that we use in the normal course of business to back our

that we do in the normal course of business to back out records up and kept loading those up and getting the records of them.
Q. When you made your first search for the 3911 files, did you -- did you have on there a record of a call made on the 14th of April, 1995, from a pay phone in Junction City, Kansas?
A. Had two records from that date. From the same pay phone.
Q. All right. And from the information you then had on that date, did your search connect those two records together?
A. Connect which two records, sir?
Q. Connect the two records together? Did it show them as

having been the same telephone call?
A. No. There were two records because they were two different telephone calls.
Q. And in the first search that you did, did you have record of a completed call on the 14th to a business in Junction City, Kansas?
A. There was a record of a call. I don't remember if it was completed or not.
Q. And did your first search show that one of the originating calls was connected to the completed call in Junction -- or to a call to a business in Junction City, Kansas?
A. I don't understand. Could you try that again.
Q. When you did your first search, did that search show that a pay phone in Junction City, Kansas, had called a business in Junction City, Kansas?
A. There were two calls, and the -- the answer to the question is both calls had terminating numbers associated with them. One of the calls was to a business, was completed. The other call, I don't know if it was to a business or not, and I don't remember if it was completed.
Q. And what you have now, therefore -- excuse me. Strike that.
What you have now is the result, though, of having gone back a number of times, correct --
A. Yes.

Q. -- to the records?
A. Yes, sir.
Q. And are you satisfied that what you now have in front of you as a result of those searches is a complete and accurate record of all of the 3911 records -- calls during that time?
A. Yes, it is.
MR. TIGAR: Okay. No objection, your Honor.
THE COURT: All right. I might -- if I might interject just so that it's clear to us.
You're not talking about looking at a bunch of documents, are you?
THE WITNESS: No.
THE COURT: So that the records are created through a

computer process developing a database utilizing magnetic or electronic impulses into the computer system.

THE WITNESS: Yes, sir.

THE COURT: And so the search consists of commands into that computer to get information out.

THE WITNESS: Yes, sir.

THE COURT: Okay.

MR. GOELMAN: Thank you, your Honor.

THE COURT: Some of us think of searches as going through file cards.

DIRECT EXAMINATION CONTINUED

BY MR. GOELMAN:

Q. You've indicated that you can get the "from" number from the 3911 file; is that right?
A. Yes, sir.
Q. And once you have the OPUS file and the 3911 file, what information about a phone call are you missing?
A. Actually, not missing any.
Q. So why do you need the 3910 file?
A. We really don't. The 3910 file is just a third level of validation for us to make sure that we have accurately delivered all of the records.
Q. What information is contained in the 3910 files?
A. 3910 file contains the date, the time, the duration, the port number, the dialed number for the calls that originated from the OPUS platform.
Q. And is the 3910 file created at a different point in the process of a phone call than the 3911 and OPUS files?
A. Yes. It would be.
Q. Can you tell the jury about when the 3910 file is created.
A. Each -- each of the 3911 and the 3910 are independent telephone records. There are two separate calls as far as the system is concerned. It does not know that one is the result of another. So you can have a 3911 call come into the system. You get into the OPUS platform, you can dial the telephone number; and once you've dialed the telephone number you're calling, a record is then begun which is a 3910 record, which

supports the billing information for that particular call. You may not even complete the call, but you'd still have a 3910 record that would tie back to the 3911 and the OPUS records.
Q. And what is WCT's purpose in keeping the 3910 file?
A. Again, we're -- we're dealing with a system that does not know that OPUS is a company that is -- or equipment that is associated with our own company. So we were keeping that information for the purposes of billing a customer -- in this case, it would be OPUS -- for a telephone call. Essentially billing ourselves.
Q. So like the 3911, the 3910 record is a billing record?

A. Yes, it is.
Q. And did you supply the Government with some 3910 records after the Oklahoma City bombing?
A. Yes, we did.
Q. Can you describe how you went about collecting these records?
A. These were a little bit more complicated to gather for us. What we did to obtain these records was we took all of the telephone numbers that any Spotlight caller had ever called. We put those numbers into a database of telephone numbers. We then took our very large 3910 file and ran -- compared the two files to each other, extracting from the large 3910 file only those records where there was a match to any number that had been dialed by the OPUS system during the duration from

December '93 through April of '95.
Q. Okay. So you started with the OPUS records?
A. Yes, sir.
Q. And what information did you take out of the OPUS records?
A. We took the dialed number, the number that was being called --
Q. The "to" number?
A. The "to" number.
Q. Okay. And explain again the search that you ran in the 3910 database.
A. We took all of those numbers. We put them into a database. We ran that database against a much larger file that contained all of these calls that were in the 3910 file, which is a very, very large file; and then we only pulled from that file those records which matched based on telephone number.
Q. Okay. When you say you took the "to" number from the OPUS files, would that be all the numbers that the Daryl Bridges account ever dialed or all the numbers that any Spotlight calling-card holder ever dialed?
A. It was any record of any Spotlight caller who had ever dialed from that system.
Q. What did you do once you got these 3910 files?
A. We again compared the -- the numbers on the screen to two screens next to each other, put them on diskettes, and forwarded them to the Government.

Q. Could you look inside your folder for Government Exhibit 513, please.
A. I have it.
Q. What is that?
A. These are the 3910 files, either signed or initialed and dated by me that we submitted.
Q. How many diskettes are there?
A. There are three.
Q. When you were describing how you retrieved the 3910 files contained on these three diskettes, if there was no OPUS record

contained on these three diskettes, if there was no OPUS record of the "to" number called, would the 3910 have been included on those three diskettes?
A. No, it would not.
Q. And why not?
A. Because the basis for our compiling this information was only those calls that had -- that there was a record of in the OPUS system. So they would not have been included.
Q. So what if there had been a Spotlight call made to that number but because of the OPUS rebooting process that you described, there was no OPUS record for that particular call?
A. We would have not found it in this process, and it would not be included in these records.
Q. Mr. Kane, when you were first reconstructing the phone activity on the Daryl Bridges debit card, did you find that there had been a phone call for which there was no OPUS record?

A. Yes.
Q. Could you describe how you made that discovery.
A. We were -- before we were putting the records together in this format, we were using an on-line data processing system which gave us the ability, be it very slow, for us to go into our active data files or data that had not yet been offloaded from the system for storage purposes and look at all call activity associated with the 800 number and the terminating calls that came back into the WCT system. I was looking at calls associated with the Bridges calling card and had found a call that began at a pay phone on the 14th and then had found the terminating number, which was (913) 258-3400, and the next -- I pushed the carriage return to look at the next record, and I did not think that the screen had changed because most of the information was very, very similar. So the next record that had come up in sequence was a record that based on the 800 number that was in our search, we -- we were surprised to see this record because we didn't have an OPUS record that matched this particular call.
Q. What do you mean, you didn't think that the screen had changed?
A. Well, when you -- you're sitting in front of a terminal and there's a lot of information displayed, you're looking at the -- the fields on that screen for information. When I pushed the return key, I -- I thought that the screen had not

updated because the originating telephone number and the date on the call were almost the same. So I actually toggled back and forth, looking at the previous record and coming back to look at the current record, because it bothered me that there were two records that were so similar back to back.
Q. You initially thought it was the same phone call?
A. I thought it was the same record. Right.
Q. What fields of information were the same so that you

thought that it was the same phone call?
A. The originating telephone number, the fact that it was a pay phone, the date, and some of the elements in the time field were -- were -- at first glance looked the same to me. But they actually were slightly different.
Q. You said that the "to" number for the first of those two phone calls was (913) 258-3400?
A. Yes, sir.
Q. When you first saw it, that number, was it already familiar to you?
A. Yes. I had seen that number previously.
Q. When had you seen that number previously in your -- in your database?
A. It was the record that I had found for a call from the Dreamland Motel that had been made on the 15th.
Q. Of what month?
A. Of April, 1995.

Q. Okay. And again, did you consult business records of the local phone company in Herington, Kansas, to determine who was subscribed to that number in April, 1995?
A. Yes. Terry Nichols.
Q. Do you remember what date the two phone calls in a row were again?
A. April 14.
Q. So that was the day before the initial call to Mr. Nichols that you found?
A. That's correct.
Q. And after you discovered that there really were two different phone calls from the same pay phone on April 14, what did you do?
A. I suspected at that time that there was another Spotlight calling card that we had not associated with the Bridges account.
Q. Why did you suspect that?
A. Because I had all of the OPUS files for the Bridges account at that point, and there was no call that would have matched this one in that Bridges account. So I went off to the OPUS system, looking for this particular call record in the OPUS system, and was unable to find it.
Q. How did you know that this particular call even had to be a Spotlight call at all?
A. Well, the -- this is a three-record situation. I had the

3911 record, and I had a 3910 record. And the only way I could have a 3910 record is if a call had gone through the OPUS system, so I knew that there was something wrong because it did not have that OPUS record.
Q. Did you find another Spotlight account that made the second call on April 14, 1995?

A. No, I did not.
Q. So there was no OPUS record for Bridges or from any other Spotlight account of this call?
A. There was no OPUS record whatsoever.
Q. Did you have the 3911 and the 3910 for this phone call?
A. Yes, I did.
Q. And at the time, did you know why you had the 3911 and the 3910 for a particular phone call and not have the OPUS record?
A. No, I didn't.
Q. Did you later discover the reason for that?
A. Yes, I did.
Q. And why would you have those two records and not the OPUS record?
A. Apparently, when the software people were fixing one problem in the system, the OPUS system, where we were having a difficulty with the system from time to time, it would just stop processing calls -- the way they had fixed that is they had written a program that caused the system to reboot three times a day, where it would clear out its memory. And part of

the way they had done that inadvertently caused them to throw away calls from a record-keeping standpoint that potentially were in progress during that rebooting process.
Q. And is that the same rebooting process that you described earlier?
A. Yes, it is.
Q. You said that when you were -- when you found these calls, you were looking at records on -- on a computer screen; is that right?
A. Yes, sir.
Q. And you described it as a slow process?
A. Yes. We were using a system that we called CDR Search, which is meant for finding calls from times that customer would complain if they had a bad connection. We would go into the system to reconstruct the call, what equipment was being used on that particular call so we could try to recreate the call, reconstruct the problem, and solve the problem for the customer. It wasn't meant to find large numbers of records.
Q. I don't see a CDR anywhere on Government Exhibit 506. Will you explain the CDR record and how that fits in with the other types of WCT records.
A. Well, CDR is just another way to output either the 3910 or the 3911 record. It was just printed out to -- to a different file.
Q. How long are CDR records kept in active memory?

A. We used to try to keep about 30 days' worth of CDR information available on line.
Q. And is the information contained in the CDRs the building blocks for what later becomes a 3911 and 3910's?
A. Exactly.

A. Exactly.
Q. In addition to the diskettes that you've already identified, did you print out hard copies of certain records?
A. Yes, I did.
Q. Which records were those?
A. I believe they encompassed the records that we associated with the Bridges account between March 25 of -- of '95 through April 17 of '95.
Q. And did these records include the CDRs from the second phone call on April 14 that didn't have any OPUS record created for it?
A. Yes, they did.
Q. And at this stage, you're just physically eyeballing records on the computer?
A. Yes, sir.
Q. Pushing "Print Screen"?
A. Yes.
Q. I want you to take a look and see if you can find Government 517 inside your folder.
A. I have it.
Q. One moment.

Do you recognize those documents?
A. Yes. These are copies of the CDR printouts.
Q. Are those the same files that you saw on your computer screen?
A. Yes, they are.
Q. And are they business records of WCT?
A. Yes, they are.
MR. GOELMAN: Your Honor, I move to admit Government 517.
MR. TIGAR: May I just very briefly?
THE COURT: You may inquire.

VOIR DIRE EXAMINATION

BY MR. TIGAR:
Q. The top page there that has an exhibit-number sticker on it --
A. Yes, sir.
Q. -- is that your business record?
A. No, it's not.
Q. All right. Are all the other pages your business records? The ones that are hand-numbered 1 through 57?
A. Yes, they are.
MR. TIGAR: Your Honor, no objection to the admission of pages 1 through 57. We object to the top page because it's not his record.
THE COURT: Agree to remove --

MR. GOELMAN: I'll withdraw that, your Honor.
THE COURT: Did you intend to offer 513, also?
MR. GOELMAN: Yes. I intended to come back to 513

after I explained these phone calls.
THE COURT: Oh, all right. Well, 517 is received. We'll remove the front page. Let's do it now so we don't forget it.
Go ahead.
MR. GOELMAN: Thank you, your Honor.
DIRECT EXAMINATION CONTINUED
BY MR. GOELMAN:
Q. Are the two phone calls that you found on April 14 included in this packet of CDRs, Mr. Kane? Refer to pages 41 and 42 to see if you recognize the phone call depicted in those two pages.
A. Yes. They are here.
Q. And pages 41 and 42, what phone call is represented by the data on those pages?
A. This is the first telephone call on the 14th, which is associated with the Bridges account. The call was from a public pay phone at area (913) 762-9765, which was --
Q. Did you know that the call was from a public pay phone just from that record?
A. There is some information provided to us by the local telephone company when they forward the call to us as a long

distance company which tells us about -- a little bit about the originating telephone number so we can make business decisions as to whether to accept or reject the call.
Q. And is that information included on the face of that record there?
A. Yes, it is.
Q. Does that record indicate what number was called?
A. The 3911 record does not indicate what number was called. The call number on this record is the 800 number for the Spotlight calling card.
Q. Could you turn to page 42. And is that the 3910 record for that phone call?
A. This is the equivalent of the 3910 record, and it shows the -- the dialed number or the called number here, the "to" number at (913) 258-3400.
Q. And you've already identified that as Mr. Nichols' number?
A. Yes.
Q. Can you tell from these records when the phone call to Mr. Nichols' house ended?
A. Call ended at 7:53:06.
Q. And could you take a look at pages 43 and 44 of Exhibit 517 and tell me if you recognize the phone call depicted in that data.
A. This is the second call. It's again from the (913) 762-9765 pay phone. It begins at 7:53:33, 27 seconds after the

other one ended.

