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7990

1 APPEARANCES  
2 PATRICK RYAN, United States Attorney for the  
Western  
3 District of Oklahoma, for the Western District of  
Oklahoma, 210  
4 West Park Avenue, Suite 400, Oklahoma City, Oklahoma,  
73102,  
5 appearing for the plaintiff.  
6 LARRY MACKEY, BETH WILKINSON, GEOFFREY MEARNES,  
JAMIE  
7 ORENSTEIN, and AITAN GOELMAN, Special Attorneys to the  
U.S.  
8 Attorney General, 1961 Stout Street, Suite 1200,  
Denver,  
9 Colorado, 80294, appearing for the plaintiff.  
10 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,  
and  
11 REID NEUREITER, Attorneys at Law, 1120 Lincoln Street,  
Suite

Nichols. 12 1308, Denver, Colorado, 80203, appearing for Defendant

13 \* \* \* \* \*

14 PROCEEDINGS

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

16 THE COURT: Be seated, please.

17 You wish to approach the bench, Mr. Tigar?

18 (At the bench:)

19 (Bench Conference 71B1 is not herein transcribed by  
court

20 order. It is transcribed as a separate sealed  
transcript.)

21

22

23

24

25

7995

1 (In open court:)

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

3 appreciate your cooperation and this being another one  
of those

4 days where, for some you at any rate, it took a little  
extra

5 effort to get to the assigned spot on time; and we

appreciate

6 the effort that you made in that regard.

7 And so we're ready to resume our testimony,  
and you

8 will recall that at the time that we recessed on  
Monday, we

9 were hearing testimony from the witness, Mr. John Kane,  
about

10 the operations of a telephone debit calling card. And  
we'll

11 resume with Mr. Kane's testimony. Mr. Goelman was  
examining.

12 (John Kane was recalled to the stand.)

13 THE COURT: Mr. Kane, if you will resume the  
stand

14 under the oath you took with us on Monday, we'll  
continue with

15 you examination.

16 THE WITNESS: Okay.

17 THE COURT: Mr. Goelman.

18 MR. GOELMAN: Thank you, your Honor.

19 May I have Agent Tongate put up Government's  
Exhibit

20 506, the enlargement that we discussed on Monday?

21 THE COURT: Yes.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. GOELMAN:

24 Q. Good morning, Mr. Kane.

25 A. Good morning.

John Kane - Direct

1 Q. Referring to the poster behind you, Government  
Exhibit 506,  
2 when we broke on Monday, you had just explained the  
path that a  
3 debit-card phone call would take through the WCT OPUS  
system.  
4 Can you refer back to the poster and explain what is  
signified  
5 by the number 3911 and the word "in" below it on the  
left-hand  
6 side of the WCT switch box.  
7 A. 3911 is a -- a number or numeric identifier for  
something  
8 we call a trunk group in the industry. Essentially, a  
trunk  
9 group is a group of telephone lines, each line being  
denoted as  
10 a port. Those ports in a group would constitute a  
trunk group.  
11 A port essentially in its simplest form would be the  
equivalent  
12 of essentially your home telephone that you would have  
in your  
13 house.  
14 Q. Why the word "in" written below 3911?  
15 A. 3911 is a group where the (800) 793-3377 number  
comes into  
16 the WCT switching equipment, so therefore, it is an

inbound

17 call. So we refer to that as the "in" trunk group.

18 Q. Okay. And then you were describing how the call  
went to

19 the OPUS group; is that right?

20 A. Correct. Once the call is processed beyond the --  
the WCT

21 switch, it then enters the OPUS system as an inbound  
call to

22 the OPUS system.

23 Q. And that's where the balance check is performed  
that you

24 were talking about?

25 A. Balance check and further call processing.

7997

John Kane - Direct

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

2 blue box that says "3910 out."

3 A. When the OPUS system has decided that the customer  
has

4 enough of a balance to make a particular phone call,  
the OPUS

5 system will originate a call back to the WCT switch.  
That call

6 was received in the WCT switch on the 3910 trunk group  
and is

7 routed out of the WCT switch to the terminating  
telephone so

8 that the conversation can take place. It's just  
another --

9 Essentially, an arbitrary number that was assigned to  
this

10 particular group of trunks.

11 Q. But here, it represents an outgoing phone call?

12 A. Outgoing phone call from the OPUS.

13 Q. Mr. Kane, I think we're all familiar with the  
monthly

14 telephone bill. Did WCT send its debit-card customers  
a

15 monthly bill?

16 A. No, they didn't.

17 Q. And why not?

18 A. Well, the debit-card user had prepaid for their  
telephone

19 calls and there was really no reason to send them a  
bill, and

20 so it was -- it was just not done.

21 Q. Did WCT nonetheless keep track of all the  
information

22 that's listed in the local or monthly phone bill?

23 A. Oh, yes.

24 Q. And does that include the "from" and "to" number of  
every

25 call?

John Kane - Direct

"to," 1 A. We kept track of all of the transactions "from" and

2 from all the systems.

3 Q. And does it also include the day, time, and  
duration of

4 each phone call?

5 A. Yes, it did.

6 Q. Turning back to the poster, can you describe how  
many

7 different records each phone call going through the  
system

8 would make.

9 A. A typical telephone call would make one record with  
the

10 local telephone company, one record in 3911, one record  
in

11 OPUS, one record in the 3910, and one record in the  
local

12 telephone company at the distant end, so a total of, in  
this

13 case, five.

14 Q. And leaving aside the local phone records, for the  
moment,

15 how many records were made of each phone call that WCT  
16 maintained?

17 A. There would have been at least -- at least one, but  
18 possibly as many as three, depending on how far the  
call

19 progressed.

20 Q. And would all the information contained in the  
local phone

21 bill be contained within those three records of a  
single phone

22 call?

23 A. In combination, yes.

24 Q. Okay. Can you tell us the names, just for the ease  
of

25 reference, of those three different types of records.

7999

John Kane - Direct

1 A. We've named them in this case 3910, 3911, and OPUS.

2 Q. And are you familiar with the system by which each  
of these

3 records was kept?

4 A. Yes, I am.

5 Q. Okay. I want to talk about the way each of these  
records

6 were kept, very briefly. Instead of starting with  
3911,

7 however, I want to start with the OPUS record.

8 A. Okay.

9 Q. Can you explain how and when the OPUS record is  
first

10 written.

11 A. The OPUS record: As in all telephone records, the  
record

12 begins when the system is accessed by the originating

caller.

13 In this case, the originating caller would be coming  
from the  
14 3911 record, but the OPUS system would begin compiling  
a record  
15 as the call progressed. It would record the date and  
time of  
16 the call, the port number where the call came into the  
system  
17 on, and then it would record the information that  
pertained to  
18 the user, the PIN number, 14-digit PIN number that we  
talked  
19 about. And then it would record the telephone number  
that the  
20 caller dialed, if the caller ever dialed a telephone  
number.

21 Q. What would happen to all this data in the OPUS file  
after

22 the call terminated?

23 A. Once the call was completed, the amount of dollars  
24 associated with the call and the time the call  
terminated would

25 be recorded by the system, and the balance for that  
customer

8000

John Kane - Direct

1 would be updated in the accounting files.

2 Q. Okay. And what would happen to the OPUS record at  
that

3 point?

4 A. It would be stored in electronic medium, either on  
a hard

5 disk or on a backup system.

6 Q. Why did WCT store this information if it didn't  
need to

7 send its customers a monthly phone bill?

8 A. Well, we did have cases where there were callers  
who had

9 problems with various telephone calls who requested  
credits for

10 those calls; that had a bad connection or whatnot, if  
we needed

11 to be able to look at that. We also needed in some  
cases to

12 reconstruct financial histories of some of these  
accounts if

13 there was a dispute over the balance and whether or not  
the --

14 the card was being used by the user properly. There  
were

15 different issues.

16 Q. Mr. Kane, you mentioned that in addition to the  
from and to

17 number and date and time and duration, that the port  
number was

18 written to the OPUS file?

19 A. Yes, it was.

20 Q. What exactly is a port number?

21 A. Port number, again, is the lowest level of  
connection

again is 22 between these -- each of these systems. Port number  
smallest 23 the same as your home telephone. A single -- the  
24 element under which a single phone call can be carried.  
you 25 Q. And after the Oklahoma City bombing, Mr. Kane, did

8001

John Kane - Direct

your 1 receive a subpoena, asking you for certain records in  
2 files?

3 A. Yes, we did.

records? 4 Q. And did you, in fact, provide the FBI with these

5 A. Yes, I did.

you 6 Q. How did you provide them with the OPUS records that  
7 gave them?

in a 8 A. We asked the system to provide those records to us  
it onto 9 database file. We then took that file and transferred

information 10 diskettes, which we then verified by matching the

11 on the OPUS system to the information on the diskettes;  
12 visually on two computers next to each other.

13 Q. Okay. You said you asked the system to provide you

with

14 certain information. What were the parameters of the  
computer

15 search that you did?

16 A. We -- we asked the system to provide us with all  
the

17 records that it had pertaining to the Spotlight calling  
card

18 800 number. All of those records.

19 Q. What was that 800 number?

20 A. (800) 793-3377, I believe.

21 Q. Okay. And did you do that for a specific period of  
time?

22 A. We did that for the entire period of time that the

23 Spotlight calling program had been in existence. It  
was either

24 November, December, '93, through, I believe, April 17.

25 Q. 1995?

8002

John Kane - Direct

1 A. 1995.

2 Q. Okay. Could you look inside your folder up there  
and see

3 if you can find Government Exhibit 511. There should  
be a

4 group of computer diskettes.

5 A. I have them.

6 Q. Do you recognize them?

7 A. Yes, I do.

8 Q. What are they?

9 A. These are the diskettes that we provided to the  
Government

10 under the subpoena.

11 Q. And how do you know those are the same diskettes?

12 A. I initialed and dated them.

13 Q. How do you know that the information contained on  
those

14 diskettes is the same information that was in your  
file?

15 A. I verified that information once we had made these  
16 diskettes.

17 Q. How did you verify it?

18 A. I physically had the information that's on these  
diskettes

19 on one screen and the -- the information from the  
system on

20 another screen, and I was able to look at them side by  
side and

21 compare them.

22 Q. Mr. Kane, on Monday, you spoke about a process  
whereby the

23 OPUS computer would reboot during the day.

24 A. Yes.

25 Q. Do you remember that?

John Kane - Direct

1 A. Yes.

2 Q. And you testified that during this process, certain  
3 information would be discarded by the system?

4 A. That's correct.

5 Q. Now, which system? Would that be the OPUS system  
or the  
6 WCT switch computer would discard information during  
the  
7 reboot?

8 A. That was only the OPUS system.

9 Q. And what records would be discarded during the  
reboot?

10 A. The -- the way the -- the system would reboot and  
any call  
11 that happened to be in progress at the time the system  
was  
12 rebooted, the record could potentially not be written  
to the  
13 storage file.

14 Q. Did this rebooting process have any effect at all  
on the  
15 records that OPUS did save?

16 A. No, it did not.

17 Q. And did any feature of the WCT or OPUS system cause  
there  
18 to be records of phone calls that were never made?

19 A. No.

business 20 Q. Are the records that are on those three diskettes  
WCT's 21 records of WCT made and kept in the regular course of  
22 business?  
23 A. Yes, they are.  
admit 24 MR. GOELMAN: Your Honor, I would move to  
25 Government 511.

8004

John Kane - Direct

1 MR. TIGAR: May I inquire, your Honor?  
2 THE COURT: Yes.  
3 VOIR DIRE EXAMINATION  
4 BY MR. TIGAR:  
5 Q. Hello again, Mr. Kane. The records that you  
assembled,  
6 they relate, you said, to three different things;  
right? In,  
7 out, and OPUS; right?  
8 A. Correct. Yes, sir.  
9 Q. Okay. And if -- for ease of reference, 3911, 1 is  
in;  
10 right?  
11 A. Yes.  
12 Q. 3910, 0 is out. Right?  
13 A. Yes.

14 Q. And then there's the OPUS record?  
15 A. That's correct.  
16 Q. Now, when you turned over the records, if a call  
was in  
17 progress during this time when the computers were  
rebooting or  
18 starting up again, there would still be a 3911 and 3910  
record;  
19 is that right?  
20 A. It would be at least a 3911. 3910 would only exist  
if  
21 there was an outbound call currently in -- in progress  
at the  
22 time.  
23 Q. But what would be missing -- what's missing then on  
that  
24 diskette is attributing the call that was in progress  
to any  
25 particular Spotlight card; is that right?

8005

John Kane - Voir Dire

1 A. Yes.  
2 Q. So in order to know if -- if -- during that period  
of time,  
3 if any particular Spotlight user was responsible for a  
4 particular call, other steps would have to be taken;  
right? It  
5 would not appear from the OPUS system?

6 A. That would be correct.

7 Q. Okay. So that's not a -- so -- and so thus, in --  
for  
8 those calls, that information that -- that the -- from  
the  
9 computer is missing insofar as particular Spotlight  
customers  
10 are identified; correct?

11 A. That's correct.

12 Q. And in doing your research, you know of at least  
one  
13 instance in which a call you were being asked about  
fell into  
14 that category that there was no OPUS record; right?