Q. What number was that telephone call made to?
A. The "to" number here is (913) 238-8534.
Q. Before coming to court on Monday, Mr. Kane, did you check local business records and determine who was the subscriber to that particular phone number in April 1995?
A. Yes. This was listed to Ryder One-Way Direct, I believe is the name.
Q. Where?
A. In Junction City.
Q. Kansas?
A. Yes.
Q. And how much time, then, is there between the call to Mr. Nichols' house and the call to Ryder Truck?
A. 27 seconds, according to this.
Q. Did some mechanical process have to happen in these 27 seconds?
A. The caller would have had to hang up -- would have hung up the first call. They would have then had to originate a second call essentially going back through this process, Steps 1 through 5, and revalidated into the -- into the system and then made the second call.
Q. And how long, again, do Steps 1 through 5 generally take?
A. Somewhere between 7 and 10 seconds.
Q. And that had to happen within the 27-second window?

A. That would be correct.
Q. Mr. Kane, was the 3910 for this particular phone call to Ryder Truck included in Government Exhibit 513, the three diskettes that you've already identified?
A. No, it wasn't.
Q. Why not?
A. It was not a "to" number that matched the OP -- any number in the OPUS file that we were working from.
Q. Was the 3911 for this particular phone call included in the diskettes that have already been admitted?
A. Yes.
Q. Why would the 3911 for this phone call be there and the 3910 not be there?
A. The 3911 was created by the fact that the -- any call that had ever been made to the 800 number was the criteria for that particular file. So the 800 number was dialed and was recorded so it was a part of the 3911 record, and the 3910 records were created as a result of OPUS records. We did not have an OPUS record for this particular call. We did not include it with the initial data set.
Q. And because the 3910 for this particular call was not on the original three diskettes that you provided to the Government, did you later go back and save this single 3910 to an additional diskette?
A. Yes, we did.

Q. What information went on this diskette?
A. Just the information regarding the 3910 call to the Ryder truck rental location.
Q. Could you please look inside your folder once again and see if you can find Government Exhibit 514. It should be a single computer diskette.
A. I have it.
Q. And do you recognize it?
A. Yes. It's the diskette that I submitted, signed and dated by me.
Q. And contained on that diskette, is there a 3910 business record of WCT?
A. One record.
Q. Did you take any steps to verify that this record is the same one you saw on your screen?
A. I looked at both of them side by side.
MR. GOELMAN: Your Honor, I move to admit Government Exhibits 513 and 514 at this time.
MR. TIGAR: No objection, your Honor.
THE COURT: They are received, 513 and 514.
BY MR. GOELMAN:
Q. You've described the different kind of records that are contained on your diskettes. Taken together, what information about a particular phone call could we get from these three records?

A. Taken together, you should be able to ascertain the place the call was made from, the time, the date, the duration, and the number that was called.
Q. Sounds pretty straightforward. Could you take Government Exhibit 509A out of that folder.
A. I have it.
Q. Do you recognize that?
A. Yes, I do.
Q. What is that?
A. This is a partial printout of the 3911 file, which is just a -- groups of numbers separated by commas or something we call a comma-delimited ASCII file.
Q. So that's nothing more than a hard copy of some of the records contained on Government Exhibit 509?
A. Yes. That's correct.
Q. And does 509A depict what these records actually look like?
A. Yes. That's -- that would be correct.
MR. GOELMAN: Your Honor, I move to admit for demonstrative purposes only.
THE COURT: 509A.
MR. TIGAR: May I take a look at it, your Honor?
THE COURT: Certainly.
MR. TIGAR: Thank you.
THE COURT: As I understand it, this is to illustrate what the process shows if it's printed out.

MR. GOELMAN: Exactly, your Honor.
MR. TIGAR: No objection, if the Court please.
THE COURT: All right. 509A is received for that purpose.
MR. GOELMAN: May I publish, your Honor?
THE COURT: Yes.
BY MR. GOELMAN:
Q. Describe what we're seeing on the screen, Mr. Kane.
A. Essentially, this is a series of numbers, each group of numbers separated by a comma, which would indicate to a computer program that the data contained prior to the comma was one field of information or one group of information and that the comma separates the next group of data, numbers, or letters so that can be interpreted by that -- by that computer system.
This record would -- this file printed out this way would show the first number, which is obvious, (800) 793-3377. It's the Spotlight 800 number. The next field after the comma would be the trunk group number, 3911. I'm not sure what the next few fields are. There's obviously a date field here. There's a number where the call originated from and the city and state where the call originated from, as well as some other numeric information, but I'd need some other documentation to look at that.
Q. Mr. Kane, this format isn't particularly user-friendly, is it?

A. Not particularly.
Q. Is there a way to get rid of all the extraneous information, the non-Bridges phone calls and all the different technical data and make one record that you could use and understand just by looking at it?
A. There are a number of different ways to do that, yes.
Q. And could you make this record include all the relevant information about each phone call, including date, time, duration, number dialed from and number dialed to?
A. Sure.
Q. Mr. Kane, how many different phone calls did WCT process between December, 1993, and April, 1995?
A. I think we calculated that to be almost 2-1/2 billion.
Q. And did this series of diskettes that you've admitted today -- do they reflect all 2-1/2 billion calls?
A. No.
Q. About how many different calls -- about how many different records are on those three sets of diskettes?
A. I believe there's somewhere less than half a million.
Q. And does that mean there were half-a-million calls reflected by these records?
A. No. There's a lot of duplication because there's a different -- different records from different systems for the same phone calls in a lot of cases.
Q. Could you look inside your folder and see if you can find

Government Exhibit 516, please.
A. I have it.
Q. And does that reflect the number of records of each type of file that you provided to the Government?
A. Yes, it does.
MR. GOELMAN: Move to admit, your Honor, for demonstrative purposes only.
MR. TIGAR: May I have a moment, your Honor?
THE COURT: Yes.
MR. TIGAR: No objection, your Honor.
THE COURT: All right. 516 is received for demonstrative purposes.
MR. GOELMAN: Thank you, your Honor.
May I publish, please?
BY MR. GOELMAN:
Q. Can you describe what we're seeing here?
A. These are the numbers of records that were associated with each of the groups of diskettes that we submitted to the Government.
Q. Why are there different numbers of 3911, 3910, and OPUS records?
A. There are a number of reasons for the differences here. In the 3911 category, for example, every time a Spotlight calling-card customer called the 800 number, there would be a record created. A Spotlight calling-card customer could, if

the customer elected to do so, make multiple calls through the OPUS system with only one 800 call as a convenience feature. So essentially, they could dial the 800 number once, put their PIN number in once, complete a telephone call, not hang up, and utilize a feature we call "reorigination" which would allow a second, third, fourth call to be completed. It had only to do with how much of a balance the customer had. If they had an adequate balance, they could theoretically continue making calls until they ran out of money.
Q. And how many 3911 records would be created from one of those reorigination series?
A. There would be only one 3911 record.
Q. How many OPUS records could be created from one 3911?
A. Theoretically, infinite based only on the balance available to the customer.
Q. Mr. Kane, do you know why there are fewer 3910's than there are the other two files?
A. Sure. The 3910's were only created for billing purposes, so therefore any calls that were ring/no answer, or is busy at the distant end or were not completed for any reason would not be part of the 3910 file; so therefore, there's somewhat less. In this case, there's about two-thirds as many. Industry standard is about 66 percent of calls are completed.

33 percent are either busy or ring/no answer.
Q. Mr. Kane, you said that you could create a single, unified

record of all the Daryl Bridges phone calls; is that right?
A. Yes.
Q. How would you go about doing that? Where would you start?
A. I would start with the Bridges account information from the OPUS system. Then I would go and gather the 3910 and 3911 records associated with those particular Bridges calls.
Q. Okay.
A. And I would take the information from the OPUS record. I would extend it on the originating side to include the originating information, telephone number, the information and I'd extend on the terminating side to the "to" number and match the port numbers along all three of those records to make sure that they were traveling over the same physical pieces of equipment.
Q. So you'd start with the OPUS record?
A. Yes.
Q. And then you'd go to 3911 to get your originating phone number?
A. Yes.
Q. And explain what role the port would have in that process.
A. Well, the physical equipment here was wired with physical wires like an extension cord. They were connected to each other. And if you picture this as multiple cords between these pieces of equipment, each one was plugged into a certain place on a respective piece of equipment called -- a location called

a port.
Q. And would the port number be reflected on each of the records?
A. Yes, it would.
Q. Could there be a 3911 port that would go to not one, but two different OPUS ports or 3910 ports?
A. No. It's a one-to-one relationship between those numeric identifiers of this equipment.
Q. And how many ports were there on each of these three different systems?
A. I believe there were about 130 ports in each of the respective pieces of equipment.
Q. And in terms of how easy it is to produce one unified record to construct a Daryl Bridges summary, what effect would the number of ports have on that process?
A. Well, the calls received by the WCT switch were distributed to the OPUS system on a kind of an even basis so that all of the ports would be used on a relatively equal amount. This is something the telephone industry has done for numbers of years so what you end up with is an equal wear and tear on the equipment. Of course, equipment nowadays doesn't suffer from that kind of wear and tear, but there is still an industry

that kind of wear and tear, but there is still an industry standard that says you evenly distribute the calls. So we had about 130 ports associated with the OPUS equipment. We had, I believe, about 7,000 phone calls a month to the Spotlight

calling-card number.

I believe when we did the math, given that even distribution, we were looking at a potential for two to four calls a day per port being associated with the Spotlight calling program. So it was a relatively small number of ports involved with Spotlight on a daily basis.

Q. Okay. And how did that small number of phone calls through each port affect -- how would that affect the construction of a unified record?

A. It made it relatively easy to go and find the respective 3911 records by matching the ports and the date and the time by the sheer fact that there were no other records that were similar enough to be matched to the -- because of the time separation on the records.

Q. Mr. Kane, do you want to get some water? Are you --

A. Okay.

Q. Could you do this matching even if you didn't have port information, Mr. Kane?

A. Yes. You could do it based on the -- the time and the date, the duration of the call. Excuse me. A number of factors that are usable in that kind of reconstruction.

Q. And do you know whether, for the majority of the Bridges phone calls, this port information was available?

A. For the majority of them, it was available, yes.

Q. I want you to see if you can find Government Exhibit 507.

A. I have it.

Q. And do you recognize that?

A. This is a representation of one of the 130 relationships between the 3911 port, the OPUS port, and the 3910 port. In this particular example, Port No. 11284, which is a unique number, there's only one of them in the WCT system --

Q. Mr. Kane, hold on one second, please.

MR. GOELMAN: Your Honor, we move to admit for demonstrative purposes only.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. 507 is received.

You may proceed.

THE WITNESS: The 11284 is the specific address, as it were, or port number, of the part of the 3911 trunk group. It was physically connected to a port on the OPUS system numbered 1405. 1405 was, in turn, physically connected to Port No. 11296 on the 3910 portion of the system.

BY MR. GOELMAN:

Q. Now, is this relationship only for one specific phone call

or does 3911 port -- 11284 always correspond with OPUS port 1405?
A. There's a relationship that exists the whole time. It's not changed. It's always the same.
Q. It's permanent?
A. It's a permanent relationship.

Q. And do both of those ports always correspond to 3910 port, 11296?
A. Yes, they do.
Q. Is that relationship only for these three particular ports or are there similar relationships for all the ports on the WCT system?
A. There are 130-some relationships that are all identical.
Q. And after the bombing, were you able to determine what these particular relationships were?
A. Yes.
Q. How did you go about doing that?
A. I physically had two of my technicians in -- in my presence look at these connections, trace them out and document them.
Q. Okay. When you say "look at these connections," you're talking about just the extension-type thing?
A. Where the physical wires were attached and plugged into each other.
Q. Would you look inside your folder again and see if you can find Government Exhibit 508.
A. I have it.
Q. After determining the relationships, did you document that?
A. Yes, we did.
Q. And is this a typewritten version of the documentation that you provided to the Government as far as the different port relationships?

A. Yes, it is.
MR. GOELMAN: Your Honor, I move to admit Government 508.
MR. TIGAR: May I inquire, your Honor?
THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:
Q. Mr. Kane, this was prepared for purposes of the Government's investigation; is that right?
A. Yes, it was.
Q. All right. It is not a record made and kept in the ordinary course of your business; is that right?
A. Information about the way these ports are connected is.
Q. Yes. I understand --
A. But not in this detail.
Q. Not in that form of presentation?
A. That's correct, sir.

MR. TIGAR: No objection for demonstrative purposes, your Honor.
THE COURT: All right. I take it that is the purpose?
MR. GOELMAN: Yes, your Honor.
THE COURT: All right. So 508 is received.
MR. GOELMAN: May I publish, your Honor?
THE COURT: Oh, yes.
MR. GOELMAN: Thank you.