15 A. That's correct.

16 Q. Okay. Now, in -- also in looking at your business  
records,  
17 is it the case that the origination file, the 3911,  
always  
18 tells you the calling number?

19 A. The calling --

20 Q. The number that's -- the phone you see that's up  
No. 1  
21 there.

22 A. Yes.

23 Q. That's when the customer picks up the phone?

24 A. Right.

25 Q. Does the 3911 always tell you the phone number  
that's on

8006

John Kane - Voir Dire

1 that phone that somebody picked up?

most

2 A. There is a numeric identifier in that number. In

cases, you

3 cases, it tells you the specific number; and in some

4 have to obtain other information to get that number.

States

5 Q. And in fact, there's one community in the United

000-0000

6 where due to the phone company records, all you get is

7 on the 3911?

as

8 MR. GOELMAN: Your Honor, I'm going to object

9 beyond the scope of voir dire on the OPUS records.

10 THE COURT: Overruled.

11 THE WITNESS: That would be incorrect.

12 BY MR. TIGAR:

13 Q. All right.

14 A. In that particular -- it's probably more than one

15 community.

16 Q. Okay. All right. So --

it gives

17 A. Okay. There is an area in Arizona that gives you

18 information in a different format, and what it does is

19 you the area code and then seven 0's.

over to 20 Q. Okay. And so in the 3911 records that you turned  
Arizona, 21 the Government, all calls from this particular area of  
that 22 when you look at the 3911 to see, gee, what number was  
area 23 that was used, you're going to find in the records the  
24 code and the seven 0's?  
25 A. That's correct, yes, sir.

8007

John Kane - Voir Dire

where we 1 Q. Tell the jury what community that is in Arizona  
2 get the seven 0's.  
3 A. I believe it's Kingman, Arizona.  
respect to 4 Q. So the records you turned over to the FBI with  
5 Spotlight calls originating in Kingman, the 3911's all  
just 6 have the seven 0's; right?  
7 A. Have the area code and the seven 0's; correct.  
8 Q. And so that the records -- but -- with that  
understanding, 9 the records you turned over were records that you did  
keep in 10 the ordinary course of your business; right?  
11 A. Yes, sir.

12 Q. And the fact that they have these features we've  
talked  
13 about is nothing that was caused by any particular  
interference  
14 you made with the records or -- or anything untoward;  
right?  
15 A. I don't understand the question.  
16 Q. Well, you -- you kept the -- you gave the FBI the  
same  
17 kinds of records as you kept for the Daryl Bridges card  
as you  
18 kept for everything else; right?  
19 A. Absolutely, yes, sir.  
20 Q. And these omissions we're talking about, that's  
21 system-wide, not limited to any particular card; is  
that  
22 correct?  
23 A. The information is not an omission; it's just  
transported  
24 differently. We just don't get the number.  
25 Q. You just don't get the number?

8008

John Kane - Voir Dire

1 A. That's correct.  
2 MR. TIGAR: With that understanding, your  
Honor, we --  
3 we have no objection to the exhibit being received.

4 THE COURT: The three diskettes in 511 are  
received.

5 How many are there?

6 THE WITNESS: Three.

7 MR. GOELMAN: Thank you, your Honor.

8 DIRECT EXAMINATION CONTINUED

9 BY MR. GOELMAN:

10 Q. Mr. Kane, when you're talking about records from  
Kingman,

11 Arizona, would those records -- when you refer to the  
five

12 different records that are created for each phone call,  
would

13 the Kingman, Arizona, local phone company have kept  
records of

14 those outgoing phone calls?

15 A. Yes, they did.

16 Q. Would that be the record created in Steps (sic) No.  
1?

17 A. That's correct.

18 Q. Let's move on to another kind of record. Let's  
move on and

19 talk about the 3911. You indicated that the OPUS  
records that

20 have already been admitted had a lot of the information  
for

21 every phone call.

22 A. Yes.

23 Q. Including the "to" number and the time, date,  
duration?

24 A. Yes. That's correct.

25 Q. What -- what didn't it have?

8009

John Kane - Direct

1 A. It didn't have the originating telephone number.

to get

2 Q. And where -- what record would you turn to in order

3 the originating phone number?

4 A. That information was available in our 3911 records.

saved to

5 Q. Could you explain when that information is first

6 your 3911 record.

switching

7 A. The record begins to be created as soon as the

that 800

8 equipment is notified that it has an incoming call to

to the

9 number. It starts to write the information pertaining

of

10 telephone number of the originating location, the type

business-,

11 telephone that made the call, whether it was a

down

12 residential-, or pay-phone-type location. It also puts

that

13 the date, the time, the port numbers associated with

14 particular call.

the

15 Q. So it's not just the "from" number that is saved on

16 3911 file?

17 A. No, sir.

18 Q. You've already testified why WCT kept the OPUS file  
to keep  
19 track of account information. Why were 3911 records  
kept?

20 A. Well, in the WCT box on this picture here is a long  
21 distance switching machine. And it sees that OPUS has  
a  
22 customer, not necessarily as an integral part of a WTC  
service.

23 So for normal record-keeping and billing purposes, we  
would

24 keep that information so we could bill the customer.  
In this

25 case, we would be billing ourselves since we owned the  
OPUS --

8010

John Kane - Direct

1 the OPUS system. Billing information.

2 Q. And after the bombing, were you asked to provide  
this

3 billing information to the Government?

4 A. Yes, I was.

5 Q. And did you do that?

6 A. Yes, I did.

7 Q. How did you go about doing that?

8 A. Again, we -- we took all of the 800 calls that had  
ever  
9 been made to the Spotlight calling card 800 number from  
various  
10 databases and assembled that information in a data  
file, and  
11 then we -- we copied that data file onto some  
diskettes, and I  
12 physically compared the diskettes -- information on the  
13 diskettes to the information in the data file in our  
main  
14 systems.

15 Q. How did you determine which 3911 records you were  
going to  
16 provide the Government?

17 A. We only provided those that were calls that were  
made to  
18 the Spotlight 800 number.

19 Q. Can you look inside your folder and see if you can  
find  
20 Government Exhibit 509, which would be another group of  
21 diskettes.

22 A. I have them.

23 Q. Do you recognize them?

24 A. Yes, I do.

25 Q. What are they?

dated by 1 A. They are the 3911 files. They are initialed and

2 me.

information 3 Q. And after you provided -- after you saved the

that 4 onto these diskettes, did you take any steps to verify

system? 5 these files were the same ones that were on your

two 6 A. Yeah. Physically compared them side by side with

both -- 7 computer terminals. So I could look at the records on

8 in our system and on this -- on these diskettes.

business 9 Q. And are the 3911 records on these diskettes

10 records of WCT?

11 A. Yes, they are.

12 Q. Made and kept in the ordinary course of business?

13 A. Yes, they are.

your 14 MR. GOELMAN: Moved to admit Government 509,

15 Honor.

16 MR. TIGAR: May I inquire?

17 THE COURT: Yes.

18 VOIR DIRE EXAMINATION

19 BY MR. TIGAR:

did you 20 Q. Now, so that we know what we're seeing, sir, in --

these 21 do one search for the 3911 records that resulted in  
22 diskettes or did you do several searches?  
23 A. We did many searches.  
that you 24 Q. And did you find that in the first search you made  
25 had left something out?

8012

John Kane - Voir Dire

1 A. I don't understand.  
to get 2 Q. Well, how many searches did you have to do in order  
3 what's on those diskettes?  
4 A. Actually, several hundred.  
5 Q. Now, did you do them all at the same time?  
6 A. No. Did them over a period of time.  
7 Q. All right. What period of time was that?  
8 A. Several months.  
9 Q. And why was it necessary to keep going back to the  
system 10 over several months to assemble that information?  
11 A. Just the sheer volume of calls that we had in our  
files, we 12 had to essentially take backup files, load them on the  
system,  
13 find these particular records, extract them to another  
file,

14 and then go to find other cartridges and disk storage  
devices  
15 that we use in the normal course of business to back  
our  
16 records up and kept loading those up and getting the  
records of  
17 them.

18 Q. When you made your first search for the 3911 files,  
did  
19 you -- did you have on there a record of a call made on  
the  
20 14th of April, 1995, from a pay phone in Junction City,  
Kansas?

21 A. Had two records from that date. From the same pay  
phone.

22 Q. All right. And from the information you then had  
on that  
23 date, did your search connect those two records  
together?

24 A. Connect which two records, sir?

25 Q. Connect the two records together? Did it show them  
as

8013

John Kane - Voir Dire

1 having been the same telephone call?

2 A. No. There were two records because they were two  
different  
3 telephone calls.

4 Q. And in the first search that you did, did you have  
record

5 of a completed call on the 14th to a business in  
Junction City,

6 Kansas?

7 A. There was a record of a call. I don't remember if  
it was

8 completed or not.

9 Q. And did your first search show that one of the  
originating

10 calls was connected to the completed call in Junction  
-- or to

11 a call to a business in Junction City, Kansas?

12 A. I don't understand. Could you try that again.

13 Q. When you did your first search, did that search  
show that a

14 pay phone in Junction City, Kansas, had called a  
business in

15 Junction City, Kansas?

16 A. There were two calls, and the -- the answer to the  
question

17 is both calls had terminating numbers associated with  
them.

18 One of the calls was to a business, was completed. The  
other

19 call, I don't know if it was to a business or not, and  
I don't

20 remember if it was completed.

21 Q. And what you have now, therefore -- excuse me.  
Strike

22 that.

23 What you have now is the result, though, of  
having

24 gone back a number of times, correct --

25 A. Yes.

8014

John Kane - Voir Dire

1 Q. -- to the records?

2 A. Yes, sir.

3 Q. And are you satisfied that what you now have in  
front of

4 you as a result of those searches is a complete and  
accurate

5 record of all of the 3911 records -- calls during that  
time?

6 A. Yes, it is.

7 MR. TIGAR: Okay. No objection, your Honor.

8 THE COURT: All right. I might -- if I might  
9 interject just so that it's clear to us.

10 You're not talking about looking at a bunch of  
11 documents, are you?

12 THE WITNESS: No.

13 THE COURT: So that the records are created  
through a

14 computer process developing a database utilizing  
magnetic or

15 electronic impulses into the computer system.

16 THE WITNESS: Yes, sir.

17 THE COURT: And so the search consists of

commands

18 into that computer to get information out.

19 THE WITNESS: Yes, sir.

20 THE COURT: Okay.

21 MR. GOELMAN: Thank you, your Honor.

going

22 THE COURT: Some of us think of searches as

23 through file cards.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. GOELMAN:

8015

John Kane - Direct

from

1 Q. You've indicated that you can get the "from" number

2 the 3911 file; is that right?

3 A. Yes, sir.

what

4 Q. And once you have the OPUS file and the 3911 file,

5 information about a phone call are you missing?

6 A. Actually, not missing any.

7 Q. So why do you need the 3910 file?

level of

8 A. We really don't. The 3910 file is just a third

9 validation for us to make sure that we have accurately

10 delivered all of the records.

11 Q. What information is contained in the 3910 files?

12 duration, the

13 originated

15 in the

18 created.

19 independent

20 as the

21 result

22 system.

23 telephone

24 you're

25 which

A. 3910 file contains the date, the time, the

port number, the dialed number for the calls that

from the OPUS platform.

Q. And is the 3910 file created at a different point

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

A. Each -- each of the 3911 and the 3910 are

telephone records. There are two separate calls as far

system is concerned. It does not know that one is the

of another. So you can have a 3911 call come into the

You get into the OPUS platform, you can dial the

number; and once you've dialed the telephone number

calling, a record is then begun which is a 3910 record,

8016

John Kane - Direct

1 call. You

supports the billing information for that particular

3910 2 may not even complete the call, but you'd still have a  
records. 3 record that would tie back to the 3911 and the OPUS

4 Q. And what is WCT's purpose in keeping the 3910 file?

5 A. Again, we're -- we're dealing with a system that  
does not 6 know that OPUS is a company that is -- or equipment  
that is 7 associated with our own company. So we were keeping  
that 8 information for the purposes of billing a customer --  
in this

9 case, it would be OPUS -- for a telephone call.  
Essentially 10 billing ourselves.

11 Q. So like the 3911, the 3910 record is a billing  
record?

12 A. Yes, it is.

13 Q. And did you supply the Government with some 3910  
records 14 after the Oklahoma City bombing?

15 A. Yes, we did.

16 Q. Can you describe how you went about collecting  
these 17 records?

18 A. These were a little bit more complicated to gather  
for us. 19 What we did to obtain these records was we took all of  
the 20 telephone numbers that any Spotlight caller had ever  
called.

21 We put those numbers into a database of telephone  
numbers. We  
22 then took our very large 3910 file and ran -- compared  
the two  
23 files to each other, extracting from the large 3910  
file only  
24 those records where there was a match to any number  
that had  
25 been dialed by the OPUS system during the duration from

8017

John Kane - Direct

1 December '93 through April of '95.  
2 Q. Okay. So you started with the OPUS records?  
3 A. Yes, sir.  
4 Q. And what information did you take out of the OPUS  
records?  
5 A. We took the dialed number, the number that was  
being  
6 called --  
7 Q. The "to" number?  
8 A. The "to" number.  
9 Q. Okay. And explain again the search that you ran in  
the  
10 3910 database.  
11 A. We took all of those numbers. We put them into a  
database.  
12 We ran that database against a much larger file that  
contained

a very, 13 all of these calls that were in the 3910 file, which is  
those 14 very large file; and then we only pulled from that file  
15 records which matched based on telephone number.

the OPUS 16 Q. Okay. When you say you took the "to" number from  
Bridges 17 files, would that be all the numbers that the Daryl  
Spotlight 18 account ever dialed or all the numbers that any  
19 calling-card holder ever dialed?

ever 20 A. It was any record of any Spotlight caller who had  
21 dialed from that system.

22 Q. What did you do once you got these 3910 files?

to two 23 A. We again compared the -- the numbers on the screen  
24 screens next to each other, put them on diskettes, and  
25 forwarded them to the Government.

8018

John Kane - Direct

Exhibit 1 Q. Could you look inside your folder for Government  
2 513, please.

3 A. I have it.

4 Q. What is that?

5  
initialialed and

A. These are the 3910 files, either signed or  
6 dated by me that we submitted.

7 Q. How many diskettes are there?

8 A. There are three.

9  
files

10  
OPUS record

contained on these three diskettes, if there was no

11  
included on

of the "to" number called, would the 3910 have been  
12 those three diskettes?

13 A. No, it would not.

14 Q. And why not?

15  
information was

16  
in the

only those calls that had -- that there was a record of  
17 OPUS system. So they would not have been included.

18  
that

Q. So what if there had been a Spotlight call made to  
19 number but because of the OPUS rebooting process that

you

20  
call?

described, there was no OPUS record for that particular

21  
would

A. We would have not found it in this process, and it  
22 not be included in these records.

23  
phone

Q. Mr. Kane, when you were first reconstructing the

24 activity on the Daryl Bridges debit card, did you find

that

25 there had been a phone call for which there was no OPUS  
record?

8019

John Kane - Direct

1 A. Yes.

2 Q. Could you describe how you made that discovery.

3 A. We were -- before we were putting the records  
together in

4 this format, we were using an on-line data processing  
system

5 which gave us the ability, be it very slow, for us to  
go into

6 our active data files or data that had not yet been  
offloaded

7 from the system for storage purposes and look at all  
call

8 activity associated with the 800 number and the  
terminating

9 calls that came back into the WCT system. I was  
looking at

10 calls associated with the Bridges calling card and had  
found a

11 call that began at a pay phone on the 14th and then had  
found

12 the terminating number, which was (913) 258-3400, and  
the

13 next -- I pushed the carriage return to look at the  
next

14 record, and I did not think that the screen had changed

because

15 most of the information was very, very similar. So the  
next

16 record that had come up in sequence was a record that  
based on

17 the 800 number that was in our search, we -- we were  
surprised

18 to see this record because we didn't have an OPUS  
record that

19 matched this particular call.

20 Q. What do you mean, you didn't think that the screen  
had

21 changed?

22 A. Well, when you -- you're sitting in front of a  
terminal and

23 there's a lot of information displayed, you're looking  
at

24 the -- the fields on that screen for information. When  
I

25 pushed the return key, I -- I thought that the screen  
had not

8020

John Kane - Direct

1 updated because the originating telephone number and  
the date

2 on the call were almost the same. So I actually  
toggled back

3 and forth, looking at the previous record and coming  
back to

4 look at the current record, because it bothered me that

there

5 were two records that were so similar back to back.

6 Q. You initially thought it was the same phone call?

7 A. I thought it was the same record. Right.

you

8 Q. What fields of information were the same so that

9 thought that it was the same phone call?

was a

10 A. The originating telephone number, the fact that it

11 pay phone, the date, and some of the elements in the  
time field

But

12 were -- were -- at first glance looked the same to me.

13 they actually were slightly different.

those two

14 Q. You said that the "to" number for the first of

15 phone calls was (913) 258-3400?

16 A. Yes, sir.

familiar

17 Q. When you first saw it, that number, was it already

18 to you?

19 A. Yes. I had seen that number previously.

in your

20 Q. When had you seen that number previously in your --

21 database?

the

22 A. It was the record that I had found for a call from

23 Dreamland Motel that had been made on the 15th.

24 Q. Of what month?

25 A. Of April, 1995.

8021

John Kane - Direct

of the 1 Q. Okay. And again, did you consult business records  
who was 2 local phone company in Herington, Kansas, to determine  
3 subscribed to that number in April, 1995?

4 A. Yes. Terry Nichols.

row were 5 Q. Do you remember what date the two phone calls in a  
6 again?

7 A. April 14.

Nichols 8 Q. So that was the day before the initial call to Mr.  
9 that you found?

10 A. That's correct.

14, what 11 Q. And after you discovered that there really were two  
12 different phone calls from the same pay phone on April  
13 did you do?

Spotlight 14 A. I suspected at that time that there was another  
Bridges 15 calling card that we had not associated with the  
16 account.

17 Q. Why did you suspect that?

18 A. Because I had all of the OPUS files for the Bridges  
account  
19 at that point, and there was no call that would have  
matched  
20 this one in that Bridges account. So I went off to the  
OPUS  
21 system, looking for this particular call record in the  
OPUS  
22 system, and was unable to find it.

23 Q. How did you know that this particular call even had  
to be a  
24 Spotlight call at all?

25 A. Well, the -- this is a three-record situation. I  
had the

8022

John Kane - Direct

1 3911 record, and I had a 3910 record. And the only way  
I could  
2 have a 3910 record is if a call had gone through the  
OPUS  
3 system, so I knew that there was something wrong  
because it did  
4 not have that OPUS record.

5 Q. Did you find another Spotlight account that made  
the second  
6 call on April 14, 1995?

7 A. No, I did not.

8 Q. So there was no OPUS record for Bridges or from any  
other

9 Spotlight account of this call?

10 A. There was no OPUS record whatsoever.

11 Q. Did you have the 3911 and the 3910 for this phone  
call?

12 A. Yes, I did.

13 Q. And at the time, did you know why you had the 3911  
and the  
14 3910 for a particular phone call and not have the OPUS  
record?

15 A. No, I didn't.

16 Q. Did you later discover the reason for that?

17 A. Yes, I did.

18 Q. And why would you have those two records and not  
the OPUS  
19 record?

20 A. Apparently, when the software people were fixing  
one  
21 problem in the system, the OPUS system, where we were  
having a  
22 difficulty with the system from time to time, it would  
just  
23 stop processing calls -- the way they had fixed that is  
they  
24 had written a program that caused the system to reboot  
three  
25 times a day, where it would clear out its memory. And  
part of

8023

1 the way they had done that inadvertently caused them to  
throw  
2 away calls from a record-keeping standpoint that  
potentially  
3 were in progress during that rebooting process.

4 Q. And is that the same rebooting process that you  
described  
5 earlier?

6 A. Yes, it is.

7 Q. You said that when you were -- when you found these  
calls,  
8 you were looking at records on -- on a computer screen;  
is that  
9 right?

10 A. Yes, sir.

11 Q. And you described it as a slow process?

12 A. Yes. We were using a system that we called CDR  
Search,  
13 which is meant for finding calls from times that  
customer would

14 complain if they had a bad connection. We would go  
into the  
15 system to reconstruct the call, what equipment was  
being used

16 on that particular call so we could try to recreate the  
call,  
17 reconstruct the problem, and solve the problem for the  
18 customer. It wasn't meant to find large numbers of  
records.

19 Q. I don't see a CDR anywhere on Government Exhibit  
506. Will

the other 20 you explain the CDR record and how that fits in with  
21 types of WCT records.  
3910 or 22 A. Well, CDR is just another way to output either the  
different 23 the 3911 record. It was just printed out to -- to a  
24 file.  
25 Q. How long are CDR records kept in active memory?

8024

John Kane - Direct

1 A. We used to try to keep about 30 days' worth of CDR  
2 information available on line.  
building 3 Q. And is the information contained in the CDRs the  
4 blocks for what later becomes a 3911 and 3910's?  
5 A. Exactly.  
6 Q. In addition to the diskettes that you've already  
7 identified, did you print out hard copies of certain  
records?  
8 A. Yes, I did.  
9 Q. Which records were those?  
10 A. I believe they encompassed the records that we  
associated  
11 with the Bridges account between March 25 of -- of '95  
through  
12 April 17 of '95.

second  
created  
eyeballing

13 Q. And did these records include the CDRs from the  
14 phone call on April 14 that didn't have any OPUS record  
15 for it?  
16 A. Yes, they did.  
17 Q. And at this stage, you're just physically  
18 records on the computer?  
19 A. Yes, sir.  
20 Q. Pushing "Print Screen"?  
21 A. Yes.  
22 Q. I want you to take a look and see if you can find  
23 Government 517 inside your folder.  
24 A. I have it.  
25 Q. One moment.

8025

John Kane - Direct

computer

1 Do you recognize those documents?  
2 A. Yes. These are copies of the CDR printouts.  
3 Q. Are those the same files that you saw on your  
4 screen?  
5 A. Yes, they are.  
6 Q. And are they business records of WCT?

7 A. Yes, they are.

8 MR. GOELMAN: Your Honor, I move to admit  
Government

9 517.

10 MR. TIGAR: May I just very briefly?

11 THE COURT: You may inquire.

12 VOIR DIRE EXAMINATION

13 BY MR. TIGAR:

14 Q. The top page there that has an exhibit-number  
sticker on

15 it --

16 A. Yes, sir.

17 Q. -- is that your business record?

18 A. No, it's not.

19 Q. All right. Are all the other pages your business  
records?

20 The ones that are hand-numbered 1 through 57?

21 A. Yes, they are.

22 MR. TIGAR: Your Honor, no objection to the  
admission

23 of pages 1 through 57. We object to the top page  
because it's

24 not his record.

25 THE COURT: Agree to remove --

1 MR. GOELMAN: I'll withdraw that, your Honor.

2 THE COURT: Did you intend to offer 513, also?

3 MR. GOELMAN: Yes. I intended to come back to  
513  
4 after I explained these phone calls.

5 THE COURT: Oh, all right. Well, 517 is  
received.

6 We'll remove the front page. Let's do it now so we  
don't  
7 forget it.

8 Go ahead.

9 MR. GOELMAN: Thank you, your Honor.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. GOELMAN:

12 Q. Are the two phone calls that you found on April 14  
included  
13 in this packet of CDRs, Mr. Kane? Refer to pages 41  
and 42 to  
14 see if you recognize the phone call depicted in those  
two  
15 pages.

16 A. Yes. They are here.

17 Q. And pages 41 and 42, what phone call is represented  
by the  
18 data on those pages?

19 A. This is the first telephone call on the 14th, which  
is  
20 associated with the Bridges account. The call was from  
a  
21 public pay phone at area (913) 762-9765, which was --

22 Q. Did you know that the call was from a public pay  
phone just

23 from that record?

24 A. There is some information provided to us by the  
local

25 telephone company when they forward the call to us as a  
long

8027

John Kane - Direct

1 distance company which tells us about -- a little bit  
about the

2 originating telephone number so we can make business  
decisions

3 as to whether to accept or reject the call.

4 Q. And is that information included on the face of  
that record

5 there?

6 A. Yes, it is.

7 Q. Does that record indicate what number was called?

8 A. The 3911 record does not indicate what number was  
called.

9 The call number on this record is the 800 number for  
the

10 Spotlight calling card.

11 Q. Could you turn to page 42. And is that the 3910  
record for

12 that phone call?

13 A. This is the equivalent of the 3910 record, and it

shows

"to" 14 the -- the dialed number or the called number here, the  
15 number at (913) 258-3400.

number? 16 Q. And you've already identified that as Mr. Nichols'

17 A. Yes.

to 18 Q. Can you tell from these records when the phone call

19 Mr. Nichols' house ended?

20 A. Call ended at 7:53:06.

Exhibit 517 21 Q. And could you take a look at pages 43 and 44 of

that 22 and tell me if you recognize the phone call depicted in

23 data.

24 A. This is the second call. It's again from the (913)

after the 25 762-9765 pay phone. It begins at 7:53:33, 27 seconds

8028

John Kane - Direct

1 other one ended.

2 Q. What number was that telephone call made to?

3 A. The "to" number here is (913) 238-8534.

check 4 Q. Before coming to court on Monday, Mr. Kane, did you

subscriber to 5 local business records and determine who was the

6 that particular phone number in April 1995?

7 A. Yes. This was listed to Ryder One-Way Direct, I  
believe is

8 the name.

9 Q. Where?

10 A. In Junction City.

11 Q. Kansas?

12 A. Yes.

13 Q. And how much time, then, is there between the call  
to

14 Mr. Nichols' house and the call to Ryder Truck?

15 A. 27 seconds, according to this.

16 Q. Did some mechanical process have to happen in these  
27

17 seconds?

18 A. The caller would have had to hang up -- would have  
hung up

19 the first call. They would have then had to originate  
a second

20 call essentially going back through this process, Steps  
1

21 through 5, and revalidated into the -- into the system  
and then

22 made the second call.