DIRECT EXAMINATION CONTINUED

BY MR. GOELMAN:
Q. Is that the first page of the port matrix that you provided to the Government?
A. I can't see the screen, but --
Q. Can you see the screen below?
A. I have one here. Yes, it is.
Q. And is that document the kind of matrix that would allow you to determine, once you knew a single port, which of the -- which two other ports a particular call went through?
A. It could be used for that, yes.
Q. Thank you. Have you also assisted in the preparation of a diagram which illustrates how certain information drawn from each of those three files can be compiled into one record?
A. Yes.
Q. And could you please find Government Exhibit 518.
A. I have it.
Q. Is that that diagram that you helped prepare?
A. Yes.
Q. And would that help to explain how you would take information from each of these three files?
A. It could be used for that, yes.
MR. GOELMAN: Your Honor, I move to admit Government 518.
THE COURT: Again, to illustrate the process?

MR. GOELMAN: For demonstrative purposes only.
MR. TIGAR: On that basis, no objection.
THE COURT: All right. 518 is received for that purpose.
BY MR. GOELMAN:
Q. You said you would begin with the OPUS record, Mr. Kane?
A. Yes, I would.
Q. What would you do then?

A. I would take the information from the OPUS record, and I would proceed to look at the records for the same day in the 3911 file.
Q. What information would you be missing when you had only the OPUS record?
A. I would not have the originating telephone number

A. I would not have the originating telephone number.
Q. Where would you turn to get that?
A. The 3911 record.
Q. Okay. How would you determine which 3911 was necessary to complete the record for that particular phone call?
A. We'd match the port numbers first. If there were multiple records on the same day for the same port, we would then look at the duration field and see what the duration was of the time and day for the record.
Q. What would you do then?
A. Then we -- we would match it. That would essentially be it.

Q. And after you matched the 3911 with an OPUS record, what would you do after that?
A. We would then go and we would take the -- we'd find the corresponding 3910 record to make sure that the port -- numeric port differential was correct and the -- the dialed telephone number was correct. Essentially, a third validation or a confirmation, as it were, of that particular record.
Q. You'd use the 3910 to verify the match you'd already made?
A. Yes.
Q. Mr. Kane, you've told us about a lot of information that your files contain and how we can use them. Is there anything on those diskettes that you've introduced into evidence that can tell this jury who made a particular phone call?
A. No.
Q. Is there anything on these diskettes that can capture the subject of a particular phone call?
A. No.
Q. And you testified that this particular Spotlight debit card was purchased under the name Daryl Bridges of Decker, Michigan?
A. That's correct.
Q. Do you have any personal knowledge of who Daryl Bridges is?
A. No.
Q. Now, WCT never sent its customers a monthly phone bill; is that right?
A. Not debit-card customers.

Q. Did you ever send your debit-card customers a list of the phone calls they made just so they could keep track of it?
A. If requested to do so, we would print out a list of their calls and fax it to them or mail it to them.
Q. Did you do it as a matter of course, though?
A. No.
Q. And was there anything in the fulfillment package that would tell them that their phone calls were being kept track of?
A. No.
Q. Was it standard practice to tell them that you guys were keeping track of their phone calls through some other method?

keeping track of these phone calls through some other method.
A. No.
Q. So was there anything at all that would let the Spotlight cardholder know that WCT was keeping track of their phone calls and that WCT kept these records for years?
A. No.
Q. But you were, Mr. Kane?
A. Yes.
Q. Please take another look at Government Exhibit 484.
A. I have it.
Q. Okay. Want to look at the back of it where the instructions are.
A. I have it.
Q. Now, could you please take your light pen and circle the

PIN number that you were talking about earlier, the 14-digit personal identification number.
Mr. Kane, on the -- you've got to go underneath the window thing.
A. Try this again.
Q. Good enough. That handwritten number before with the word "assist" next to it: Is that what you earlier identified as the customer service number?
A. Yes.
Q. Please read the name next to that number.
A. Keith Bower.
Q. Mr. Kane, do you know who Keith Bower is?
A. Keith Bower is an employee of WCT Communications who had responsibility for providing customer service for prepaid calling card customers.
Q. Did you give Mr. Bower any instructions as far as the proper procedure for handling different types of customer complaints?
A. Absolutely.
Q. And are you familiar with a company called Caretel?
A. Yes.
Q. Who are they?
A. Caretel was a customer service -- subcontractor who provided customer service for different WCT products on an after-hours and weekend basis. We were only open during

regular business hours and did not have that customer service functionality.
Q. Did you also provide Caretel with instructions on how to handle different types of complaints that they might receive?
A. Yes. Absolutely.
Q. Did the customer service employees trained by WCT have any instructions what the standard procedure to do if somebody was trying to use their debit card and couldn't get through?
A. Yes.
Q. Okay. And what were those instructions?

A. The customer service person was instructed to get the information from the customer, place the customer on hold, and attempt to recreate the situation that the customer was complaining about by dialing in the 800 number and putting the customer's PIN number in and trying to dial the number that the customer was having a problem with. Essentially, reconstruction of the customer's problem.
Q. Did the customer service employees also have specific instructions on what to do if a debit-card holder called up and said that he suspected that somebody unauthorized was making phone calls on his debit card?
A. Yes. The -- the customer service person was -- was trained to take the customer's account number and PIN number and cancel them, issue the customer a new PIN number and transfer the customer's balance from the old account to a new account number

and then issue credit to the customer for any calls that they may be complaining about that they did not make.
Q. Why was the procedure to issue the customer a brand-new PIN number?
A. Well, if the customer suspected that calls were being made against their account on their PIN number without their authorization, then the -- we would want to prevent that from happening in the future, so we'd issue them a new -- a new number to prevent that abuse from taking place.
Q. Mr. Kane, was it difficult for debit-card holders to check their balance?
A. No. Not at all.
Q. How would they do that?
A. Every time the customer called into the system and successfully entered their PIN, the first thing they would hear would be a balance amount played to them through the phone; so when you successfully entered your PIN number, you would be told exactly how many dollars were remaining in your account.
Q. And do you know if the Daryl Bridges account had any of these balance-check, non-phone calls on its records?
A. Oh, yes. Certainly.
Q. Do you know about how many?
A. No.
Q. You said that if a customer suspected that unauthorized phone calls were being made on his card, WCT would issue a new

PIN number?
A. Yes.
Q. And give credit for the calls that would have been unauthorized?
A. Yes.
Q. After the bombing, did you determine whether the Daryl Bridges Spotlight debit card ever had a new PIN number issued to it?

A. We determined it did not.
Q. So throughout the time of its use, how many different PIN numbers did the Bridges card have?
A. Just one.
Q. And do you know, Mr. Kane, when the last customer call on the Bridges card was made?
A. I believe it's April 17.
Q. 1995?
A. 1995.

MR. GOELMAN: Court's indulgence.
THE COURT: Yes.
MR. GOELMAN: Nothing further, your Honor.
THE COURT: All right. Mr. Tigar.
MR. TIGAR: Yes, your Honor.

CROSS-EXAMINATION

BY MR. TIGAR:
Q. Go ahead. You wanted to take a drink of water.

A. Thank you.
Q. Mr. Kane, when -- the FBI first contacted you concerning the Daryl Bridges card sometime in April of '95; is that right, sir?
A. Yes, sir.
Q. And you had a number of conversations with agents about the card and were able to provide a great deal of information. Is that fair to say?
A. Yes, sir.
Q. And you told them that, as you have here Monday and today -- that the Spotlight card was one of a number of cards that were marketed through your company. Is that right?
A. That's correct. Yes, sir.
Q. And the way your company worked was to buy blocks of time from long distance carriers; is that right?
A. Some and some. We actually had our own switching equipment and provided our own long distance network in some cases and bought blocks of time in others.
Q. And the software problem that you referred to earlier: During what period of time did that problem exist?
A. I'm not exactly sure of the dates, but I believe it started sometime in January of '95 and was in existence through April -- the end of April '95, at which point it was corrected.
Q. And briefly, that's just -- that just meant that a certain

percentage of telephone calls that were being made by Daryl

Bridges -- excuse me -- by Spotlight cardholders would not be billed to the cardholder; right?
A. Any -- anybody using the debit-card system would enjoy free telephone calls.
Q. And that would include Spotlight holders and everybody else --

A. Yes.
Q. -- right?
A. Yes.
Q. Now, when you were talking to the FBI about this, you noted that there were a large number of telephone calls on the card that had been made to the Philippines; correct?
A. That's correct.
Q. The Philippines was one of the areas in the world where international calls could be made; right?
A. Yes.
Q. Now, the person who had the card and wanted to call the Philippines: They would not pay the same as they would pay for calls within the United States?
A. That's correct. Different rates would apply.
Q. Do you know what multiple of the U.S. rates were involved in calls to the Philippines?
A. No, I don't.
Q. Now, you've talked today about the computer screens that you were looking at for purposes of these records; right?

A. Yes, sir.
Q. And I want to focus in, if I might, on the work that you did to figure out who called whom on the 14th of April.
A. Okay.
Q. Now, you said you were looking at a screen and you noticed that a telephone call had been made from a phone in Junction City, Kansas, to a telephone listed to the residence of Terry Nichols; right?
A. Yes.
Q. All right. And would you look, please, at pages 41 and 42 of what's been received as Government Exhibit 517 --
MR. TIGAR: Your Honor -- the computer is not doing its job, but I'll just do it with the physical exhibits. We don't need to read it.
BY MR. TIGAR:
Q. This record shows that somebody at a pay phone in Junction City called Herington, Kansas; right?
A. Yes, sir.
Q. Now, what time did that call begin?
A. According to the records, it began at 7:51:27.
Q. And 7:51:27: What time zone are we in there?
A. This would be Pacific Time.
Q. So that the Central Daylight -- is this -- let's see. Is that Daylight time now --
A. I believe --

Q. -- at that time?
A. It would be.
Q. Okay. So that -- thank you. So that there's a two-hour difference; is that right?

A. That would be correct.
Q. So this call took place at 9:51 in the morning; right?
A. Central Time.
Q. Central Time.
A. Yes.
Q. Now, you're -- behind you there is a routing for a Spotlight call that shows the L.A. switch. In fact, you did have other switches; correct?
A. Yes, we did.
Q. And one of the -- and were all of your computers that you had involved in this accounting process set to the same time?
A. No, they weren't.
Q. Some of the computers are set to other time zones completely; is that right?
A. If they were -- if the switches were physically in other time zones, they would have been set to different times, yes.
Q. And some Spotlight calls were routed through switches that were in different time zones; correct?
A. Yes, that's correct.
Q. And in addition to the problem -- in addition to the time-zone situation, the clocks on the computers were not all

harmonized. Is that fair to say?
A. That's correct.
Q. So that as we look at that record for particular calls, we might find in there differences or variations of as much as three or four minutes; correct?
A. Between what?
Q. Well, between the time that was in one computer and the time that was in another computer.
A. I don't know what -- how much of a difference you might find.
Q. All right.
A. There are differences.
Q. There are differences?
A. Yes, sir.
Q. So that if we were looking at a series of calls made on a Spotlight credit card during a particular day, and the reorigination feature were not being used, we can't be 100 percent certain that the times shown are accurate within a second? Is that fair?
A. None of the equipment here records times within a second.
Q. Okay. Within minutes? I mean, might there be some variation of a few minutes?
A. Within the same day?
Q. Yes.
A. Not likely, no.

Q. Not likely?
A. No.

Q. So is it your testimony, sir, that if we do see a list of calls attributed to the -- a particular Spotlight card, we can be confident that the time of day for each of those calls is accurate according to your records?
A. You can be confident of the time within each piece of equipment within the same day.
Q. All right.
A. For example, if the 3910 -- 3911 record has a specific time on it, the times -- time differential between other 3911 records will be accurate, I would say, within 3 seconds. If you're looking at an OPUS piece of equipment which had different times set at different -- on the different computers, those computers had a time difference, but they were also the same within the same day. They may have been different from each other, but of -- in and of themselves, they had the same time.
Q. So that once we've adjusted for the time zone, when we look at your records, we can be sure in the case of calls made the same day by a particular card that the order of calls and their relative time is accurate?
A. Should be, yes.
Q. Okay. Now, the next -- then with respect to the call about which we've been speaking, your -- you can -- we can be

confident that the pay phone in Junction City first made a call to a telephone listed to the Nichols residence; correct?
A. Yes.
Q. And that that took place beginning at 9:51 or so?
A. That's --
Q. And how long did that call last?
A. 51 seconds.
Q. Now, can we also be confident that that next call attributed to that pay phone in Junction City was to the Ryder rental place?
A. Yes.
Q. That is to say, as you sit there today, sir, there's no doubt in your mind of the order of those two calls; correct?
A. No, there isn't.
Q. And the only problem you have in your records is that whoever made that second call didn't make it in a way that caused a debit to be made to the Daryl Bridges card?
A. Well, they probably made it that way. We didn't keep track of it that way.
Q. I understand. But the fact is that the Daryl Bridges card wasn't debited for that?
A. That's correct.
Q. Okay. Whether the person -- I mean, I guess -- there's no way for them to know that; right?
A. Hopefully not.