23 Q. And how long, again, do Steps 1 through 5 generally  
take?

24 A. Somewhere between 7 and 10 seconds.

25 Q. And that had to happen within the 27-second window?

John Kane - Direct

1 A. That would be correct.

2 Q. Mr. Kane, was the 3910 for this particular phone  
call to

3 Ryder Truck included in Government Exhibit 513, the  
three

4 diskettes that you've already identified?

5 A. No, it wasn't.

6 Q. Why not?

7 A. It was not a "to" number that matched the OP -- any  
number

8 in the OPUS file that we were working from.

9 Q. Was the 3911 for this particular phone call  
included in the

10 diskettes that have already been admitted?

11 A. Yes.

12 Q. Why would the 3911 for this phone call be there and  
the

13 3910 not be there?

14 A. The 3911 was created by the fact that the -- any  
call that

15 had ever been made to the 800 number was the criteria  
for that

16 particular file. So the 800 number was dialed and was  
recorded

17 so it was a part of the 3911 record, and the 3910  
records were

18 created as a result of OPUS records. We did not have

an OPUS

with 19 record for this particular call. We did not include it

20 the initial data set.

not on 21 Q. And because the 3910 for this particular call was

22 the original three diskettes that you provided to the

3910 to 23 Government, did you later go back and save this single

24 an additional diskette?

25 A. Yes, we did.

8030

John Kane - Direct

1 Q. What information went on this diskette?

Ryder 2 A. Just the information regarding the 3910 call to the

3 truck rental location.

and see 4 Q. Could you please look inside your folder once again

single 5 if you can find Government Exhibit 514. It should be a

6 computer diskette.

7 A. I have it.

8 Q. And do you recognize it?

and dated 9 A. Yes. It's the diskette that I submitted, signed

10 by me.

business 11 Q. And contained on that diskette, is there a 3910  
12 record of WCT?

13 A. One record.

is the 14 Q. Did you take any steps to verify that this record  
15 same one you saw on your screen?

16 A. I looked at both of them side by side.

Government 17 MR. GOELMAN: Your Honor, I move to admit

18 Exhibits 513 and 514 at this time.

19 MR. TIGAR: No objection, your Honor.

20 THE COURT: They are received, 513 and 514.

21 BY MR. GOELMAN:

are 22 Q. You've described the different kind of records that

information 23 contained on your diskettes. Taken together, what

three 24 about a particular phone call could we get from these

25 records?

8031

John Kane - Direct

place 1 A. Taken together, you should be able to ascertain the

duration, and 2 the call was made from, the time, the date, the

3 the number that was called.

Government 4 Q. Sounds pretty straightforward. Could you take  
5 Exhibit 509A out of that folder.  
6 A. I have it.  
7 Q. Do you recognize that?  
8 A. Yes, I do.  
9 Q. What is that?  
is just 10 A. This is a partial printout of the 3911 file, which  
we call 11 a -- groups of numbers separated by commas or something  
12 a comma-delimited ASCII file.  
13 Q. So that's nothing more than a hard copy of some of  
the 14 records contained on Government Exhibit 509?  
15 A. Yes. That's correct.  
16 Q. And does 509A depict what these records actually  
look like? 17 A. Yes. That's -- that would be correct.  
18 MR. GOELMAN: Your Honor, I move to admit for  
19 demonstrative purposes only.  
20 THE COURT: 509A.  
Honor? 21 MR. TIGAR: May I take a look at it, your  
22 THE COURT: Certainly.  
23 MR. TIGAR: Thank you.  
24 THE COURT: As I understand it, this is to  
illustrate

25 what the process shows if it's printed out.

8032

John Kane - Direct

1 MR. GOELMAN: Exactly, your Honor.

2 MR. TIGAR: No objection, if the Court please.

3 THE COURT: All right. 509A is received for  
that  
4 purpose.

5 MR. GOELMAN: May I publish, your Honor?

6 THE COURT: Yes.

7 BY MR. GOELMAN:

8 Q. Describe what we're seeing on the screen, Mr. Kane.

9 A. Essentially, this is a series of numbers, each  
group of  
10 numbers separated by a comma, which would indicate to a  
11 computer program that the data contained prior to the  
comma was  
12 one field of information or one group of information  
and that  
13 the comma separates the next group of data, numbers, or  
letters  
14 so that can be interpreted by that -- by that computer  
system.

15 This record would -- this file printed out  
this way  
16 would show the first number, which is obvious, (800)  
793-3377.

17 It's the Spotlight 800 number. The next field after

the comma

18 would be the trunk group number, 3911. I'm not sure  
what the

19 next few fields are. There's obviously a date field  
here.

20 There's a number where the call originated from and the  
city

21 and state where the call originated from, as well as  
some other

22 numeric information, but I'd need some other  
documentation to

23 look at that.

24 Q. Mr. Kane, this format isn't particularly user-  
friendly, is

25 it?

8033

John Kane - Direct

1 A. Not particularly.

2 Q. Is there a way to get rid of all the extraneous  
3 information, the non-Bridges phone calls and all the  
different

4 technical data and make one record that you could use  
and

5 understand just by looking at it?

6 A. There are a number of different ways to do that,  
yes.

7 Q. And could you make this record include all the  
relevant

8 information about each phone call, including date,

time,

9 duration, number dialed from and number dialed to?

10 A. Sure.

11 Q. Mr. Kane, how many different phone calls did WCT  
process

12 between December, 1993, and April, 1995?

13 A. I think we calculated that to be almost 2-1/2  
billion.

14 Q. And did this series of diskettes that you've  
admitted

15 today -- do they reflect all 2-1/2 billion calls?

16 A. No.

17 Q. About how many different calls -- about how many  
different

18 records are on those three sets of diskettes?

19 A. I believe there's somewhere less than half a  
million.

20 Q. And does that mean there were half-a-million calls  
21 reflected by these records?

22 A. No. There's a lot of duplication because there's a  
23 different -- different records from different systems  
for the

24 same phone calls in a lot of cases.

25 Q. Could you look inside your folder and see if you  
can find

8034

John Kane - Direct

1 Government Exhibit 516, please.

2 A. I have it.

3 Q. And does that reflect the number of records of each  
type of  
4 file that you provided to the Government?

5 A. Yes, it does.

6 MR. GOELMAN: Move to admit, your Honor, for  
7 demonstrative purposes only.

8 MR. TIGAR: May I have a moment, your Honor?

9 THE COURT: Yes.

10 MR. TIGAR: No objection, your Honor.

11 THE COURT: All right. 516 is received for  
12 demonstrative purposes.

13 MR. GOELMAN: Thank you, your Honor.

14 May I publish, please?

15 BY MR. GOELMAN:

16 Q. Can you describe what we're seeing here?

17 A. These are the numbers of records that were  
associated with

18 each of the groups of diskettes that we submitted to  
the  
19 Government.

20 Q. Why are there different numbers of 3911, 3910, and  
OPUS  
21 records?

22 A. There are a number of reasons for the differences  
here. In

23 the 3911 category, for example, every time a Spotlight

24 calling-card customer called the 800 number, there  
would be a  
25 record created. A Spotlight calling-card customer  
could, if

8035

John Kane - Direct

1 the customer elected to do so, make multiple calls  
through the  
2 OPUS system with only one 800 call as a convenience  
feature.  
3 So essentially, they could dial the 800 number once,  
put their  
4 PIN number in once, complete a telephone call, not hang  
up, and  
5 utilize a feature we call "reorigination" which would  
allow a  
6 second, third, fourth call to be completed. It had  
only to do  
7 with how much of a balance the customer had. If they  
had an  
8 adequate balance, they could theoretically continue  
making  
9 calls until they ran out of money.

10 Q. And how many 3911 records would be created from one  
of  
11 those reorigination series?

12 A. There would be only one 3911 record.

13 Q. How many OPUS records could be created from one  
3911?

14 A. Theoretically, infinite based only on the balance  
available  
15 to the customer.

16 Q. Mr. Kane, do you know why there are fewer 3910's  
than there  
17 are the other two files?

18 A. Sure. The 3910's were only created for billing  
purposes,  
19 so therefore any calls that were ring/no answer, or is  
busy at  
20 the distant end or were not completed for any reason  
would not  
21 be part of the 3910 file; so therefore, there's  
somewhat less.

22 In this case, there's about two-thirds as many.  
Industry  
23 standard is about 66 percent of calls are completed.  
24 33 percent are either busy or ring/no answer.

25 Q. Mr. Kane, you said that you could create a single,  
unified

8036

John Kane - Direct

1 record of all the Daryl Bridges phone calls; is that  
right?

2 A. Yes.

3 Q. How would you go about doing that? Where would you  
start?

4 A. I would start with the Bridges account information  
from the

3911 5 OPUS system. Then I would go and gather the 3910 and

6 records associated with those particular Bridges calls.

7 Q. Okay.

8 A. And I would take the information from the OPUS  
record. I

9 would extend it on the originating side to include the  
10 originating information, telephone number, the  
information and

11 I'd extend on the terminating side to the "to" number  
and match

12 the port numbers along all three of those records to  
make sure

13 that they were traveling over the same physical pieces  
of

14 equipment.

15 Q. So you'd start with the OPUS record?

16 A. Yes.

17 Q. And then you'd go to 3911 to get your originating  
phone

18 number?

19 A. Yes.

20 Q. And explain what role the port would have in that  
process.

21 A. Well, the physical equipment here was wired with  
physical

22 wires like an extension cord. They were connected to  
each

23 other. And if you picture this as multiple cords  
between these

24 pieces of equipment, each one was plugged into a

certain place

called 25 on a respective piece of equipment called -- a location  
called

8037

John Kane - Direct

1 a port.

2 Q. And would the port number be reflected on each of  
the

3 records?

4 A. Yes, it would.

5 Q. Could there be a 3911 port that would go to not  
one, but

6 two different OPUS ports or 3910 ports?

7 A. No. It's a one-to-one relationship between those  
numeric

8 identifiers of this equipment.

9 Q. And how many ports were there on each of these  
three

10 different systems?

11 A. I believe there were about 130 ports in each of the  
12 respective pieces of equipment.

13 Q. And in terms of how easy it is to produce one  
unified

14 record to construct a Daryl Bridges summary, what  
effect would

15 the number of ports have on that process?

16 A. Well, the calls received by the WCT switch were  
distributed

all of 17 to the OPUS system on a kind of an even basis so that  
This is 18 the ports would be used on a relatively equal amount.  
of years 19 something the telephone industry has done for numbers  
the 20 so what you end up with is an equal wear and tear on  
suffer from 21 equipment. Of course, equipment nowadays doesn't  
industry 22 that kind of wear and tear, but there is still an  
we had 23 standard that says you evenly distribute the calls. So  
had, I 24 about 130 ports associated with the OPUS equipment. We  
Spotlight 25 believe, about 7,000 phone calls a month to the

8038

John Kane - Direct

1 calling-card number.  
2 I believe when we did the math, given that  
even 3 distribution, we were looking at a potential for two to  
four 4 calls a day per port being associated with the  
Spotlight 5 calling program. So it was a relatively small number  
of ports 6 involved with Spotlight on a daily basis.

7 Q. Okay. And how did that small number of phone calls  
through

8 each port affect -- how would that affect the  
construction of a

9 unified record?

10 A. It made it relatively easy to go and find the  
respective

11 3911 records by matching the ports and the date and the  
time by

12 the sheer fact that there were no other records that  
were

13 similar enough to be matched to the -- because of the  
time

14 separation on the records.

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

16 A. Okay.

17 Q. Could you do this matching even if you didn't have  
port

18 information, Mr. Kane?

19 A. Yes. You could do it based on the -- the time and  
the

20 date, the duration of the call. Excuse me. A number  
of

21 factors that are usable in that kind of reconstruction.

22 Q. And do you know whether, for the majority of the  
Bridges

23 phone calls, this port information was available?

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

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

John Kane - Direct

1 A. I have it.

2 Q. And do you recognize that?

3 A. This is a representation of one of the 130  
relationships

4 between the 3911 port, the OPUS port, and the 3910  
port. In

5 this particular example, Port No. 11284, which is a  
unique

6 number, there's only one of them in the WCT system --

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

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

10 MR. TIGAR: No objection, your Honor.

11 THE COURT: All right. 507 is received.

12 You may proceed.

13 THE WITNESS: The 11284 is the specific  
address, as it

14 were, or port number, of the part of the 3911 trunk  
group. It

15 was physically connected to a port on the OPUS system  
numbered

16 1405. 1405 was, in turn, physically connected to Port  
17 No. 11296 on the 3910 portion of the system.

18 BY MR. GOELMAN:

19 Q. Now, is this relationship only for one specific  
phone call  
20 or does 3911 port -- 11284 always correspond with OPUS  
port  
21 1405?  
22 A. There's a relationship that exists the whole time.  
It's  
23 not changed. It's always the same.  
24 Q. It's permanent?  
25 A. It's a permanent relationship.

8040

John Kane - Direct

1 Q. And do both of those ports always correspond to  
3910 port,  
2 11296?  
3 A. Yes, they do.  
4 Q. Is that relationship only for these three  
particular ports  
5 or are there similar relationships for all the ports on  
the WCT  
6 system?  
7 A. There are 130-some relationships that are all  
identical.  
8 Q. And after the bombing, were you able to determine  
what  
9 these particular relationships were?  
10 A. Yes.  
11 Q. How did you go about doing that?