Q. So the person who -- and in fact, as soon as you found out

Q. So the person who -- and in fact, as soon as you found out it was happening, you fixed it?
A. Absolutely.
Q. Okay. Do you have any idea of the time as to how much money you were losing with people making free phone calls?
A. No. We never tried to calculate that.
Q. Did you have a -- a business person's guess? I mean, have you done comparisons of figures that could give you within some degree of reliability --
A. We thought we were losing someplace between 10 and 20 calls a day.
Q. Okay. Now, the next call, then, somebody -- somebody in Junction City at that same pay phone is calling the Ryder rental place. And how long did that call take?
A. The duration of that call was 7 minutes and 33 seconds.
Q. Okay. And if we wanted to compute that, can we do it from these records at pages 44 and 45?
A. Sure.
Q. Well, I won't ask you to -- to do the arithmetic, but we could do that ourselves if we wanted to verify; right?
A. Sure.
Q. And as you were asked on direct examination, there is no way to know who was standing at that pay phone making those calls; correct?
A. No, sir.

Q. All right. You'd have to find somebody who was standing at the pay phone or who could -- who saw somebody near it or whatever; correct?
A. I would assume so.
Q. And similarly, there's no way to know what conversation that person had with the Ryder truck rental place without asking the people that were involved in the telephone call; correct?
A. That would be accurate.
Q. I want to place before you -- it works -- this is what's been received for demonstrative purposes as Government Exhibit 516; and at the top, it says -- and although the notebook cut it out -- "Daryl Bridges Summary"; correct?
A. Yes.
Q. Now, these aren't all Daryl Bridges calls, are they?
A. No, they are not.
Q. Okay. So that this is -- well, what I -- what are these numbers?
A. These are the overall numbers of records that were associated with the Spotlight calling card activity.
Q. Okay. So that during the time you were looking from when the card started in November up through April of 1995, these are all the calls associated with all Spotlight calling card customers; correct?
A. That's correct, sir.

Q. All right. Now, how many calls are attributed to the Spotlight calling card issued in the name of Daryl Bridges?
A. 680-some-odd. I don't know an exact number.
Q. All right. And do you know what percentage of those represented calls to the Philippines?
A. I think there were somewhere around 30 or 40 calls.
Q. That's all you can remember? Now are we talking completed -- when you say 600-and-some, are those completed calls, or not completed, or does it include noncompletions?
A. That would include noncompletions, as well.
Q. And including noncompletions, do you have a recollection of how many calls were made to the Philippines?
A. I really don't, no.
Q. Now, when we look at your records, sir, and we want to know who made what call, will we see some calls that appear to originate in Santa Barbara?
A. You probably will, yes.
Q. And does that mean that those calls actually originated in Santa Barbara?
A. Yes.
Q. Okay. Now, what -- what I'm asking is, when somebody in your company that you -- the customer service people actually tried to complete a call for a customer --
A. Yes.
Q. -- where do your records then show the origination of the

call to be? Do they show it where the customer called, or where the service center is?
A. Where the service center is.
Q. So that it's possible that we could -- where was the service center?
A. Well, Caretel was in San Diego.
Q. San Diego. Excuse me.
A. And there -- our customer service for daytime customer service was in Santa Barbara, so you could have both.
Q. Could have both?
A. Yes, sir.
Q. So as we look at your records, we could see calls that show an origination of Santa Barbara or San Diego but were, in fact, made by people in other parts of the country; correct?
A. No. They were actually made from those locations.
Q. The customer whose card was being used was in another part of the country; right?
A. Sure.
Q. Okay. And how do you know -- and we know where the customer was because you kept track still of the originating telephone; correct?
A. Yes.
Q. So that we could go to the area code and subscriber records for that and we'd know the answer, correct --
A. I would assume so, yes.

Q. -- as to where the -- Now, you mentioned that you had these different switches in addition to the L.A. switch; is that right?
A. Correct.
Q. Now, how many other switches did you have?
A. It changed over the course of time here, but we eventually had as many as seven.
Q. During the period of time about which we're speaking, how many did you have?
A. Well, we started with some number, and we would have had seven by the time --
Q. By the end?
A. By the end.
Q. I see. So that when you say, "during this period of time," you mean the time from late '95 through early '95?
A. That's correct.
Q. And when we look at the telephone records to see who called whom, what's the relevance of -- of it being routed through a different switch? What differences will we see in the records?
A. You will see potentially different time points based on the originating switch. And you will see different port numbers, port-identifier numbers in some of the records. They still contain the basic same information about the telephone number and the times and the dates and whatnot.
Q. Still contains the basic information?

A. Yes, sir.
Q. So as you sit there today, sir, with respect to the 600-and-some calls that were made and charged to the Daryl Bridges card, first, you're not sure that you've got all the calls that were made by whoever was punching in the PIN number of that card; is that right?
A. That's correct.
Q. Okay. That is to say there's some -- but subject to that and based on your years of experience with this system and in the telecommunications industry, you are confident that you have accurately the time of the calls that were made, the phone from which they were made, the phone to which the call was directed, and the duration, if any, of the call?
A. Yes.
MR. GOELMAN: Objection, your Honor. Could I ask that
be broken up as to the particular data fields?
THE COURT: Well, the witness answered yes.
Is that your answer?
THE WITNESS: Yes.
BY MR. TIGAR:
Q. And when we see in the records a zero, that means a busy or no answer; correct?
A. I'm not sure what record you're talking about.
Q. When we see in the record of the 600-and-some calls that

Q. When we see in the record of the 600-and-some calls that there's a call of no duration, that means that's one of those

busy or no answers; right?
A. I'd have to know more information about which record you're talking about. Some -- zeros in some records mean one thing and in other records, they may mean something else.
Q. I'm talking about in the records that you furnished to the Government.
A. Right.
Q. Were you able to tell the difference between calls that were completed and calls that were not?
A. Oh, yes. I can tell that, but the question you asked wouldn't allow me to answer it.
Q. An inartful question.
Is that -- and the reason that -- is a part of the communication difficulty the fact that some phone companies keep track of ring time and others do not?
A. Some of these records would keep track of ring time, as well.
Q. But in the summary that you prepared, you were able, from your records, to distinguish between calls where an elapsed time was ring time and calls where they are completed; correct?
A. Yes.
Q. And that -- that was where I was getting. That is to say that we can tell from your records whether or not the phone rang for a while and wasn't answered for a certain period of time, or whether, in fact, the call was completed.

A. That would be accurate.
MR. TIGAR: All right. May I have a moment, your Honor.
THE COURT: Yes.
MR. TIGAR: I have nothing further of the witness.
THE COURT: Any redirect?
MR. GOELMAN: Yes, your Honor. Very briefly.
THE COURT: All right. May we take down this exhibit here that's on display?
MR. GOELMAN: Yes, your Honor.
THE COURT: All right.
MR. GOELMAN: Thank you, your Honor.

REDIRECT EXAMINATION

BY MR. GOELMAN:
Q. Mr. Tigar asked you about ring time and talk time, and you said that the answer depends on which record. Do the three different WCT records that you introduced keep track of time differently?
A. Yes.
Q. And can you explain that.
A. Well, if you think about this as three different billing systems, one being the 3911, one being the OPUS system, and one

systems, one being the 3911, one being the OPUS system, and one being the 3910, they are essentially independent of each other, although they are physically connected to each other. So if there's an 800 call that begins at 7 a.m. and it goes on to be

connected to the OPUS system at, let's say, 7:01, just to try to keep it simple, the record in the OPUS system is going to begin at 7:01. And if the OPUS system then tries to make an outbound call to the 3910 area, that call may begin at 7:02. And if the call is completed and there's a duration of 2 minutes, that call in the 3910 record would end at 7:04, although it only began at 7:02; so you'd have a two-minute record in 3910.

You may then have a three-minute record in the OPUS system, because it has different duration; and you may have a four-minute record in the 3911 file because of the different starting and ending points of each of the records.

Q. Okay. What about a call that was ring/no answer? It rang for 30 seconds and no answer. What would the duration be in the OPUS file of that call?

A. There would be a duration -- activity duration in the OPUS system, but there would be no charge for the call, which would indicate that it was either busy or ring/no answer.

Q. And what about the WCT? What would the WCT -- the 3911 record as the duration?

A. 3911 would record the duration from the time that the OPUS system answered the call to the time that the OPUS system disconnected the call. So it would be a completed call, because as far as the OP -- the WCT system was concerned, OPUS was the customer and a billable event took place, even though

the OPUS customer never completed the transaction.

Q. Mr. Kane, Mr. Tigar asked you about some calls made to the Philippines on the Daryl Bridges calling card. Are you aware of any reason that a debit-card customer might have had difficulty in calling other countries, including the Philippines, back in 1993 to 1995?

A. There are essentially two reasons to have difficulty calling international numbers. One is that the dialing plan for international numbers is significantly different, contains more digits, and people in the United States are typically not used to making international telephone calls; so sometimes, they don't know the dialing sequence that they are supposed to use.

The second reason that you may have difficulty is in the United States, we're kind of spoiled with being able to pick up the phone, dial a number, and almost instantly hear the other end ring. When you start to make a call from the United States to other parts of the world, that short duration of time is somewhat elongated and in some cases can run quite lengthily (sic). So a customer may be sitting there listening to a dead

telephone set, not knowing that the call is still going through. They may hang up and they may try to redial. And on top of that, the system had a timeout parameter in it, which if a call in its mind was ringing for 60 seconds or more, it would disconnect the call so as not to run up our 800 bill for our

cost side of the equation. So you could actually dial the phone, not hear anything for a minute, and then be disconnected, thinking -- and then redial again to try to complete your call.

Q. Mr. -- you told Mr. Tigar that you had a customer service center in Santa Barbara and also, Caretel was located in San Diego?

A. That's correct.

Q. If the customer having problems making a phone call would call Liberty Lobby and Liberty Lobby itself would duplicate the activity, would the records reflect the call coming out of Washington, D.C., in that case?

A. They would in that case, yes.

Q. Mr. Tigar also asked you about the different clocks involved. The 3911, 3910: Were they run on different clocks?

A. No. They are -- they would be on the same clock.

Q. So when you talk about the 27-second period of time between the call to Mr. Nichols' house and the call to Ryder on April 14, 1995, is that 27 seconds calculated by one single clock?

A. Yes, it is.

MR. GOELMAN: Nothing further, your Honor.

THE COURT: Mr. Tigar.

MR. TIGAR: No further questions, your Honor.

THE COURT: All right. Is the witness now to be excused?

MR. GOELMAN: Yes, your Honor.

MR. TIGAR: Yes, your Honor.

THE COURT: All right. Mr. Kane, you're excused.

We'll take a recess before calling for the next witness.

And members of the jury, I can tell you that you will not be tested on your comprehension of the testimony that has been explained here. One of the things that goes on in a trial process is that we have certain witnesses who come in and provide foundation for information that may come through other witnesses. And so you have to build a kind of foundation for the admissibility of some evidence, and I think that, in part, is what we heard about here. Of course, we also heard about the operations of a system and a system of records created by it, which will be of some, perhaps, significance through other witnesses. But at times, I realize that some of this foundation-building can be a bit bewildering.

We're going to recess now; and as usual, of course, in all of our recesses, please keep open minds, avoid discussion of the case among yourselves and with all other persons, and

avoid anything outside of the evidence that could influence you in the decisions to be made.

You're excused now. 20 minutes.

(Jury out at 10:20 a.m.)

THE COURT: Do you have some agreement about subscriber numbers in the case?

MR. MACKEY: Yes, your Honor. The next witness is Mr. Dexter; and there are a series of business records that he'll rely upon in putting all of this together, including Exhibits 520 and 521 that the court recalls are multi-volume --

THE COURT: Well, we won't be calling all the local phone numbers (sic).

MR. TIGAR: Your Honor, we've stipulated out 27 witnesses, your Honor; and so if -- if you missed their presence, we -- we regret it, but that's what we did.

MR. MACKEY: We do.

THE COURT: All right. Very good. Thank you.

We'll be in recess, 20 minutes.

(Recess at 10:21 a.m.)

(Reconvened at 10:40 a.m.)

THE COURT: Be seated, please.

Ready?

(Jury in at 10:41 a.m.)

THE COURT: Next witness, please.

MR. MACKEY: We would call Fred Dexter.

THE COURT: Very well.

THE COURTROOM DEPUTY: Would you raise your right hand, please.

(Frederick Dexter affirmed.)

THE COURTROOM DEPUTY: 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 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, did it fall to you to take computer records from West Coast Telephone and other sources and prepare a user-friendly summary of the Daryl Bridges calling card?

A. Yes, it did.

Q. Are you prepared today to describe to this jury what you did in the course of making that summary and to produce that summary to them?

A. Yes, I did (sic).

Q. Would it be safe to say it's detail work?

A. Yes, it is. It was.

Q. If at any point, Mr. Dexter, a great joke occurs to you, ask permission from his Honor. Maybe we can break the . . .

Tell the jury a little bit about yourself, sir. Where do you live?

A. I live in Alexandria, Virginia, right now.

Q. And how long there?
A. I've lived there for about 24 years.
Q. Where do you work?
A. I work for the FBI.
Q. And how long have you worked for the FBI?
A. For 24 years.
Q. What's your educational background?
A. I attended Elizabethtown College in the late 60's, early 70's.
Q. And what was your major? What was your major in?
A. I majored in mathematics.
Q. Did you go straight to the FBI upon graduating from college?
A. No. I stayed in the Elizabethtown area and worked in the security and safety area for the college.
Q. Could you give an overview to the members of the jury your experience, work history with the FBI during the past 24 years?
A. I came to the FBI in 1973. I was assigned to be a programmer, computer programmer for them, which I did till around 1978. Then I was promoted to be a computer-systems analyst over a number of programmers. That was until about 1982, sort of like a team-leader-type thing.

In '82, I was again promoted to be a project manager over numerous projects, all still in the computer field, computer-related, and had systems analysts and programmers

working for me. I changed to another project as a project manager, more advanced data processing, in 1986; and then in 1991, I was promoted to be the unit chief of the Investigative Intelligence Support Unit, which has 25 computer specialists that do all kind of data processing within the FBI.
Q. And is that the current position you now hold?
A. Yes, it is.
Q. And approximately how many employees do you supervise again?
A. 25.
Q. Are you a special agent of the FBI?
A. No, I'm not.
Q. How does your job differ from those who are?
A. My task is to support divisions at headquarters, either the Intelligence Division or the Criminal Investigative Division and all of our 56 field offices when they need automation support for investigations that are going on in the field. Mainly we get involved when there is major investigations, not your daily -- we have people in the field offices that handle that. We only deal with the major investigations.
Q. If a criminal investigation gathers large volumes of records of any nature, including telephone records, is that the kind of task that you assist?
A. Yes, it is. I've done that for -- ever since I started in '73. That is one of the tasks that was assigned to the unit

that I'm in is to handle large volumes of data.
Q. And did you personally take on the assignment of reviewing voluminous records from Spotlight to create a Daryl Bridges summary?
A. Yes. The -- I took on the records from WCT to create the summary.
Q. Could you tell the jury what your basic objectives were, what information did you want to derive from those records in creating your summary.
A. The objective was to take all the data from WCT and any other sources that had been subpoenaed in support of the debit-card records and put together an easy-to-read summary that was accurate and that was verified to the nth degree.
Q. What fundamental information would be captured in your summary when you were done?
A. For each call that was made -- excuse me -- we would capture the date of the call, the time of the call, the duration of the call, the "from" information associated with a call and the "to" information associated with that call, also.
Q. When you use "from" -- we'll use that many times, I imagine -- you're talking about the number of the originating call?
A. Yes.
Q. And the "to" being received?
A. That is correct.

Q. Was it ever part of your project, Mr. Dexter, to investigate or determine who by identity was a participant in any of the phone calls?
A. No, it was not.
Q. Approximately when did you start your project?
A. I was assigned this task the end of May, 1995, and actually started it after meeting with the people at WCT on the 2d of June.
Q. Do you know John Kane?
A. Yes, I do.
Q. And when did you first meet him?
A. I met him on June 2 in California.
Q. And what was the purpose for your trip to California in June of 1995?
A. I had been in Oklahoma City since -- on and off from April 25 until the end of May; and I was out there to oversee automation that was needed, not just telephone data but if we were subpoenaing records that we wanted in electronic form such as Ryder records or airplane records or whatever was needed. And so there was also telephone records not just from WCT but major other telephone records being subpoenaed. I was there to give advice.
So during that time period, we were receiving information from WCT, hard copy, faxes, etc.; but to make sure

that we were getting the product through conversations the Task

Force had with Mr. Kane, we learned that all this data was electronic. And I was assigned to meet with him, learn about the electronic data, and then put it together in a summary.
Q. Was it important to your work to know the ins and outs of the WCT system, how it kept their records?
A. Absolutely.
Q. Did you come to be familiar by meeting firsthand with Mr. Kane in June of 1995?
A. Absolutely.
Q. Did you have occasion to speak to him and other business representatives about details of the record-keeping?
A. Yes.
Q. And to apply that knowledge in creating the summary you've described?
A. Yes.
Q. Let's turn now to some exhibits previously admitted into evidence, Mr. Dexter. Should be a series of computer disks. Just for the record, can you identify what they are and tell us how you used them, if you did, in your project?
A. This exhibit marked 509 is the records that came from WCT that we'll refer to as the 3911 file. We received those from them.
Q. Did you rely upon those records specifically in creating your summary?
A. Yes, we did.

Q. Go ahead.
A. The next set of disks is Exhibit No. 511. This is the Opus records, refer to them sometimes as the 399 file. Those two words are interchangeable; and we based -- we used those extensively also in creating the summary.
Q. Next series of exhibits, 513 and '14, please.
A. Exhibit 513 is from the 3910 file, also provided by WCT to us, and we used those extensively.
The last one, Exhibit 514, is a record from the 3910 file that was not made available on the first time that they provided us the disks, so they gave us this disk at a later time; but it's from the 3910 file.
Q. Mr. Dexter, this jury has heard the testimony of Mr. Kane and seen a schematic that depicts the source of each of those computer records. Are you familiar with that schematic?
A. Yes, I am.
Q. And how exactly do those exhibits relate to the record-keeping at WCT?
A. As information passes, phone calls come in, etc., on its way through the routing, through the switches, the debit, back through the switches, etc., records are kept at each step along the way. And these are the records that are kept from each one

the way. And these are the records that are kept from each one of those steps.
Q. Mr. Dexter, let's start, then, with your first step and analyzing the information on those disks. The jury saw

previously a schematic that represented the total number of records, the number of phone-call activities on each of those files. Are you familiar with that?
A. Yes, I am.
Q. What was the first step you took to narrow your search?
A. In the OPUS file, each record has an account number of who placed or whose account that that call was charged to, so the first thing we did was go into the OPUS file and pull out all of the records that were associated with one particular account.
Q. And what account was that, please.
A. It was the Daryl Bridges account.
Q. And how did that change the amount of information you were beginning to evaluate?
A. The OPUS file -- it's over 100,000 records were in that file. I can't remember exactly, but it was over 100,000. That reduced the records that we had to deal with, that 100,000-plus, down to 687 records for that file; and that was the basis, then, of the beginning of our work.
Q. And is that information reflected in Government's Exhibit 535, the schematic that shows the number of Bridges calls?
A. Yes.
MR. MACKEY: I move for demonstrative purposes only Government's Exhibit 535.
MR. TIGAR: No objection, your Honor.

THE COURT: 535 is received for demonstrative purposes.
MR. MACKEY: We need the computer. I'm sorry.
THE COURTROOM DEPUTY: It's on.
BY MR. MACKEY:
Q. Mr. Dexter, focusing on the information in the bottom block -- that is, the block marked "OPUS" -- is that the starting point then for your analysis?
A. Yes, it is.
Q. And tell us again what the 687 represents.
A. There were 687 records in the OPUS file that carried the Daryl Bridges account number in each one of those records.
Q. Now, I want to try to minimize as much, Mr. Dexter, duplication of testimony; but tell the jury based on your examination of these files what kind of information could be found in the OPUS records.
A. In the OPUS record, the information that we found was the date of the call, the time of the call, the duration of the call, the number that was called, the terminating number or the "to" number. Of course, there was the account number there.

There was also routing information to tell how that had passed through their system.

I can't remember any other right off the top --

Q. Did you mention sequence number?

A. There was a sequence number.

Q. Tell the jury, please, what that meant to you.

A. The sequence number in the OPUS record was a sequential number assigned to each call that was made by a Spotlight customer, so the -- the order of which calls were completed is the order of which the sequence numbers were assigned. It was not assigned at the beginning of the call. It was assigned at the end of the call.

Q. And was the sequence number a field of information that you could rely upon as you matched information from three sets of files? Did it assist you any way?

A. No, it did not.

Q. And why not?

A. Because that sequence number was only in this file. The account number was only in this file, so there was not a corresponding sequence number in the 3911 or the 3910 file.

Q. You mentioned that the OPUS file has a duration field or information about duration. What would the OPUS file tell you about a phone call that had not been completed; processed through, rung on the other end, but simply not answered?

A. When you reviewed, or I reviewed -- anybody reviewed -- the OPUS record, there would be a duration in there; and standing alone by itself, you could not tell whether that call was answered or not answered because the records that we received from the OPUS files -- that duration could either be talk time, if it was answered, or it would be ring time, if it was not

answered. But strictly looking at the duration field, there was no way of telling which of those two it was.

Q. You would then look to or rely upon information from other records?

A. That's correct.

Q. You told us that the "from" number -- that is, the number that originated the phone call -- was not information that was in the OPUS box. Is that right?

A. That's correct.

Q. Where did you turn first to find that?

A. The only file that had the originating information in it was the 3911 file.

Q. And did it fall in simplistic fashion to you to match information in the OPUS files with information in the 3911 file?

A. It wasn't -- it wasn't major difficulty, but it's not a one-to-one-type thing where you could go over and just say print out this record or select that record. It was more

detailed than that.
Q. The jury heard information this morning about ports through which these electronic messages were sent. Are you familiar with the ports utilized by WCT?
A. Yes, I am.
Q. And describe what you understand their role to be.
A. When a phone call was received at WCT, the first thing it

would do is be -- it would come into the switch in California. At that time, it would -- the call would be assigned to a particular port in the switch on the receiving side of the switch, the 3911 side of the switch.

The port that was assigned to that side of the switch was the port that had been least -- what's the word I want here? Had been inactive the longest, if you will; so it was the most idle, I believe is the term that WCT used. It would pick the most idle port to send that call through.

So you would then -- it would assign it to that port. As soon as it assigned to that port, then there was a corresponding port that it would follow through down to the OPUS record and also a corresponding port that it would follow up to the 3910 record. And that was a constant trail or routing through their system.
Q. And was that trail reduced to paper in Government's Exhibit 501?
A. Yes, it was.
Q. Is that the port matrix?
A. Yes, it is.
Q. And did you rely upon that in doing your matching in this particular project?
A. Yes, we did.
Q. Mr. Dexter, tell us how it was that you undertook to identify the accurate time that a phone call started.

A. Through the discussions with Mr. Kane and his employees, we found out that there were many computers in the debit-card system. There were four computers, processors, and a server. In the switch there was a computer that kept track of time.

There was, of course, at the local phone companies on the end -- they kept track of time, also.

He told us -- and we verified through all kinds of programs that we wrote, etc. -- that there was always a discrepancy between the time on the OPUS ports and the switch. Usually, the time was a minute off, a few minutes off; but a couple of times during the year when they would switch to Daylight Savings, someone would change the time in the switch but then it would be a few days before they changed it in the processors.

So the time may be around an hour off for some of those.

Q. How did you solve that problem?
A. Since we knew that every call had to go through the L.A. switch, what we decided to do, based on discussions again with Mr. Kane, is we would use the time in the L.A. switch; and therefore, we would have a constant or a standard that every call would be measured against.
Q. And what precisely did you rely upon?
A. The L.A. switch actually kept track of time not in a wall-clock-type thing, but the manufacturer chose to keep track

of time in what they refer to as ticks. A tick is equal to three seconds; so the beginning of the time that the switch kept track of it, every 3 seconds, it would add 1 to a counter, and that's how it kept track of time.

It would also do the same thing for the ending time; so the accurate time that it kept, the begin time and end time for every call that went through that switch, was recorded in what they refer to as tick time.
Q. So you ignored the clock and relied upon this field of information known as tick time?
A. That's correct.
Q. Did you then convert tick time into something you and I would understand?
A. Yes. We --
Q. How did you do that?
A. To convert tick time to wall-clock -- and that particular time, by the way, also was set back to zero at midnight. So the number of ticks that you would have was the number of ticks past midnight.

So to find out how many hours, minutes, and seconds you were past midnight -- it was written into the programs, one particular program we wrote to convert all of the tick times, and then it was used by other programs.

But what you basically did was you would take however many ticks were recorded in each record, you'd multiply that by

three, and that would give you how many seconds it was past midnight. Then within the algorithm, you take how many ever (sic) seconds it is past midnight and you divide by 3600. There is 3600 seconds in an hour. So once you've divided by 3600, you know how many hours it is past midnight. Whatever the remainder is, that's how many seconds that's also -- how many hours -- I'm sorry -- how many minutes it is more than that hour passed.

So you would take however many seconds were in the remainder and divide by 60 and you'd get how many minutes there were, and whatever remainder then was how many seconds; and that way, you could take whatever tick time there was in a record and convert it to wall-clock so that anybody could understand what time of day it was.

understand what time of day it was.
Q. And you used that same conversion formula for each and every one of the times you calculated for the 600-some-odd calls?
A. That's correct.
Q. And I take it you didn't rely solely on your math background to do that conversion?
A. No, we let the computer do that.
Q. Let's turn now and tell the jury in more fundamental foundation all the pieces that you relied upon from the WCT records in creating this summary. And let me ask you if you prepared an exhibit that would depict what it is you took from

each file to create your summary?
A. Yes, it is (sic).
Q. And is that Government's Exhibit 518?
A. Yes, it is.
MR. MACKEY: I would move to admit for demonstrative purposes Government's Exhibit 518.
MR. TIGAR: No objection, your Honor.
THE COURT: All right. 518 is received for demonstrative purposes.
MR. MACKEY: Computer please. Thanks.
Would you show the jury, please.
BY MR. MACKEY:
Q. If you can begin with this diagram, Mr. Dexter. Walk us through what you were relying upon.
A. We always started with an OPUS record, and we would rely above the box that says "OPUS" on it -- we would rely on the port. That is the first thing you do in the matching.
Q. Mr. Dexter, let me interrupt. There is a pen up there; and if you want to reach down on your screen, you could guide us even more specifically.
A. I'll see if I can make this work here.
On this file here, there is a port; and that port is one of the things that we would start with.
In the matching process, the three things that you would use to start with is the port, the date -- let me move

that over there a little -- I'll make sure I get rid of the mark here.
THE COURT: I think you click it.
THE WITNESS: Okay. Thank you.
The date, and then also the begin time. Those are the
three fields that you would use to start the matching process.
You would then take those three fields and go up and compare them to -- to the 3911 file record, right there. 3911. And in that, there is a sister port that is a one-to-one correspondence from the port in the OPUS file up to the port in the 3911. Then you would also compare to make sure that the

date matched exactly and that the begin time -- in the 3911 file also matched the begin time down in the OPUS file, or was close, because as information came into the switch, if, in fact, all the clocks had been synchronized, the begin time in the 3911 would be a little bit before what it would be down in the OPUS file because just the order of which the records were recorded.