12 A. I physically had two of my technicians in -- in my  
presence

13 look at these connections, trace them out and document  
them.

14 Q. Okay. When you say "look at these connections,"  
you're

15 talking about just the extension-type thing?

16 A. Where the physical wires were attached and plugged  
into

17 each other.

18 Q. Would you look inside your folder again and see if  
you can

19 find Government Exhibit 508.

20 A. I have it.

21 Q. After determining the relationships, did you  
document that?

22 A. Yes, we did.

23 Q. And is this a typewritten version of the  
documentation that

24 you provided to the Government as far as the different  
port

25 relationships?

8041

John Kane - Direct

1 A. Yes, it is.

2 MR. GOELMAN: Your Honor, I move to admit  
Government

3 508.

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

5 THE COURT: You may.

6 VOIR DIRE EXAMINATION

7 BY MR. TIGAR:

8 Q. Mr. Kane, this was prepared for purposes of the  
9 Government's investigation; is that right?

10 A. Yes, it was.

11 Q. All right. It is not a record made and kept in the  
12 ordinary course of your business; is that right?

13 A. Information about the way these ports are connected  
is.

14 Q. Yes. I understand --

15 A. But not in this detail.

16 Q. Not in that form of presentation?

17 A. That's correct, sir.

18 MR. TIGAR: No objection for demonstrative  
purposes,

19 your Honor.

20 THE COURT: All right. I take it that is the  
purpose?

21 MR. GOELMAN: Yes, your Honor.

22 THE COURT: All right. So 508 is received.

23 MR. GOELMAN: May I publish, your Honor?

24 THE COURT: Oh, yes.

25 MR. GOELMAN: Thank you.

John Kane - Direct

1 DIRECT EXAMINATION CONTINUED

2 BY MR. GOELMAN:

3 Q. Is that the first page of the port matrix that you  
provided

4 to the Government?

5 A. I can't see the screen, but --

6 Q. Can you see the screen below?

7 A. I have one here. Yes, it is.

8 Q. And is that document the kind of matrix that would  
allow

9 you to determine, once you knew a single port, which of  
the --

10 which two other ports a particular call went through?

11 A. It could be used for that, yes.

12 Q. Thank you. Have you also assisted in the  
preparation of a

13 diagram which illustrates how certain information drawn  
from

14 each of those three files can be compiled into one  
record?

15 A. Yes.

16 Q. And could you please find Government Exhibit 518.

17 A. I have it.

18 Q. Is that that diagram that you helped prepare?

19 A. Yes.

20 Q. And would that help to explain how you would take

21 information from each of these three files?

22 A. It could be used for that, yes.

23 MR. GOELMAN: Your Honor, I move to admit  
Government

24 518.

25 THE COURT: Again, to illustrate the process?

8043

John Kane - Direct

1 MR. GOELMAN: For demonstrative purposes only.

2 MR. TIGAR: On that basis, no objection.

3 THE COURT: All right. 518 is received for  
that

4 purpose.

5 BY MR. GOELMAN:

6 Q. You said you would begin with the OPUS record, Mr.  
Kane?

7 A. Yes, I would.

8 Q. What would you do then?

9 A. I would take the information from the OPUS record,  
and I

10 would proceed to look at the records for the same day  
in the

11 3911 file.

12 Q. What information would you be missing when you had  
only the

13 OPUS record?

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

8044

John Kane - Direct

1 Q. And after you matched the 3911 with an OPUS record,  
what  
2 would you do after that?  
3 A. We would then go and we would take the -- we'd find  
the  
4 corresponding 3910 record to make sure that the port --  
numeric  
5 port differential was correct and the -- the dialed  
telephone

a 6 number was correct. Essentially, a third validation or

7 confirmation, as it were, of that particular record.

8 Q. You'd use the 3910 to verify the match you'd  
already made?

9 A. Yes.

10 Q. Mr. Kane, you've told us about a lot of information  
that

11 your files contain and how we can use them. Is there  
anything

12 on those diskettes that you've introduced into evidence  
that

13 can tell this jury who made a particular phone call?

14 A. No.

15 Q. Is there anything on these diskettes that can  
capture the

16 subject of a particular phone call?

17 A. No.

18 Q. And you testified that this particular Spotlight  
debit card

19 was purchased under the name Daryl Bridges of Decker,  
Michigan?

20 A. That's correct.

21 Q. Do you have any personal knowledge of who Daryl  
Bridges is?

22 A. No.

23 Q. Now, WCT never sent its customers a monthly phone  
bill; is

24 that right?

25 A. Not debit-card customers.

John Kane - Direct

of the  
it?

1 Q. Did you ever send your debit-card customers a list  
2 phone calls they made just so they could keep track of

their

3 A. If requested to do so, we would print out a list of  
4 calls and fax it to them or mail it to them.

5 Q. Did you do it as a matter of course, though?

6 A. No.

that  
track

7 Q. And was there anything in the fulfillment package  
8 would tell them that their phone calls were being kept  
9 of?

10 A. No.

were  
method?

11 Q. Was it standard practice to tell them that you guys  
12 keeping track of their phone calls through some other

13 A. No.

Spotlight  
phone calls

14 Q. So was there anything at all that would let the  
15 cardholder know that WCT was keeping track of their

16 and that WCT kept these records for years?

17 A. No.

18 Q. But you were, Mr. Kane?  
19 A. Yes.  
20 Q. Please take another look at Government Exhibit 484.  
21 A. I have it.  
22 Q. Okay. Want to look at the back of it where the  
23 instructions are.  
24 A. I have it.  
25 Q. Now, could you please take your light pen and

circle the

8046

John Kane - Direct

1 PIN number that you were talking about earlier, the 14-  
digit  
2 personal identification number.

3 Mr. Kane, on the -- you've got to go  
underneath the  
4 window thing.

5 A. Try this again.

6 Q. Good enough. That handwritten number before with  
the word  
7 "assist" next to it: Is that what you earlier  
identified as

8 the customer service number?

9 A. Yes.

10 Q. Please read the name next to that number.

11 A. Keith Bower.

12 Q. Mr. Kane, do you know who Keith Bower is?  
13 A. Keith Bower is an employee of WCT Communications  
who had  
14 responsibility for providing customer service for  
prepaid  
15 calling card customers.  
16 Q. Did you give Mr. Bower any instructions as far as  
the  
17 proper procedure for handling different types of  
customer  
18 complaints?  
19 A. Absolutely.  
20 Q. And are you familiar with a company called Caretel?  
21 A. Yes.  
22 Q. Who are they?  
23 A. Caretel was a customer service -- subcontractor who  
24 provided customer service for different WCT products on  
an  
25 after-hours and weekend basis. We were only open  
during

8047

John Kane - Direct

1 regular business hours and did not have that customer  
service  
2 functionality.  
3 Q. Did you also provide Caretel with instructions on  
how to  
4 handle different types of complaints that they might

receive?

5 A. Yes. Absolutely.

6 Q. Did the customer service employees trained by WCT  
have any

7 instructions what the standard procedure to do if  
somebody was

8 trying to use their debit card and couldn't get  
through?

9 A. Yes.

10 Q. Okay. And what were those instructions?

11 A. The customer service person was instructed to get  
the

12 information from the customer, place the customer on  
hold, and

13 attempt to recreate the situation that the customer was

14 complaining about by dialing in the 800 number and  
putting the

15 customer's PIN number in and trying to dial the number  
that the

16 customer was having a problem with. Essentially,

17 reconstruction of the customer's problem.

18 Q. Did the customer service employees also have  
specific

19 instructions on what to do if a debit-card holder  
called up and

20 said that he suspected that somebody unauthorized was  
making

21 phone calls on his debit card?

22 A. Yes. The -- the customer service person was -- was  
trained

23 to take the customer's account number and PIN number

and cancel

24     them, issue the customer a new PIN number and transfer  
the

25     customer's balance from the old account to a new  
account number

8048

John Kane - Direct

1     and then issue credit to the customer for any calls  
that they

2     may be complaining about that they did not make.

3     Q. Why was the procedure to issue the customer a  
brand-new PIN

4     number?

5     A. Well, if the customer suspected that calls were  
being made

6     against their account on their PIN number without their

7     authorization, then the -- we would want to prevent  
that from

8     happening in the future, so we'd issue them a new -- a  
new

9     number to prevent that abuse from taking place.

10    Q. Mr. Kane, was it difficult for debit-card holders  
to check

11    their balance?

12    A. No. Not at all.

13    Q. How would they do that?

14    A. Every time the customer called into the system and

15    successfully entered their PIN, the first thing they

would hear

16 would be a balance amount played to them through the  
phone; so

17 when you successfully entered your PIN number, you  
would be

18 told exactly how many dollars were remaining in your  
account.

19 Q. And do you know if the Daryl Bridges account had  
any of

20 these balance-check, non-phone calls on its records?

21 A. Oh, yes. Certainly.

22 Q. Do you know about how many?

23 A. No.

24 Q. You said that if a customer suspected that  
unauthorized

25 phone calls were being made on his card, WCT would  
issue a new

8049

John Kane - Direct

1 PIN number?

2 A. Yes.

3 Q. And give credit for the calls that would have been  
4 unauthorized?

5 A. Yes.

6 Q. After the bombing, did you determine whether the  
Daryl

7 Bridges Spotlight debit card ever had a new PIN number  
issued

8 to it?

9 A. We determined it did not.

10 Q. So throughout the time of its use, how many  
different PIN

11 numbers did the Bridges card have?

12 A. Just one.

13 Q. And do you know, Mr. Kane, when the last customer  
call on

14 the Bridges card was made?

15 A. I believe it's April 17.

16 Q. 1995?

17 A. 1995.

18 MR. GOELMAN: Court's indulgence.

19 THE COURT: Yes.

20 MR. GOELMAN: Nothing further, your Honor.

21 THE COURT: All right. Mr. Tigar.

22 MR. TIGAR: Yes, your Honor.

23 CROSS-EXAMINATION

24 BY MR. TIGAR:

25 Q. Go ahead. You wanted to take a drink of water.

8050

John Kane - Cross

1 A. Thank you.

2 Q. Mr. Kane, when -- the FBI first contacted you  
concerning

3 the Daryl Bridges card sometime in April of '95; is  
that right,

4 sir?

5 A. Yes, sir.

6 Q. And you had a number of conversations with agents  
about the

7 card and were able to provide a great deal of  
information. Is

8 that fair to say?

9 A. Yes, sir.

10 Q. And you told them that, as you have here Monday and  
11 today -- that the Spotlight card was one of a number of  
cards

12 that were marketed through your company. Is that  
right?

13 A. That's correct. Yes, sir.

14 Q. And the way your company worked was to buy blocks  
of time

15 from long distance carriers; is that right?

16 A. Some and some. We actually had our own switching  
equipment

17 and provided our own long distance network in some  
cases and

18 bought blocks of time in others.

19 Q. And the software problem that you referred to  
earlier:

20 During what period of time did that problem exist?

21 A. I'm not exactly sure of the dates, but I believe it  
started

22 sometime in January of '95 and was in existence through

23 April -- the end of April '95, at which point it was  
corrected.

24 Q. And briefly, that's just -- that just meant that a  
certain

25 percentage of telephone calls that were being made by  
Daryl

8051

John Kane - Cross

1 Bridges -- excuse me -- by Spotlight cardholders would  
not be

2 billed to the cardholder; right?

3 A. Any -- anybody using the debit-card system would  
enjoy free

4 telephone calls.

5 Q. And that would include Spotlight holders and  
everybody

6 else --

7 A. Yes.

8 Q. -- right?

9 A. Yes.

10 Q. Now, when you were talking to the FBI about this,  
you noted

11 that there were a large number of telephone calls on  
the card

12 that had been made to the Philippines; correct?

13 A. That's correct.

14 Q. The Philippines was one of the areas in the world  
where

15 international calls could be made; right?

16 A. Yes.

17 Q. Now, the person who had the card and wanted to call  
the

18 Philippines: They would not pay the same as they would  
pay for

19 calls within the United States?

20 A. That's correct. Different rates would apply.

21 Q. Do you know what multiple of the U.S. rates were  
involved

22 in calls to the Philippines?

23 A. No, I don't.

24 Q. Now, you've talked today about the computer screens  
that

25 you were looking at for purposes of these records;  
right?

8052

John Kane - Cross

1 A. Yes, sir.

2 Q. And I want to focus in, if I might, on the work  
that you

3 did to figure out who called whom on the 14th of April.

4 A. Okay.

5 Q. Now, you said you were looking at a screen and you  
noticed

6 that a telephone call had been made from a phone in  
Junction

Terry 7 City, Kansas, to a telephone listed to the residence of

8 Nichols; right?

9 A. Yes.

and 42 10 Q. All right. And would you look, please, at pages 41

11 of what's been received as Government Exhibit 517 --

doing 12 MR. TIGAR: Your Honor -- the computer is not

exhibits. We 13 its job, but I'll just do it with the physical

14 don't need to read it.