Then, in fact, once you have a match that you've taken an OPUS record and matched it with a 3911 record to find out whether that call was answered or not, you would match it with information over here in the 3910 file.

And the match there, of course, there is a port in there that's a continuation port. The date would have to match in the 3910 file. The begin time also would be very close; but

there was a couple things that locked the 3910 record in absolutely.

The "to" number in the 3910 file right here and the "to" number down in the OPUS file right here -- they had to match exactly. And in addition, the end time in the 3910 file here matched, since it was the same clock that was used in the 3911, as the same clock in the 3910.

Then the end time in the 3911 file always matched the end time in the 3910 file. So you had things that were related back and forth against the three files to guarantee that the three records that you selected were, in fact, all associated with the same call.

BY MR. MACKEY:

Q. You're looking for those pieces that match from those three sets of records?

A. That is correct.

Q. For concluding that it is a particular call?

A. Right.

Q. We learned this morning, Mr. Dexter, that the WCT switch was in Los Angeles. Did you understand that there were switches throughout the country that also carried Spotlight calls?

A. Yes, I was (sic).

Q. What difference did that make to you in your project?

A. The -- ultimately, every call ended at the Los Angeles

switch no matter where the call originated in the United States. But based on coverage that WCT had around the country, sometimes it was beneficial to the company to route a call to another switch first that then was routed to Los Angeles. And that was based on totally efficiency and monetary support for the company. It wasn't necessarily that the call was closer to that area or whatever. It was just -- excuse me -- coverage that they had in that part.

Q. In your research, did you determine how many calls

originated in Los Angeles and how many calls originated from some other switch outside of Los Angeles?
A. Yes. Calls that went to the Los Angeles switch first -- Out of 604 calls that were in the summary that we produced from September 14 forward, there was about 500 of those that went to the L.A. switch first; so there was 105 or 104 that went to a switch other than Los Angeles as their origination into the system.
Q. And did you use one system of matching or one methodology for calls that started in Los Angeles and a different one for those that routed secondarily through L.A.?
A. Yes, we did.
Q. Let's start with the calls that originate from Los Angeles. Did you assist in preparing Government's Exhibit 536 that would depict the process you used in matching L.A. calls?
A. Yes, I did.

MR. MACKEY: Your Honor, we move to admit 536 for demonstrative purposes.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. Received and may be used for that purpose.

BY MR. MACKEY:
Q. Give us an overview first, Mr. Dexter, about what we're looking at in this exhibit.
A. This is the process. If we look at above the line to start with, this shows us that for any call that went to the L.A. switch first, the three fields in the OPUS record that we needed to match the fields in the 3911 record is the port, the date, and the begin time. And then we would match them with the port, the begin time and the date in the 3911 file.

Once we had found the corresponding 3911 record, then you'd go down below the line where it says Step 2, and you would have that record set one record from the 3911, one from the OPUS, and you would look for a record over in the 3910, the blue box on the right-hand side. And what you're looking for over there would be the port that is in the sequence with the port, the first two boxes. You would look for a record that was the same date. You would look for a record in the 3910 that had the same end time as a record in the 3911 file, and you would look for a record that had the same "to" number in the 3910 as the "to" number in the OPUS record.

Q. And did you use the same methodology for all of 500-plus calls that you found that started in L.A.?
A. That's correct.
Q. Mr. Dexter, the ultimate aim of your project was to re-create a user-friendly summary that would allow us to know the date of a call, the time of the call, the duration, and the "from" and "to." Is that correct?
A. That's correct.

A. That's correct.
Q. Did you prepare an exhibit that would show us where from each of the three sets of records you got those five fields of information?
A. Yes, I did.
Q. And is that set forth in Exhibit 537?
A. Yes, it is.
MR. MACKEY: Your Honor, we'd move for demonstrative purposes Exhibit 537.
MR. TIGAR: No objection, your Honor.
THE COURT: Received. May be so used.
BY MR. MACKEY:
Q. Tell us what is depicted on the top of this chart.
A. The top of chart is the format that we created the printout to look like that so it would be user-friendly. As for each date as it changed, etc., you would get something -- whatever the current -- whatever the date of the call was would be in the box at the middle.

Over on the left-hand side where you see a number side, below that in the chart, you would end up seeing a sequential number. And that sequential number is the numbers 1 through 600-plus. It's the order of which the calls were ended that were associated with the Daryl Bridges account.
Then we would also on there put the start time, the length of the call, the "called from" subscriber information including the number, the "call to," and the subscriber including the number.
Down below that, you'll see we differentiated between the yellow or tan and the white boxes.
To move the information, a white box indicates that that came from the OPUS record; so the date, the lengths, and

the "call to" were taken from the OPUS record and moved up into the summary.
The date actually was the same in all three files. It's just that we encountered it first in the OPUS record, so we took it from there.
The start time came from the WCT 3911 source, and that's because we standardized to use the time out of the switch, since every call had to go through that switch.
Then the length we took from the OPUS record. And in the summary at the top when you -- when a call is moved up through the electronic file and later printed, length of call in the summary will either be a numeric number or zero. If

it's a numeric number, then it ends up being the talk time. If there was not a corresponding 3910 record, which means the call was not answered -- if there was not that 3910 record, then we moved a zero into there so that everybody would understand that that call was not answered if there was a zero there.

The "call from" came from the 3911 record, and the "call to" came from the OPUS record.

Q. In the "start time" block in the Bridges summary, that bar across the top, how did you account for the different time zones that calls might originate from?
A. We did two things. The start time by way of practice is associated in the middle column underneath the "called from" with the time it was where the call was placed. But so that the summary is standardized to one time zone over in the left-hand side, we standardized it to Central Time, either standard daylight time -- either Standard or Daylight Time, so that all the calls would be in sequence from the time that they started no matter what time zone they initiated in.
Q. Now, did you also assist in preparing Government's Exhibit 540 that would show in another format the matching process you've described?
A. Yes.
MR. MACKEY: Would move to admit 540 for demonstrative
purposes, your Honor.
MR. TIGAR: May I inquire, your Honor?

THE COURT: Yes, you may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:
Q. Hello, Mr. Dexter.
A. Hello.
Q. My name is Michael Tigar. I'm one of the lawyers helping Terry Nichols.
On this 540, there are some local numbers. Is that right?
A. Some numbers -- from the local --
Q. Telephone numbers. Local telephone numbers?
A. Right.
Q. Now, in compiling that, did you also look at local telephone records?
A. After the summary had been created, yes, we did.
Q. So that when you actually made the summary, you then had access to the whole telephone company subscriber records for those numbers; is that right?
A. No, I did not.
Q. Pardon?
A. I did not. The subscriber information when I was doing the matching process.
Q. But I'm talking when you prepared your summary eventually, you did have it; right?
A. That's correct.

Q. And that was from some 27 local phone companies?

A. Approximately, yes.
MR. TIGAR: No objection, your Honor.
THE COURT: All right. 540 may be displayed.
DIRECT EXAMINATION CONTINUED
BY MR. MACKEY:
Q. All right, Mr. Dexter, at the top of Exhibit 540, we see a filled-in portion of your Bridges summary; is that correct?
A. That is correct.
Q. Was that for a call that you found took place on October 17, 1994?
A. That's correct.
Q. And you have information filled in, and then there is a series of circles. Do those show the jury where you're getting what information to put into the summary?
A. That's correct.
Q. Walk through that for us, please.
A. Okay. The top left where it says "start time" and it has a green circle around that, if you look down in the 3911 file, you will see the "begin time" is also circled there in green.
The time in the 3911 file, I need to point out, that since this switch was in California, they recorded all of their times in Pacific Time. It was either Daylight Time or Standard Time, but it was Pacific Time.
Q. And that's what the PDT stands for?

A. That's correct. That time, when you standardize it or normalize it to Central Time, 18:58:39 is represented in Central Time as 8:58:39, so that's just a matter of showing what time it was in Central Time.
The blue circle under "length" is the time at the bottom of the OPUS file. That's a straight move. The duration of that, the 641, is moved up to the "length" field.
The "from" number -- under the "from number" column subscriber that is circled in red, once the record is matched, then in fact the red -- the 913258 number is moved up to that portion of the summary.
You'll also see the green is there. Since this call originated in Herington, Kansas, it was Central Time where the call was originated, so the 8:58:39 in this case is identical to what you see the 8:58:39 over in the start time.
Over on the right-hand side at the top, you'll see the
yellow circle around there, and that was moved once the matching process was done from the 39 -- actually, it came from the OPUS record down at the bottom, the (702) 897-6290. In the OPUS file there is a "1" before it because that's what the person had to dial, "1" that was in that sequence that they had to dial the number. And it was verified that this is the same record, so you also had the "to" number up in the 3910 file that came from that "to" number.
Q. And the boxes marked "called from subscriber" and "call to

subscriber," where did you get the information that you ultimately made part of your summary?
A. The subscriber information: Once these phone numbers were identified that they were part of the summary, then the Task Force went through the normal process of issuing subpoenas to whatever phone company that phone number was associated with and received back from the phone company the information that they had on the -- who was the subscriber to that particular phone number for that particular date.
Q. And again for purposes of understanding your summary, it's not your intent that the jury think that Lana Padilla, for example, personally answered the phone call that you've listed here in this example?
A. No. This just indicates that she was the subscriber to that phone.
Q. On that date?
A. On that date.
Q. Now, looking at the white box, the OPUS box, and see Port 1405, as I understand your testimony, your next step would be to find the sister port. Is that right?
A. That is correct. And I jumped ahead there by telling you that we moved data up to the top of the screen. We actually had to show this match and show how it was done.

The first thing we had was Port 1405 in this record. That's the initial go. And we knew that this OPUS record was

part of the Daryl Bridges account because The Spotlight account number is the first thing that you see in that box.

We then go to the matrix -- this is all done in the computer -- to find out what the sister port is, the corresponding port that we should be looking for in the 3911 file. And we find that the port that we should be looking for is 11284. So that is the first step is that you go over and you look for on that date 10-17-94 -- you look for the records that in the 3911 file that had the Port No. 11284 stored in that record in the 3911.
Q. And based upon your experience and this particular project, how many other phone calls would you find having gone through that sister port on the same day in question?
A. Basically, the number I'm going to give you is an average. It fluctuated from that. The 18 months' worth of data that we had in the 3911 file based on that 100,000-plus -- and it was 15 months' worth of data that we had and the number of ports that they had that supported all of their debit-cards customers, because all of their debit cards went through these same ports for The Spotlight account -- it would average between two and four calls a day would go through that particular port for any of the given ports. Two to four calls. Some days it would be five and six, and some days they would only use that port one or two times. There was no exact number; but since it used the most idle, the ports were used

the same number of times each day.
Q. And how did that number, two or four corresponding calls, affect or impact the risk of mismatching information between two sets of records?
A. Well, because they used the theory of most idle, when you found that that port -- we found maybe four records or five records that used that port, they were normally hours apart. They would be three hours', five hours', twelve hours' difference than what the time was in the OPUS record. So it made it very easy to in fact select the one that matched the corresponding begin times, the ones that were very close.
Q. Let's turn now back to the non-L.A. calls, the 100-plus calls that started from some city other than L.A. Did you prepare an exhibit that would show what you did when you faced that situation?
A. Yes, I did.
Q. Is that Government's Exhibit 541?
A. Yes, it is.
MR. MACKEY: Let me start by asking the Court's permission to display this for demonstrative purposes.
THE COURT: Agreed?
MR. TIGAR: No objection, your Honor.
THE COURT: All right. 541 may be so used.
BY MR. MACKEY:
Q. Mr. Dexter, how is this chart different than an earlier

version, more simple version that the jury has seen?
A. -- really, the only difference here is that when a call is made -- and we'll use No. 1 up in the left-hand corner as to a phone that a call came into a local phone company and the person had dialed an 800 number -- it could be any 800 number, but for our purposes here, we'll use The Spotlight 800 number -- that number or that information from that local phone company is sent off to NASC, the Number Administration and Service Center, for routing. And based on the local phone company identifier that went to NASC, the NASC would then send information back to the local phone company and say this is the next place where you route that information. And the box between No. 4 and 5 on this diagram now is defining that for that particular call, the information was sent to a non-L.A. switch first and then sent on to the L.A. switch.
Q. By way of example, if I'm standing in western New York and dial a Bridges call, where might my call first be routed before it gets to L.A.?
A. I know for western New York goes directly to L.A.
Q. Bad example.
A. But assuming that you're in a part of the country -- they also had switches in Atlanta, Philadelphia, Chicago, Dallas, Seattle, and San Francisco. So assuming that you were in Dallas -- or you were in Texas, then when they sent it to NASC,

the local phone company would say there, Send it to the WCT

switch in Dallas first, and then it would be routed on to Los Angeles.

Q. And the fact that it had stopped somewhere else before getting to L.A: How would that impact on the information you had to work with and the methods you would rely upon in matching?

A. Okay. For any call that was routed to a switch other than L.A. first, that information actually was carried on to the L.A. switch. The information I'm talking about is the time of day was recorded in whatever switch it was; so if you were in Atlanta, the time of day that's recorded is Eastern Time, either Daylight or Standard. If you're in Dallas, it's recorded in Central Time. So the time that the call hit the switch was recorded at that switch, and that was sent on to Los Angeles. So in the 3911 file, that information is now recorded in Los Angeles in their file as being the time of that switch.