15 BY MR. TIGAR:

Junction 16 Q. This record shows that somebody at a pay phone in

17 City called Herington, Kansas; right?

18 A. Yes, sir.

19 Q. Now, what time did that call begin?

20 A. According to the records, it began at 7:51:27.

21 Q. And 7:51:27: What time zone are we in there?

22 A. This would be Pacific Time.

see. Is 23 Q. So that the Central Daylight -- is this -- let's

24 that Daylight time now --

25 A. I believe --

1 Q. -- at that time?

2 A. It would be.

3 Q. Okay. So that -- thank you. So that there's a  
two-hour

4 difference; is that right?

5 A. That would be correct.

6 Q. So this call took place at 9:51 in the morning;  
right?

7 A. Central Time.

8 Q. Central Time.

9 A. Yes.

10 Q. Now, you're -- behind you there is a routing for a  
you did

11 Spotlight call that shows the L.A. switch. In fact,

12 have other switches; correct?

13 A. Yes, we did.

14 Q. And one of the -- and were all of your computers  
that you

15 had involved in this accounting process set to the same  
time?

16 A. No, they weren't.

17 Q. Some of the computers are set to other time zones  
18 completely; is that right?

19 A. If they were -- if the switches were physically in  
other

20 time zones, they would have been set to different  
times, yes.

21 Q. And some Spotlight calls were routed through  
switches that

22 were in different time zones; correct?

23 A. Yes, that's correct.

24 Q. And in addition to the problem -- in addition to  
the time-

25 zone situation, the clocks on the computers were not  
all

8054

John Kane - Cross

1 harmonized. Is that fair to say?

2 A. That's correct.

3 Q. So that as we look at that record for particular  
calls, we

4 might find in there differences or variations of as  
much as

5 three or four minutes; correct?

6 A. Between what?

7 Q. Well, between the time that was in one computer and  
the

8 time that was in another computer.

9 A. I don't know what -- how much of a difference you  
might

10 find.

11 Q. All right.

12 A. There are differences.

13 Q. There are differences?

14 A. Yes, sir.

15 Q. So that if we were looking at a series of calls  
made on a  
16 Spotlight credit card during a particular day, and the  
17 reorigination feature were not being used, we can't be  
within a  
18 100 percent certain that the times shown are accurate  
19 second? Is that fair?  
20 A. None of the equipment here records times within a  
second.  
21 Q. Okay. Within minutes? I mean, might there be some  
22 variation of a few minutes?  
23 A. Within the same day?  
24 Q. Yes.  
25 A. Not likely, no.

8055

John Kane - Cross

1 Q. Not likely?  
2 A. No.  
3 Q. So is it your testimony, sir, that if we do see a  
list of  
4 calls attributed to the -- a particular Spotlight card,  
we can  
5 be confident that the time of day for each of those  
calls is  
6 accurate according to your records?  
7 A. You can be confident of the time within each piece  
of

8 equipment within the same day.

9 Q. All right.

10 A. For example, if the 3910 -- 3911 record has a  
specific time

11 on it, the times -- time differential between other  
3911

12 records will be accurate, I would say, within 3  
seconds. If

13 you're looking at an OPUS piece of equipment which had  
14 different times set at different -- on the different  
computers,

15 those computers had a time difference, but they were  
also the

16 same within the same day. They may have been different  
from

17 each other, but of -- in and of themselves, they had  
the same

18 time.

19 Q. So that once we've adjusted for the time zone, when  
we look

20 at your records, we can be sure in the case of calls  
made the

21 same day by a particular card that the order of calls  
and their

22 relative time is accurate?

23 A. Should be, yes.

24 Q. Okay. Now, the next -- then with respect to the  
call about

25 which we've been speaking, your -- you can -- we can be

## John Kane - Cross

1 confident that the pay phone in Junction City first  
made a call

2 to a telephone listed to the Nichols residence;  
correct?

3 A. Yes.

4 Q. And that that took place beginning at 9:51 or so?

5 A. That's --

6 Q. And how long did that call last?

7 A. 51 seconds.

8 Q. Now, can we also be confident that that next call  
9 attributed to that pay phone in Junction City was to  
the Ryder

10 rental place?

11 A. Yes.

12 Q. That is to say, as you sit there today, sir,  
there's no

13 doubt in your mind of the order of those two calls;  
correct?

14 A. No, there isn't.

15 Q. And the only problem you have in your records is  
that

16 whoever made that second call didn't make it in a way  
that

17 caused a debit to be made to the Daryl Bridges card?

18 A. Well, they probably made it that way. We didn't  
keep track

19 of it that way.

20 Q. I understand. But the fact is that the Daryl  
Bridges card

21 wasn't debited for that?

22 A. That's correct.

23 Q. Okay. Whether the person -- I mean, I guess --  
there's no

24 way for them to know that; right?

25 A. Hopefully not.

8057

John Kane - Cross

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

2 it was happening, you fixed it?

3 A. Absolutely.

4 Q. Okay. Do you have any idea of the time as to how  
much

5 money you were losing with people making free phone  
calls?

6 A. No. We never tried to calculate that.

7 Q. Did you have a -- a business person's guess? I  
mean, have

8 you done comparisons of figures that could give you  
within some

9 degree of reliability --

10 A. We thought we were losing someplace between 10 and  
20 calls

11 a day.

12 Q. Okay. Now, the next call, then, somebody --

somebody in

Ryder 13 Junction City at that same pay phone is calling the

14 rental place. And how long did that call take?

seconds. 15 A. The duration of that call was 7 minutes and 33

it from 16 Q. Okay. And if we wanted to compute that, can we do

17 these records at pages 44 and 45?

18 A. Sure.

but we 19 Q. Well, I won't ask you to -- to do the arithmetic,

20 could do that ourselves if we wanted to verify; right?

21 A. Sure.

is no 22 Q. And as you were asked on direct examination, there

those 23 way to know who was standing at that pay phone making

24 calls; correct?

25 A. No, sir.

8058

John Kane - Cross

standing at 1 Q. All right. You'd have to find somebody who was

or 2 the pay phone or who could -- who saw somebody near it

3 whatever; correct?

4 A. I would assume so.

5 Q. And similarly, there's no way to know what  
conversation  
6 that person had with the Ryder truck rental place  
without  
7 asking the people that were involved in the telephone  
call;  
8 correct?  
9 A. That would be accurate.  
10 Q. I want to place before you -- it works -- this is  
what's  
11 been received for demonstrative purposes as Government  
Exhibit  
12 516; and at the top, it says -- and although the  
notebook cut  
13 it out -- "Daryl Bridges Summary"; correct?  
14 A. Yes.  
15 Q. Now, these aren't all Daryl Bridges calls, are  
they?  
16 A. No, they are not.  
17 Q. Okay. So that this is -- well, what I -- what are  
these  
18 numbers?  
19 A. These are the overall numbers of records that were  
20 associated with the Spotlight calling card activity.  
21 Q. Okay. So that during the time you were looking  
from when  
22 the card started in November up through April of 1995,  
these  
23 are all the calls associated with all Spotlight calling  
card

24 customers; correct?

25 A. That's correct, sir.

8059

John Kane - Cross

1 Q. All right. Now, how many calls are attributed to  
the

2 Spotlight calling card issued in the name of Daryl  
Bridges?

3 A. 680-some-odd. I don't know an exact number.

4 Q. All right. And do you know what percentage of  
those

5 represented calls to the Philippines?

6 A. I think there were somewhere around 30 or 40 calls.

7 Q. That's all you can remember? Now are we talking  
8 completed -- when you say 600-and-some, are those  
completed

9 calls, or not completed, or does it include  
noncompletions?

10 A. That would include noncompletions, as well.

11 Q. And including noncompletions, do you have a  
recollection of

12 how many calls were made to the Philippines?

13 A. I really don't, no.

14 Q. Now, when we look at your records, sir, and we want  
to know

15 who made what call, will we see some calls that appear  
to

16 originate in Santa Barbara?

17 A. You probably will, yes.

18 Q. And does that mean that those calls actually  
originated in

19 Santa Barbara?

20 A. Yes.

21 Q. Okay. Now, what -- what I'm asking is, when  
somebody in

22 your company that you -- the customer service people  
actually

23 tried to complete a call for a customer --

24 A. Yes.

25 Q. -- where do your records then show the origination  
of the

8060

John Kane - Cross

1 call to be? Do they show it where the customer called,  
or

2 where the service center is?

3 A. Where the service center is.

4 Q. So that it's possible that we could -- where was  
the

5 service center?

6 A. Well, Caretel was in San Diego.

7 Q. San Diego. Excuse me.

8 A. And there -- our customer service for daytime  
customer

9 service was in Santa Barbara, so you could have both.

10 Q. Could have both?  
11 A. Yes, sir.  
12 Q. So as we look at your records, we could see calls  
that show  
13 an origination of Santa Barbara or San Diego but were,  
in fact,  
14 made by people in other parts of the country; correct?  
15 A. No. They were actually made from those locations.  
16 Q. The customer whose card was being used was in  
another part  
17 of the country; right?  
18 A. Sure.  
19 Q. Okay. And how do you know -- and we know where the  
20 customer was because you kept track still of the  
originating  
21 telephone; correct?  
22 A. Yes.  
23 Q. So that we could go to the area code and subscriber  
records  
24 for that and we'd know the answer, correct --  
25 A. I would assume so, yes.

8061

John Kane - Cross

1 Q. -- as to where the -- Now, you mentioned that you  
had these  
2 different switches in addition to the L.A. switch; is  
that

3 right?

4 A. Correct.

5 Q. Now, how many other switches did you have?

6 A. It changed over the course of time here, but we  
eventually

7 had as many as seven.

8 Q. During the period of time about which we're  
speaking, how

9 many did you have?

10 A. Well, we started with some number, and we would  
have had

11 seven by the time --

12 Q. By the end?

13 A. By the end.

14 Q. I see. So that when you say, "during this period  
of time,"

15 you mean the time from late '95 through early '95?

16 A. That's correct.

17 Q. And when we look at the telephone records to see  
who called

18 whom, what's the relevance of -- of it being routed  
through a

19 different switch? What differences will we see in the  
records?

20 A. You will see potentially different time points  
based on the

21 originating switch. And you will see different port  
numbers,

22 port-identifier numbers in some of the records. They  
still

number 23 contain the basic same information about the telephone  
24 and the times and the dates and whatnot.  
25 Q. Still contains the basic information?

8062

John Kane - Cross

1 A. Yes, sir.  
2 Q. So as you sit there today, sir, with respect to the  
600-  
Bridges 3 and--some calls that were made and charged to the Daryl  
calls that 4 card, first, you're not sure that you've got all the  
that 5 were made by whoever was punching in the PIN number of  
6 card; is that right?  
7 A. That's correct.  
8 Q. Okay. That is to say there's some -- but subject  
to that 9 and based on your years of experience with this system  
and in 10 the telecommunications industry, you are confident that  
you 11 have accurately the time of the calls that were made,  
the phone 12 from which they were made, the phone to which the call  
was 13 directed, and the duration, if any, of the call?

14 A. Yes.

ask that 15 MR. GOELMAN: Objection, your Honor. Could I  
16 be broken up as to the particular data fields?

17 THE COURT: Well, the witness answered yes.

18 Is that your answer?

19 THE WITNESS: Yes.

20 BY MR. TIGAR:

busy or 21 Q. And when we see in the records a zero, that means a  
22 no answer; correct?

23 A. I'm not sure what record you're talking about.

that 24 Q. When we see in the record of the 600-and-some calls  
those 25 there's a call of no duration, that means that's one of

8063

John Kane - Cross

1 busy or no answers; right?

record you're 2 A. I'd have to know more information about which

thing 3 talking about. Some -- zeros in some records mean one

4 and in other records, they may mean something else.

to the 5 Q. I'm talking about in the records that you furnished

6 Government.

7 A. Right.

8 Q. Were you able to tell the difference between calls  
that  
9 were completed and calls that were not?

10 A. Oh, yes. I can tell that, but the question you  
asked  
11 wouldn't allow me to answer it.

12 Q. An inartful question.

13 Is that -- and the reason that -- is a part of  
the  
14 communication difficulty the fact that some phone  
companies  
15 keep track of ring time and others do not?

16 A. Some of these records would keep track of ring  
time, as  
17 well.

18 Q. But in the summary that you prepared, you were  
able, from  
19 your records, to distinguish between calls where an  
elapsed  
20 time was ring time and calls where they are completed;  
correct?

21 A. Yes.

22 Q. And that -- that was where I was getting. That is  
to say  
23 that we can tell from your records whether or not the  
phone  
24 rang for a while and wasn't answered for a certain  
period of  
25 time, or whether, in fact, the call was completed.

John Kane – Cross

1 A. That would be accurate.

your

2 MR. TIGAR: All right. May I have a moment,

3 Honor.

4 THE COURT: Yes.

witness.

5 MR. TIGAR: I have nothing further of the

6 THE COURT: Any redirect?

7 MR. GOELMAN: Yes, your Honor. Very briefly.

exhibit

8 THE COURT: All right. May we take down this

9 here that's on display?