It also sent the port information from that switch on to L.A. of the port that was used actually in that non-Los Angeles switch.

Q. And again, to help visualize your testimony, did you prepare Government's Exhibit 2085 that would demonstrate the method you used for calls that originated from someplace other than L.A.?

A. Yes, I did.

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

demonstrative purposes only Exhibit 2085.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. Received for that purpose.

Display.

BY MR. MACKEY:

Q. Go ahead, Mr. Dexter.

A. In this particular case, this record, this OPUS record down at the bottom, which was recorded using Port 711, of course we would first look for a 3911 record with the corresponding port. It's not on here. I'm -- because I have these ports semi-memorized, it's probably 11517 -- it's 11506. I just know that.

But it's -- we didn't find any records to meet the criteria for that date and time in the Los Angeles 3911 record; so the next step was then to look at all of the records that came in from all of the switches.

So what we would do is we would take that OPUS record,

take all the calls that did not come through L.A. first, and look for records that have a corresponding time from every other switch. So when we compared it to records that had come in from Atlanta -- now, down in the OPUS record, that 742 is

Pacific Time. So if we're looking at the records that came in from Atlanta, we would try to match it with a record that came in at 10:42 because Atlanta is three hours earlier (sic). We would look at all the records that came in from Philadelphia at

10:42. The program was written to go in and look at based on which one of those switches that it came from to do -- to try to find a match based on the differentiation in time zone.
Q. And you took that differentiation into account for each of the calls, 100-plus calls, that that would originate from someplace other than L.A.?
A. That's correct.
Q. We learned earlier this morning, Mr. Dexter, about a reorigination feature on The Spotlight platform. What's your understanding of that feature?
A. The -- and this is not unique to The Spotlight debit card. This is used on credit cards and other debit cards, etc., so that a person using the telephone does not have to -- if you're going to make more than one call, you do not have to redial the 800 number and put your PIN in again. If you want to make a second call, when you complete the first call, you just hit the pound sign, and then it's available for you to put in another number that you want to call; and you can put it in. That had effects on the way that the information was captured by WCT.
Q. And just briefly, how was it that you took that feature into account as you matched records between the various sources?
A. Okay. The -- the important thing here is that WCT wrote a 3911 record every time that a -- the 800 number was dialed. So if it was only dialed once and you had many other calls that

were made, then the 3911 record, the duration of that and the ending -- beginning time and ending time encompassed all of the calls that you made during that reorigination series. There would be no difference in the OPUS record each time that you put in a "to" number. The OPUS record would be created. And if, in fact, that call was answered, then an individual 3910 was created for that call, also.
Q. How would you, given that, identify the start time for Call No. 2, for example, in that series?
A. Okay. There were steps that were done along the way. If a reorigination series only had two calls in it, then we knew the start time because the start time in the 3911 was when the first call was placed. So that one was automatic. We didn't have any problem with that.

The -- if there was only two calls in the series, we also from the 3911 file knew the ending time of the second call. And the second call in the OPUS record already had a duration, so it was a matter of subtracting the duration from the end time so that you always had an exact time of when that call initiated

call initiated.

If there were more than two calls in the reorigination series and the call was answered, then when that call was answered is recorded in the 3910 file. And that is also the same clock that is in the switch. That switch, the 3911 and 3910, only has one clock. So if the call was answered, you

also know what time that call started.

The issue comes into place when you have a string of calls of five calls, six calls, whatever it is, more than two, and a call was not answered. Then what you have is is that you have a time period between when one call ended and the time that the third call, fourth call, started. And you know the duration because you have that in the OPUS records. So what we did is we standardized it, wrote a formula to take into account that it would be the same amount of time between each one of those calls, and calculated when the start time would be for the call in the middle of the series if it didn't have any of those other criteria. And there were very few of those. There was around 40 that we had to calculate a start time that was in the middle of those.

Q. And did you use the same methodology for doing that for each of those 40 calls?

A. Yes. Every one of them was the same methodology.

Q. Mr. Dexter, you relied upon records other than those produced by West Coast Telephone in producing your summary. Is that correct?

A. That's correct.

Q. Tell us first about Citizens Utility, telephone in Kingman, Arizona. How did that come into play in your project?

A. The WCT records in the 3911 file always captured, when it was made available to them, the originating information.

The -- where the call was placed from, the "from" number.

The Kingman, Arizona -- the Citizen Utility Company that supports that area did not have what is referred to as "Feature Group D." They were a Feature Group B company at that time. And what that means is that they did not pass the "from" number from one phone company to the next phone company. That feature today allows everybody to have Caller ID on their phone so that you can see who the incoming call was. If you had Caller ID back in early 1995 and the call was placed from Kingman, you would not be able to see the phone number appear on your Caller ID because they did not pass it.

So what WCT captured in the 3911 file was the fact that a phone call originated in Kingman, Arizona. There was a city and state field so that we knew it came from Kingman, Arizona; but in the "from" number field, all they would store is the number zero, one zero, and therefore we did not know originally doing the matching what the number was that the call was placed from.

Q. Did you take any steps to trace that "from" number?
A. Yes, we did.
Q. What were those?
A. We took the time period -- excuse me -- of all the calls that we knew originated in Kingman, Arizona, and a subpoena was sent to Citizens Utility requesting all of the calls from Citizen Utility that had called The Spotlight number and for

them to provide those activity records to us.
Q. And did you assemble those records into Government's Exhibit 552 for purposes of this proceeding?
A. Yes, we did.
Q. Were those the Citizens Utility records you relied upon in producing the Bridges summary?
A. Yes, I did (sic).
MR. MACKEY: Your Honor, we'd move to admit Exhibit 552.
MR. TIGAR: No objection, your Honor.
THE COURT: Received.
BY MR. MACKEY:
Q. Mr. Dexter, you told us earlier, too, about the need to get records from other companies to know who a particular phone number was subscribed to on a particular date. Do you recall that?
A. Yes.
Q. Did you assemble Government's Exhibit 520 with the phone records produced by other phone companies for that information?
A. 520, I believe, is the subscriber records for those phones.
Q. Are they the subscriber records you relied upon in producing your summary?
A. Yes, they are.
MR. MACKEY: Your Honor, we move to admit Government's Exhibit 520.

MR. TIGAR: No objection, your Honor.
THE COURT: 520 is received.
BY MR. MACKEY:
Q. You found, Mr. Dexter, in your study a number of phone calls, some completed, some attempted, to the country of Philippines, did you not?
A. Yes, we did.
Q. Did you track down the subscriber information for those phone calls?
A. Yes. They were also subpoenaed.
Q. And are they set forth in Government's Exhibits 522, '23, and '24?
A. Yes, they are.
Q. Are those the records you relied upon in your summary?
A. Yes, we did.

MR. MACKEY: Your Honor, we move to admit Government's Exhibits 522, 523 and 524.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. You told us earlier, Mr. Dexter, that other phone companies -- that is, other than WCT -- would in like fashion keep records of calls they were processing. Did you take into account or use those records to assist you in verifying in any fashion the work you were doing with the Bridges record?

A. Yes, we did.

Q. Describe what you did.

A. Once the summary was created and put totally in chronological order, we sat down and printed out -- had the computer print out for us in chronological order all of the start times on a separate page, not a complete summary but the start times and the -- the duration for each one of those calls.

Now, the computer that we have also has in it a table that, based on area code and exchange, tells us what phone company services that particular area code and exchange. So what we did then was we went back to look and see if, in fact, those records had been subpoenaed earlier in the case by looking at the 1Bs for that particular phone company or whatever.

We then would go down through that 1B and determine if, in fact, we had supporting information that we had a call on the same date and same time as a call that we had in the summary to give us further verification that, in fact, the "from" number that had been matched from the 3911 -- that the phone company -- that a call to the 800 number had been placed at that same date and time from that phone; and we verified for all of the ones that we had subpoenaed -- we went in and matched those.

Q. And are those activity records created by local phone

companies for the calls in question gathered into Government's Exhibit 521?

A. That's correct.

MR. MACKEY: Your Honor, we'd move to admit Exhibit 521.

MR. TIGAR: No objection your Honor.

THE COURT: Received, 521.

BY MR. MACKEY:

Q. Mr. Dexter, when you made that comparison of the sets of records created by other phone companies with the records that you were examining from West Coast Telephone, what did you find in terms of how like they were about start time and duration?

A. We found that of the 604 calls that were in the summary

A. We found that of the 604 calls that were in the summary that records had been subpoenaed that we could match against around 280 of the calls, and we then -- the other ones had not been subpoenaed or were subpoenaed and not available because the older the records were, the less likely that a phone company would still have them.

But what we found was -- is that this number is within one or two -- I believe there were 278 or 280 that matched within a few seconds for the start time. I believe it was -- the average was less than 20 seconds. It was around 19 seconds. And that strictly was because the local phone company clock is going to be different than what the switch time clock is that we could see. And if they were made from the same

phone company, we could tell exactly how many seconds that phone company was different than the 3911.

Q. Did you reduce to writing this analysis you did for comparing start times?

A. Yes, we did.

Q. Is that set forth in Government's Exhibit 556?

A. Yes, it is.

MR. MACKEY: Your Honor, we'd move to admit Exhibit 556.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. 556.

BY MR. MACKEY:

Q. And did you go through the same process in comparing records about duration?

A. Yes, we did.

Q. And did you reduce your findings to Government's Exhibit 557 there?

A. Yes, we did.

MR. MACKEY: Your Honor, we'd move to admit Government's Exhibit 557.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. And how like were the records from the local phone companies when compared to WCT records on duration?

A. The duration that was matched against the 3911 record to the local phone company, we found, again, around 280 of them the same records and matched in the duration there, since the local phone company's record -- they attach -- they would get the record a little bit before the 3911 record would and it would be disconnected from the 3911 switch a little bit before the local phone company. The average difference there was less than 5 seconds.

Q. So both for start time and duration, you found independent verification within seconds of what you were discovering from

WCT's records?
A. That's correct.
Q. Mr. Dexter, this jury has heard previously some testimony about phone calls placed on Friday, April 14, 1995. Did you examine business records available concerning those phone calls?
A. Yes, I did.
Q. Have you seen Government's Exhibits 525 and 526?
A. Yes.
Q. And do you know what they are?
A. Yes, I do.
Q. Could you tell the jury what they are, please.
A. 525 was subpoenaed records from Sprint United, I believe it is, that the subpoena asked for records on the calls that originated from a pay phone from the -- at the J & K Bus Depot.

And that particular 525 is, in fact, the response that came from the phone company.
Q. And Exhibit 526 is what?
A. 526 is the subpoena -- the response from the phone company for the records -- I believe it's for the reverse records -- the term is "reverse" -- The phone company keeps track of calls going into somebody's house, and I believe that's the one that -- for the calls going into Terry Nichols' house.
Q. Did you rely upon those records --
A. Wait a second. I don't think that's into Terry Nichols'. I believe that's going into L.A. -- is what that was for.
Q. Okay. If you need to examine any exhibit, should be right next to you.
A. I'm sure that that's what that was.
MR. MACKEY: All right. Let me ask first, your Honor,
to admit Government's Exhibits 525 and 526.
MR. TIGAR: May I examine, your Honor?
THE COURT: Yes, you may.
MR. TIGAR: Thank you.
VOIR DIRE EXAMINATION
BY MR. TIGAR:
Q. Agent, do you have 526 in front of you, sir?
A. I have the books.
Q. Would you just double-check, please.
I'm sorry. It's Mr. Dexter. Not Agent Dexter. My

name is Michael Tigar. I represent Terry Nichols. Excuse me.
A. I need my glasses.
Q. Please do.
Would you verify for me that 526 is indeed a record that reflects a telephone call from 238-8534 at 9:54 a.m. and 5 seconds placed to a number -- I'm sorry. May I start again?
It's received -- the call was received at 238-8534.

Is that right?
A. It's received at 238-8534.
Q. And that's the Elliott's Body Shop/Ryder rental place; correct?
A. That's correct.
Q. And it was made from the J & K Bus Depot pay phone. Is that right?
A. That's correct. This record does not tell me that, but --
Q. But you know that independently?
A. Yes.
Q. So this particular record does not involve any telephone listed to Mr. Nichols. Is that right?
A. Does not. No.
Q. Okay. It does not?
A. I made a mistake. I'm sorry.
Q. I understand. I just wanted to make sure that it corresponds.
MR. TIGAR: We have no objection to it, your Honor.

THE COURT: And to 525?
MR. TIGAR: Neither to 525. I just wanted to clarify '26.
THE COURT: They're received.

DIRECT EXAMINATION CONTINUED

BY MR. MACKEY:
Q. Mr. Dexter, relying upon records available to you from WCT and other sources, did you prepare a diagram that would illustrate what you found with regard to those two phone calls?
A. Yes, I did.
Q. Let's start with Government's Exhibit 558. Is that an illustration of the phone call from J & K Bus Depot to the residence of Terry Nichols? 558.
A. I believe so.
MR. MACKEY: Your Honor, we'd move for demonstrative purposes only Government's Exhibit 558.
MR. TIGAR: No objection, your Honor.
THE COURT: Received. May be displayed.
BY MR. MACKEY:
Q. Using this exhibit, Mr. Dexter, could you tell the jury what you found in the way of phone calls on April 14, 1995, billed to the Bridges phone card.
A. Okay. Down at the bottom of this where the OPUS record is as Port 701 at the top, we had a record that showed that on 4-14 at 7:53 Pacific Daylight Time there was a phone call to

(913) 258-3400, and the duration lasted 54 seconds. That's what we got from the OPUS record.
When we matched this record up, the corresponding port in the 3911 record, which is 11496, which is the match to 701, showed that we matched a record on 4-14 with a start time of

7:51:30, again Pacific Daylight Time; that the call ended as far as the 3911 was concerned at 7:53:06. The "from" number was (913) 762-9765, and the total duration as far as the 3911 is concerned was a minute and 36 seconds.