10 MR. GOELMAN: Yes, your Honor.

11 THE COURT: All right.

12 MR. GOELMAN: Thank you, your Honor.

13 REDIRECT EXAMINATION

14 BY MR. GOELMAN:

and you

15 Q. Mr. Tigar asked you about ring time and talk time,

three

16 said that the answer depends on which record. Do the

time

17 different WCT records that you introduced keep track of

18 differently?

19 A. Yes.

20 Q. And can you explain that.

21 A. Well, if you think about this as three different  
billing

22 systems, one being the 3911, one being the OPUS system,  
and one

23 being the 3910, they are essentially independent of  
each other,

24 although they are physically connected to each other.  
So if

25 there's an 800 call that begins at 7 a.m. and it goes  
on to be

8065

#### John Kane - Redirect

1 connected to the OPUS system at, let's say, 7:01, just  
to try

2 to keep it simple, the record in the OPUS system is  
going to

3 begin at 7:01. And if the OPUS system then tries to  
make an

4 outbound call to the 3910 area, that call may begin at  
7:02.

5 And if the call is completed and there's a duration of  
2

6 minutes, that call in the 3910 record would end at  
7:04,

7 although it only began at 7:02; so you'd have a two-  
minute

8 record in 3910.

9 You may then have a three-minute record in the  
OPUS

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

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

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

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

21 A. 3911 would record the duration from the time that  
the OPUS  
22 system answered the call to the time that the OPUS  
system  
23 disconnected the call. So it would be a completed  
call,

24 because as far as the OP -- the WCT system was  
concerned, OPUS  
25 was the customer and a billable event took place, even  
though

8066

1 the OPUS customer never completed the transaction.

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

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

14 The second reason that you may have difficulty  
is in  
15 the United States, we're kind of spoiled with being  
able to  
16 pick up the phone, dial a number, and almost instantly  
hear the  
17 other end ring. When you start to make a call from the  
United  
18 States to other parts of the world, that short duration  
of time

lengthily 19 is somewhat elongated and in some cases can run quite  
a dead 20 (sic). So a customer may be sitting there listening to  
21 telephone set, not knowing that the call is still going  
And on 22 through. They may hang up and they may try to redial.  
which if 23 top of that, the system had a timeout parameter in it,  
it would 24 a call in its mind was ringing for 60 seconds or more,  
for our 25 disconnect the call so as not to run up our 800 bill

8067

John Kane - Redirect

the 1 cost side of the equation. So you could actually dial  
2 phone, not hear anything for a minute, and then be  
to 3 disconnected, thinking -- and then redial again to try  
4 complete your call.

service 5 Q. Mr. -- you told Mr. Tigar that you had a customer  
in San 6 center in Santa Barbara and also, Caretel was located  
7 Diego?

8 A. That's correct.

would 9 Q. If the customer having problems making a phone call

duplicate the 10 call Liberty Lobby and Liberty Lobby itself would  
of 11 activity, would the records reflect the call coming out  
12 Washington, D.C., in that case?

13 A. They would in that case, yes.

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

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

17 Q. So when you talk about the 27-second period of time  
between 18 the call to Mr. Nichols' house and the call to Ryder on  
19 April 14, 1995, is that 27 seconds calculated by one  
single 20 clock?

21 A. Yes, it is.

22 MR. GOELMAN: Nothing further, your Honor.

23 THE COURT: Mr. Tigar.

24 MR. TIGAR: No further questions, your Honor.

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

8068

1 excused?

2 MR. GOELMAN: Yes, your Honor.

3 MR. TIGAR: Yes, your Honor.

excused. 4 THE COURT: All right. Mr. Kane, you're  
5 We'll take a recess before calling for the  
next 6 witness.  
7 And members of the jury, I can tell you that  
you will 8 not be tested on your comprehension of the testimony  
that has 9 been explained here. One of the things that goes on in  
a trial 10 process is that we have certain witnesses who come in  
and 11 provide foundation for information that may come  
through other 12 witnesses. And so you have to build a kind of  
foundation for 13 the admissibility of some evidence, and I think that,  
in part, 14 is what we heard about here. Of course, we also heard  
about 15 the operations of a system and a system of records  
created by 16 it, which will be of some, perhaps, significance  
through other 17 witnesses. But at times, I realize that some of this  
18 foundation-building can be a bit bewildering.  
19 We're going to recess now; and as usual, of  
course, in 20 all of our recesses, please keep open minds, avoid  
discussion 21 of the case among yourselves and with all other

persons, and

22 avoid anything outside of the evidence that could  
influence you

23 in the decisions to be made.

24 You're excused now. 20 minutes.

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

8069

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

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

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

9 MR. TIGAR: Your Honor, we've stipulated out  
27

10 witnesses, your Honor; and so if -- if you missed their  
11 presence, we -- we regret it, but that's what we did.

12 MR. MACKEY: We do.

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

14 We'll be in recess, 20 minutes.

15 (Recess at 10:21 a.m.)

16 (Reconvened at 10:40 a.m.)

17 THE COURT: Be seated, please.

18 Ready?

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

20 THE COURT: Next witness, please.

21 MR. MACKEY: We would call Fred Dexter.

22 THE COURT: Very well.

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

25 (Frederick Dexter affirmed.)

8070

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

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

4 THE WITNESS: My name is Frederick Raymond  
Dexter,

5 D-E-X-T-E-R.

6 THE COURTROOM DEPUTY: Thank you.

7 THE COURT: Mr. Mackey.

8 MR. MACKEY: Thank you, your Honor.

9

DIRECT EXAMINATION

10 BY MR. MACKEY:

11 Q. Mr. Dexter, did it fall to you to take computer  
records

12 from West Coast Telephone and other sources and prepare  
a

13 user-friendly summary of the Daryl Bridges calling  
card?

14 A. Yes, it did.

15 Q. Are you prepared today to describe to this jury  
what you

16 did in the course of making that summary and to produce  
that

17 summary to them?

18 A. Yes, I did (sic).

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

20 A. Yes, it is. It was.

21 Q. If at any point, Mr. Dexter, a great joke occurs to  
you,

22 ask permission from his Honor. Maybe we can break  
the . . .

23 Tell the jury a little bit about yourself,  
sir. Where

24 do you live?

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

8071

Frederick Dexter - Direct

1 Q. And how long there?

2 A. I've lived there for about 24 years.

3 Q. Where do you work?

4 A. I work for the FBI.

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

6 A. For 24 years.

7 Q. What's your educational background?

8 A. I attended Elizabethtown College in the late 60's,  
early

9 70's.

10 Q. And what was your major? What was your major in?

11 A. I majored in mathematics.

12 Q. Did you go straight to the FBI upon graduating from  
13 college?

14 A. No. I stayed in the Elizabethtown area and worked  
in the  
15 security and safety area for the college.

16 Q. Could you give an overview to the members of the  
jury your  
17 experience, work history with the FBI during the past  
24 years?

18 A. I came to the FBI in 1973. I was assigned to be a  
till  
19 programmer, computer programmer for them, which I did  
systems  
20 around 1978. Then I was promoted to be a computer-  
about  
21 analyst over a number of programmers. That was until  
22 1982, sort of like a team-leader-type thing.

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

8072

Frederick Dexter - Direct

1 working for me. I changed to another project as a  
project  
2 manager, more advanced data processing, in 1986; and  
then in  
3 1991, I was promoted to be the unit chief of the  
Investigative  
4 Intelligence Support Unit, which has 25 computer  
specialists  
5 that do all kind of data processing within the FBI.

6 Q. And is that the current position you now hold?

7 A. Yes, it is.

8 Q. And approximately how many employees do you  
supervise  
9 again?

10 A. 25.

11 Q. Are you a special agent of the FBI?

12 A. No, I'm not.

13 Q. How does your job differ from those who are?

14 A. My task is to support divisions at headquarters,  
either the

15 Intelligence Division or the Criminal Investigative  
Division  
16 and all of our 56 field offices when they need  
automation  
17 support for investigations that are going on in the  
field.  
18 Mainly we get involved when there is major  
investigations, not  
19 your daily -- we have people in the field offices that  
handle  
20 that. We only deal with the major investigations.  
21 Q. If a criminal investigation gathers large volumes  
of  
22 records of any nature, including telephone records, is  
that the  
23 kind of task that you assist?  
24 A. Yes, it is. I've done that for -- ever since I  
started in  
25 '73. That is one of the tasks that was assigned to the  
unit

8073

Frederick Dexter - Direct

1 that I'm in is to handle large volumes of data.  
2 Q. And did you personally take on the assignment of  
reviewing  
3 voluminous records from Spotlight to create a Daryl  
Bridges  
4 summary?  
5 A. Yes. The -- I took on the records from WCT to

create the

6 summary.

7 Q. Could you tell the jury what your basic objectives  
were,

8 what information did you want to derive from those  
records in

9 creating your summary.

10 A. The objective was to take all the data from WCT and  
any

11 other sources that had been subpoenaed in support of  
the

12 debit-card records and put together an easy-to-read  
summary

13 that was accurate and that was verified to the nth  
degree.

14 Q. What fundamental information would be captured in  
your

15 summary when you were done?

16 A. For each call that was made -- excuse me -- we  
would

17 capture the date of the call, the time of the call, the

18 duration of the call, the "from" information associated  
with a

19 call and the "to" information associated with that  
call, also.

20 Q. When you use "from" -- we'll use that many times, I

21 imagine -- you're talking about the number of the  
originating

22 call?

23 A. Yes.

24 Q. And the "to" being received?

25 A. That is correct.

8074

Frederick Dexter – Direct

1 Q. Was it ever part of your project, Mr. Dexter, to  
2 investigate or determine who by identity was a  
participant in  
3 any of the phone calls?

4 A. No, it was not.

5 Q. Approximately when did you start your project?

6 A. I was assigned this task the end of May, 1995, and  
actually  
7 started it after meeting with the people at WCT on the  
2d of  
8 June.

9 Q. Do you know John Kane?

10 A. Yes, I do.

11 Q. And when did you first meet him?

12 A. I met him on June 2 in California.

13 Q. And what was the purpose for your trip to  
California in  
14 June of 1995?

15 A. I had been in Oklahoma City since -- on and off  
from

16 April 25 until the end of May; and I was out there to  
oversee

17 automation that was needed, not just telephone data but  
if we

18 were subpoenaing records that we wanted in electronic  
form such  
19 as Ryder records or airplane records or whatever was  
needed.  
20 And so there was also telephone records not just from  
WCT but  
21 major other telephone records being subpoenaed. I was  
there to  
22 give advice.

23 So during that time period, we were receiving  
24 information from WCT, hard copy, faxes, etc.; but to  
make sure  
25 that we were getting the product through conversations  
the Task

8075

Frederick Dexter - Direct

1 Force had with Mr. Kane, we learned that all this data  
was  
2 electronic. And I was assigned to meet with him, learn  
about  
3 the electronic data, and then put it together in a  
summary.  
4 Q. Was it important to your work to know the ins and  
outs of  
5 the WCT system, how it kept their records?  
6 A. Absolutely.  
7 Q. Did you come to be familiar by meeting firsthand  
with  
8 Mr. Kane in June of 1995?

9 A. Absolutely.

10 Q. Did you have occasion to speak to him and other  
business

11 representatives about details of the record-keeping?

12 A. Yes.

13 Q. And to apply that knowledge in creating the summary  
you've

14 described?

15 A. Yes.

16 Q. Let's turn now to some exhibits previously admitted  
into

17 evidence, Mr. Dexter. Should be a series of computer  
disks.

18 Just for the record, can you identify what they are and  
tell us

19 how you used them, if you did, in your project?

20 A. This exhibit marked 509 is the records that came  
from WCT

21 that we'll refer to as the 3911 file. We received  
those from

22 them.

23 Q. Did you rely upon those records specifically in  
creating

24 your summary?

25 A. Yes, we did.

8076

Frederick Dexter - Direct

1 Q. Go ahead.

2 A. The next set of disks is Exhibit No. 511. This is  
the Opus

3 records, refer to them sometimes as the 399 file.  
Those two

4 words are interchangeable; and we based -- we used  
those

5 extensively also in creating the summary.

6 Q. Next series of exhibits, 513 and '14, please.

7 A. Exhibit 513 is from the 3910 file, also provided by  
WCT to

8 us, and we used those extensively.

9 The last one, Exhibit 514, is a record from  
the 3910

10 file that was not made available on the first time that  
they

11 provided us the disks, so they gave us this disk at a  
later

12 time; but it's from the 3910 file.

13 Q. Mr. Dexter, this jury has heard the testimony of  
Mr. Kane

14 and seen a schematic that depicts the source of each of  
those

15 computer records. Are you familiar with that  
schematic?

16 A. Yes, I am.

17 Q. And how exactly do those exhibits relate to the

18 record-keeping at WCT?

19 A. As information passes, phone calls come in, etc.,  
on its

20 way through the routing, through the switches, the

debit, back

21 through the switches, etc., records are kept at each  
step along

22 the way. And these are the records that are kept from  
each one

23 of those steps.

24 Q. Mr. Dexter, let's start, then, with your first step  
and

25 analyzing the information on those disks. The jury saw

8077

Frederick Dexter - Direct

1 previously a schematic that represented the total  
number of

2 records, the number of phone-call activities on each of  
those

3 files. Are you familiar with that?