We then looked for a 3910 record to see if the call was in fact answered. We found a 3910, supporting port 11508, with the date 4-14, the beginning time of 7:52:15. The thing that locks this record in to show that the three of them totally correspond to each other is the "to" number in the 3910. The (913) 258-3400 is exactly the same as the (913) 258-3400 in the OPUS record, and the ending time in the 3910 is 7:53:06, is the same in the 3910 and the 3911. And when a person hangs up on both ends, when they hang up, it writes the 3910 and writes the 3911, so you can see that it is exactly the same record there. And then that information was moved up to the top in the summary based on the green, blue and red, yellow, circles.

Q. In the OPUS record shown in 558, there is an account number. Do you recognize the account number?

A. I'm sorry? Would you repeat that.

Q. The OPUS box, the white box at the bottom?

A. The 563946.

Q. Yes, sir.

A. That is the Daryl Bridges account number.

Q. From your study and as illustrated in this chart, did you conclude that that Bridges call was made from this bus depot pay phone on Friday, April 14, beginning at 9:51 in the morning to a number subscribed on that date to Terry Nichols?

A. Yes, we did.

Q. You examined, did you not, other records concerning a second phone call from that same pay phone?

A. Yes, I did.

Q. Did you prepare a similar diagram that would illustrate your findings?

A. Yes.

MR. MACKEY: Your Honor, would move for demonstrative purposes only 559.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. Tell us about what's shown in Exhibit 559, please.

A. First of all, you see on the bottom that there is a -- not an OPUS record that was created for this particular call. What we do know is that we went in, and based on "from" numbers, it was that a call -- we looked in the 3911, not for just this

call but for every other call to find out whether calls were placed from the same phones, etc.

On this particular one, we found a 3911 and a 3910 that matched, but there was no supporting OPUS record for that

that matched, but there was no supporting CPOS record for that particular match.

The port in the 3911 does, in fact, match the port in the 3910. And in the end times, the 8:01:39 match exactly, the dates match exactly. The 3910 record, the begin time is usually somewheres from 30 seconds to a minute less than the -- later, if you will, than the 3911. So there was no doubt that this particular two records -- these do, the 3910 and 3911 matched, but we did not have an OPUS record.

Q. This shows that the call began at 9:53:33?

A. That's at 3911 record; correct.

Q. And lasted a little more than 7 minutes?

A. From the 3910, we get the duration of the actual talk time within a second or two, yes. 7:36.

Q. And would that mean that this particular phone call was in progress at 10:00 sharp on the Central Daylight Time?

A. Yes, it was.

Q. And because of that, because it was in progress, what impact, as you understand it, did it have on the record-keeping in the OPUS file?

A. When we were in California meeting with the WCT people, they explained to us that one of the situations with their

system was -- is that because of some type of problem, they had to restart their software down in the debit-card system in the OPUS system three times a day. And what they would do is when they restarted that -- originally they told us whatever record was being written to the disk at that particular time did not get written to the disk. The call still stayed in progress, the 3911 was written, the 3910 was written; but because during the restart the record was being written to the 39 -- to the OPUS record, that writing did not occur.

Q. So when you first received the OPUS file, you did not receive any indication that the Daryl Bridges card from the OPUS file was used on this particular day.

A. That's correct.

Q. Did you endeavor to --

A. I'm sorry. Would you repeat? It was used on that day but not for this call -- from that call, yes.

Q. Thank you. I'm sorry. As to this particular call. Thank you for the clarification.

Did you endeavor to identify any other possible Spotlight customer who might be responsible for making this known call?

A. Yes.

Q. What did you do?

A. We went in and searched the "from" number to find out if that was a number that was used often by a Spotlight customer,

because you see repetition. A person stays in the same hotel or they're a Spotlight customer and they make calls out of

their own home but they charge it. There were only two calls placed from that 3911, and they were the two calls placed on that day.

We did the same thing in the 3910 file. We looked to find out whether that "to" number had been called by anybody else, and we found that that was the only occurrence in the 3910; and we also checked the OPUS file to see whether that termination number, that "to" number was called at any other time than it was, and it was not. That was the only time that 238-8534 was called.

Q. How many thousands of Spotlight calls did you check to see whether any other Spotlight customer had used the J & K Bus Depot pay phone?

A. The 3910 has -- I'm trying to remember -- 140,000 and OPUS had over 100,000. One of them has 105- and one has 140,000, so they were all checked via computer to see if that number occurred; and it did not except once in the 3910 file.

Q. Did you check the same number of Spotlight customers to see if anybody else who had a card ever called Ryder's in Junction City?

A. Yes, we did.

Q. And?

A. And they did not.

Q. All right. Mr. Dexter, did you prepare an exhibit that would illustrate the time sequence of these two phone calls?

A. Yes, I did.

Q. Is that set forth in Exhibit 1942?

A. Yes, it is.

MR. MACKEY: Your Honor, I'd like to show that for the jury for demonstrative purposes only.

MR. TIGAR: May I inquire, your Honor?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Mr. Dexter, in this exhibit, the word "Nichols" appears. Do you see that?

A. Yes, I do.

Q. Now, is it the case that -- You don't know who answered the telephone, do you?

A. I do not.

Q. So that when the word "Nichols" appears here, what we're seeing -- you're referring to the person in whose name the phone is subscribed. Correct?

A. A subscriber record, right.

Q. Similarly, with respect to Elliott's Ryder Rental, you know that's the name of the subscriber but you don't know who answered the phone there, either. Correct?

A. That's correct.

Q. And the --

MR. TIGAR: No objection, your Honor.

THE COURT: All right. You may proceed.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MR. MACKEY:

Q. Mr. Dexter, orient the jury, please, as to what this exhibit is intended to depict.

A. Based on the Exhibit 525, which was the United Sprint records, showed that a call was initiated at the J & K Bus Depot at 9:52:05 and that that call lasted 1 minute and 42 seconds.

Also based on the Sprint records on that same exhibit,
records from United Sprint that a second call was placed at 9:54:07, and the 800 number was also dialed at that time.

Now, based on response from the phone company, same phone company, same switch records, it shows that the phone was answered -- this is the reverse records -- was answered at 9:54:35 at Elliott's Ryder Rental and that that call lasted 7 minutes 34 seconds, so that means that the call ended at 10:02:09.

Taking and just plotting the times across there, what we find is that that call lasted a minute and 42 seconds on the left-hand side, the call lasted on the right-hand side 7 minutes 34 seconds. Based on the Sprint records from the time

that the 800 number was dialed, the one that's right there in the red block at 7 -- I'm sorry -- at 9:54:07 until the call was actually answered at Elliott's Ryder Rental was 28 seconds. That's strictly a subtraction of 07 from the 35 seconds in that record to give us 28 seconds.

The other block that's left tells us that from Sprint United records that from the end of the call that went to Nichols' residence, subscriber record, until the second phone call was dialed was, in fact, 20-second duration between the end of one call and the start of the second call.

Q. That's two back-to-back phone calls made from the same pay phone?

A. From J & K Bus Depot pay phone.

Q. Thank you. Let me turn to Government's Exhibit 554 finally at this point in your examination. Could you pull that up, please. Exhibit 554.

MR. MACKEY: May I approach, your Honor?

THE COURT: Yes.

BY MR. MACKEY:

Q. Mr. Dexter, would you examine that and tell his Honor and the jury what Exhibit 554 is, please.

A. 554 is the -- is my work, is the Bridges summary of 604 phone calls that started -- that are associated with the Daryl Bridges debit card, starting on Call 82 and ending with Call 685.

Q. What time period does the summary cover, please.
A. It covers the time period of September 14, 1994, through April 17, 1995.
Q. That is the time period covered in the indictment in this case?
A. I'm sorry.
Q. Is that the same time period as covered in the indictment in this case?
A. Yes.
Q. Up through April 19?
A. Yes.
Q. Does Exhibit 554 accurately set forth the results of your examination and work in reviewing the various records you've identified for this jury this morning?
A. Yes, it is.
Q. Does it accurately set forth the dates of calls, the times those calls started, the duration or length, and the "from" and "to" subscribers for each of those phone calls?
A. Yes, it does.

MR. MACKEY: Your Honor, I move to admit Government's Exhibit 554.

MR. TIGAR: May I inquire briefly, your Honor?

THE COURT: You may, yes.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Mr. Dexter, you do have a summary that contains Calls 1 through 81. Is that correct, sir?
A. No. I haven't -- I have a different summary that contains Calls 1 through the end -- 685, but not just 1 through 81.
Q. I understand. My question was inartful.

The document before you contains Calls 82 through 685.

Correct?
A. That is correct.
Q. And you do have another summary that contains Calls 1 through 685. Is that correct?
A. We did put together one, yes.
Q. And the summary that you put together that contains all of the telephone calls was done according to the same methodology that you have described earlier today; is that correct?
A. That's correct.
Q. And --

MR. TIGAR: May I approach, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 71B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

DIRECT EXAMINATION CONTINUED

BY MR. MACKEY:

Q. Mr. Dexter, when you started your project, was it the purpose to identify all phone calls from the inception of the Daryl Bridges account to its conclusion?

A. Yes, it was.

Q. And that included what time period?

A. December of '93 through April of '95.

Q. And did you prepare an exhibit that would summarize the entire history of the Daryl Bridges account, not just from the period of the indictment but previously from December of '93?

A. Yes, I did.

Q. Let me show you at this time Government's Exhibit 553. What is that, please.

A. That's -- yes, yes (sic).

Q. And would your answers be the same as to all the information set forth in that exhibit as you have described to this jury with respect to Exhibit 554?

A. No, it's not.

Q. In terms of the method that you used?

A. Yes.

Q. And the sources of information you relied upon?

A. There is one difference.

Q. Please.

A. The time period prior to September 14, there were numerous records that were not available. Since WCT was testing software in early 1994, they failed to write some of those to their 3911 file, etc. There was a month time period. So in those cases, we had to rely on information that was given to us by WCT. I could not do it from a matching process because there was not just the Daryl Bridges account, there was about a 30-day period where there were no 3911's, so we could not match the "from" numbers on those. WCT could by going back and bringing up on a screen the actual records so that they could find out what the "from" number was, and they provided them to us.

So the earlier summary, the one that has the complete 1 through 685 in it, some of the information in there was not available to me electronically.

Q. Did you rely, then, on the records that WCT provided for those earlier periods where similar records were unavailable?

A. Yes, I did.

Q. Are you confident that the entries in Exhibit 553, even for those early periods, are nonetheless an accurate accounting of the activity on the Bridges account?

A. Based on WCT. It's -- if that's what they provided to me,

then they were accurate. But I had no way of verifying them other than a lot of those calls were also provided -- we got from the local phone companies, so we had the independent

verification that, in fact, a call was made from that phone call on -- from that phone. And I would have to look at that other exhibit. But of that 81 phone calls, my recollection was -- is that half or more of those we had local phone company verification that the 800 number was called from that phone call (sic).

Q. With that qualification, I think I understand it. Are you satisfied that 553 is an accurate reconstruction of all Daryl Bridges calls?

A. Yes.

MR. MACKEY: I have no further foundation as to that exhibit.

MR. TIGAR: We consent to the admission of 553, and I assume that 554 is withdrawn.

MR. MACKEY: Yes.

THE COURT: All right.

MR. TIGAR: Yes, your Honor.

THE COURT: Then we're in agreement on 553. That was the subject of our little discussion up here.

We need to take a recess about now --

MR. MACKEY: Thank you.

THE COURT: -- before we get to the next.

So you may step down now, Mr. Dexter, and we'll have you back here in about 90 minutes.

THE WITNESS: Okay.

THE COURT: And, members of the jury, we'll be recessing now for our usual luncheon period to 1:35, during which, of course, as I'm required to do, to remind you of what is required of you: that you withhold the temptation to have a discussion about all that you've heard this morning here as well as everything else with respect to the trial, keeping open minds until you've heard it all, as you are required to do. And of course, therefore not only avoid discussion among

yourselves but with all other persons, but anything outside of the evidence that you come across, you must also avoid in so far as it may affect your judgment in this case.

You're excused now till 1:35.

(Jury out at 12:07 p.m.)

THE COURT: Okay. We're in recess.

(Recess at 12:07 p.m.)

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INDEX

PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
507	8039	8039			
508	8041	8041			
509	8011	8014			
509A	8031	8032			
511	8003	8008			
513-514	8030	8030			
516	8034	8034			
517	8025	8026			
518	8042	8043			
518	8085	8085			
520	8106	8107			
521	8109	8109			
522-524	8107	8107			
525-526	8112	8114			
535	8077	8078			
536	8089	8089			
537	8090	8090			
540	8092	8094			
541	8098	8098			
552	8106	8106			
553					
554	8123				
556	8110	8110			

PLAINTIFF'S EXHIBITS (continued

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
557	8110	8110			
558	8114	8114			

559	8116	8116
1942	8120	8121
2085	8100	8101

* * * * *

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 12th day of November, 1997.

_____

Paul Zuckerman

_____

Bonnie Carpenter