4 A. Yes, I am.

5 Q. What was the first step you took to narrow your  
search?

6 A. In the OPUS file, each record has an account number  
of who

7 placed or whose account that that call was charged to,  
so the

8 first thing we did was go into the OPUS file and pull  
out all

9 of the records that were associated with one particular  
10 account.

11 Q. And what account was that, please.

12 A. It was the Daryl Bridges account.  
13 Q. And how did that change the amount of information  
you were  
14 beginning to evaluate?  
15 A. The OPUS file -- it's over 100,000 records were in  
that  
16 file. I can't remember exactly, but it was over  
100,000. That  
17 reduced the records that we had to deal with, that  
18 100,000-plus, down to 687 records for that file; and  
that was  
19 the basis, then, of the beginning of our work.  
20 Q. And is that information reflected in Government's  
Exhibit  
21 535, the schematic that shows the number of Bridges  
calls?  
22 A. Yes.  
23 MR. MACKEY: I move for demonstrative purposes  
only  
24 Government's Exhibit 535.  
25 MR. TIGAR: No objection, your Honor.

8078

Frederick Dexter - Direct

1 THE COURT: 535 is received for demonstrative  
2 purposes.  
3 MR. MACKEY: We need the computer. I'm sorry.  
4 THE COURTROOM DEPUTY: It's on.

5 BY MR. MACKEY:

6 Q. Mr. Dexter, focusing on the information in the  
bottom

7 block -- that is, the block marked "OPUS" -- is that  
the

8 starting point then for your analysis?

9 A. Yes, it is.

10 Q. And tell us again what the 687 represents.

11 A. There were 687 records in the OPUS file that  
carried the

12 Daryl Bridges account number in each one of those  
records.

13 Q. Now, I want to try to minimize as much, Mr. Dexter,  
14 duplication of testimony; but tell the jury based on  
your

15 examination of these files what kind of information  
could be

16 found in the OPUS records.

17 A. In the OPUS record, the information that we found  
was the

18 date of the call, the time of the call, the duration of  
the

19 call, the number that was called, the terminating  
number or the

20 "to" number. Of course, there was the account number  
there.

21 There was also routing information to tell how that had  
passed

22 through their system.

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

24 Q. Did you mention sequence number?

25 A. There was a sequence number.

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Frederick Dexter - Direct

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

2 A. The sequence number in the OPUS record was a  
sequential

3 number assigned to each call that was made by a  
Spotlight

4 customer, so the -- the order of which calls were  
completed is

5 the order of which the sequence numbers were assigned.  
It was

6 not assigned at the beginning of the call. It was  
assigned at

7 the end of the call.

8 Q. And was the sequence number a field of information  
that you

9 could rely upon as you matched information from three  
sets of

10 files? Did it assist you any way?

11 A. No, it did not.

12 Q. And why not?

13 A. Because that sequence number was only in this file.  
The

14 account number was only in this file, so there was not  
a

15 corresponding sequence number in the 3911 or the 3910  
file.

field or  
tell you  
processed  
answered?

16 Q. You mentioned that the OPUS file has a duration  
17 information about duration. What would the OPUS file  
18 about a phone call that had not been completed;  
19 through, rung on the other end, but simply not  
20 A. When you reviewed, or I reviewed -- anybody  
reviewed -- the  
21 OPUS record, there would be a duration in there; and  
standing  
22 alone by itself, you could not tell whether that call  
was  
23 answered or not answered because the records that we  
received  
24 from the OPUS files -- that duration could either be  
talk time,  
25 if it was answered, or it would be ring time, if it was  
not

8080

Frederick Dexter - Direct

there  
1 answered. But strictly looking at the duration field,  
2 was no way of telling which of those two it was.  
3 Q. You would then look to or rely upon information  
from other  
4 records?  
5 A. That's correct.

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

9 A. That's correct.

10 Q. Where did you turn first to find that?

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

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

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

through  
familiar  
20 Q. The jury heard information this morning about ports  
21 which these electronic messages were sent. Are you  
22 with the ports utilized by WCT?

23 A. Yes, I am.

24 Q. And describe what you understand their role to be.

thing it  
25 A. When a phone call was received at WCT, the first

8081

Frederick Dexter - Direct

1 would do is be -- it would come into the switch in  
California.

2 At that time, it would -- the call would be assigned to  
a

3 particular port in the switch on the receiving side of  
the

4 switch, the 3911 side of the switch.

5 The port that was assigned to that side of the  
switch

6 was the port that had been least -- what's the word I  
want

7 here? Had been inactive the longest, if you will; so  
it was

8 the most idle, I believe is the term that WCT used. It  
would

9 pick the most idle port to send that call through.

10 So you would then -- it would assign it to  
that port.

11 As soon as it assigned to that port, then there was a

12 corresponding port that it would follow through down to  
the

13 OPUS record and also a corresponding port that it would  
follow

14 up to the 3910 record. And that was a constant trail  
or

15 routing through their system.

16 Q. And was that trail reduced to paper in Government's

Exhibit

17 501?

18 A. Yes, it was.

19 Q. Is that the port matrix?

20 A. Yes, it is.

21 Q. And did you rely upon that in doing your matching  
in this particular project?

23 A. Yes, we did.

24 Q. Mr. Dexter, tell us how it was that you undertook  
to identify the accurate time that a phone call started.

25

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Frederick Dexter - Direct

1 A. Through the discussions with Mr. Kane and his  
employees, we

2 found out that there were many computers in the debit-  
card

3 system. There were four computers, processors, and a  
server.

4 In the switch there was a computer that kept track of  
time.

5 There was, of course, at the local phone  
companies on

6 the end -- they kept track of time, also.

7 He told us -- and we verified through all  
kinds of

8 programs that we wrote, etc. -- that there was always a

switch. 9 discrepancy between the time on the OPUS ports and the

but a 10 Usually, the time was a minute off, a few minutes off;

to 11 couple of times during the year when they would switch

switch 12 Daylight Savings, someone would change the time in the

in the 13 but then it would be a few days before they changed it

14 processors.

of 15 So the time may be around an hour off for some

16 those.

17 Q. How did you solve that problem?

L.A. 18 A. Since we knew that every call had to go through the

again with 19 switch, what we decided to do, based on discussions

and 20 Mr. Kane, is we would use the time in the L.A. switch;

every 21 therefore, we would have a constant or a standard that

22 call would be measured against.

23 Q. And what precisely did you rely upon?

a 24 A. The L.A. switch actually kept track of time not in

keep track 25 wall-clock-type thing, but the manufacturer chose to

Frederick Dexter - Direct

1 of time in what they refer to as ticks. A tick is  
equal to 2 three seconds; so the beginning of the time that the  
switch 3 kept track of it, every 3 seconds, it would add 1 to a  
counter, 4 and that's how it kept track of time.

5 It would also do the same thing for the ending  
time; 6 so the accurate time that it kept, the begin time and  
end time 7 for every call that went through that switch, was  
recorded in 8 what they refer to as tick time.

9 Q. So you ignored the clock and relied upon this field  
of 10 information known as tick time?

11 A. That's correct.

12 Q. Did you then convert tick time into something you  
and I 13 would understand?

14 A. Yes. We --

15 Q. How did you do that?

16 A. To convert tick time to wall-clock -- and that  
particular 17 time, by the way, also was set back to zero at  
midnight. So 18 the number of ticks that you would have was the number  
of ticks

19 past midnight.  
20 So to find out how many hours, minutes, and  
seconds  
21 you were past midnight -- it was written into the  
programs, one  
22 particular program we wrote to convert all of the tick  
times,  
23 and then it was used by other programs.  
24 But what you basically did was you would take  
however  
25 many ticks were recorded in each record, you'd multiply  
that by

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Frederick Dexter - Direct

1 three, and that would give you how many seconds it was  
past  
2 midnight. Then within the algorithm, you take how many  
ever  
3 (sic) seconds it is past midnight and you divide by  
3600.  
4 There is 3600 seconds in an hour. So once you've  
divided by  
5 3600, you know how many hours it is past midnight.  
Whatever  
6 the remainder is, that's how many seconds that's also  
-- how  
7 many hours -- I'm sorry -- how many minutes it is more  
than  
8 that hour passed.

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

15                  Q. And you used that same conversion formula for each  
and  
16                  every one of the times you calculated for the 600-some-  
odd  
17                  calls?

18                  A. That's correct.

19                  Q. And I take it you didn't rely solely on your math  
20                  background to do that conversion?

21                  A. No, we let the computer do that.

22                  Q. Let's turn now and tell the jury in more  
fundamental  
23                  foundation all the pieces that you relied upon from the  
WCT  
24                  records in creating this summary. And let me ask you  
if you  
25                  prepared an exhibit that would depict what it is you  
took from

Frederick Dexter – Direct

1 each file to create your summary?

2 A. Yes, it is (sic).

3 Q. And is that Government's Exhibit 518?

4 A. Yes, it is.

5 MR. MACKEY: I would move to admit for  
demonstrative

6 purposes Government's Exhibit 518.

7 MR. TIGAR: No objection, your Honor.

8 THE COURT: All right. 518 is received for  
9 demonstrative purposes.

10 MR. MACKEY: Computer please. Thanks.

11 Would you show the jury, please.

12 BY MR. MACKEY:

13 Q. If you can begin with this diagram, Mr. Dexter.  
Walk us  
14 through what you were relying upon.

15 A. We always started with an OPUS record, and we would  
rely  
16 above the box that says "OPUS" on it -- we would rely  
on the  
17 port. That is the first thing you do in the matching.

18 Q. Mr. Dexter, let me interrupt. There is a pen up  
there; and  
19 if you want to reach down on your screen, you could  
guide us  
20 even more specifically.

21 A. I'll see if I can make this work here.

port is 22 On this file here, there is a port; and that  
23 one of the things that we would start with.

you 24 In the matching process, the three things that  
move 25 would use to start with is the port, the date -- let me

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Frederick Dexter - Direct

the 1 that over there a little -- I'll make sure I get rid of  
2 mark here.

3 THE COURT: I think you click it.

4 THE WITNESS: Okay. Thank you.

are the 5 The date, and then also the begin time. Those  
process. 6 three fields that you would use to start the matching

up and 7 You would then take those three fields and go

there. 8 compare them to -- to the 3911 file record, right  
3911.

one 9 And in that, there is a sister port that is a one-to-

port in 10 correspondence from the port in the OPUS file up to the

that the 11 the 3911. Then you would also compare to make sure

3911 12 date matched exactly and that the begin time -- in the

13 file also matched the begin time down in the OPUS file,  
or was  
14 close, because as information came into the switch, if,  
in  
15 fact, all the clocks had been synchronized, the begin  
time in  
16 the 3911 would be a little bit before what it would be  
down in  
17 the OPUS file because just the order of which the  
records were  
18 recorded.

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

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

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

3                   The "to" number in the 3910 file right here  
and the  
4                   "to" number down in the OPUS file right here -- they  
had to  
5                   match exactly. And in addition, the end time in the  
3910 file  
6                   here matched, since it was the same clock that was used  
in the  
7                   3911, as the same clock in the 3910.

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

13                  BY MR. MACKEY:

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

16                  A. That is correct.

17                  Q. For concluding that it is a particular call?

18                  A. Right.

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

23 A. Yes, I was (sic).  
24 Q. What difference did that make to you in your  
project?  
25 A. The -- ultimately, every call ended at the Los  
Angeles

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Frederick Dexter - Direct

1 switch no matter where the call originated in the  
United  
2 States. But based on coverage that WCT had around the  
country,  
3 sometimes it was beneficial to the company to route a  
call to  
4 another switch first that then was routed to Los  
Angeles. And  
5 that was based on totally efficiency and monetary  
support for  
6 the company. It wasn't necessarily that the call was  
closer to  
7 that area or whatever. It was just -- excuse me --  
coverage  
8 that they had in that part.  
9 Q. In your research, did you determine how many calls  
10 originated in Los Angeles and how many calls originated  
from  
11 some other switch outside of Los Angeles?  
12 A. Yes. Calls that went to the Los Angeles switch  
first --  
13 Out of 604 calls that were in the summary that we

produced from

14 September 14 forward, there was about 500 of those that  
went to  
15 the L.A. switch first; so there was 105 or 104 that  
went to a  
16 switch other than Los Angeles as their origination into  
the  
17 system.

18 Q. And did you use one system of matching or one  
methodology  
19 for calls that started in Los Angeles and a different  
one for  
20 those that routed secondarily through L.A.?

21 A. Yes, we did.

22 Q. Let's start with the calls that originate from Los  
Angeles.

23 Did you assist in preparing Government's Exhibit 536  
that would  
24 depict the process you used in matching L.A. calls?

25 A. Yes, I did.

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Frederick Dexter - Direct

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

3 MR. TIGAR: No objection, your Honor.

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

5 that purpose.

6 BY MR. MACKEY:

7 Q. Give us an overview first, Mr. Dexter, about what  
we're  
8 looking at in this exhibit.

9 A. This is the process. If we look at above the line  
to start

10 with, this shows us that for any call that went to the  
L.A.

11 switch first, the three fields in the OPUS record that  
we

12 needed to match the fields in the 3911 record is the  
port, the

13 date, and the begin time. And then we would match them  
with

14 the port, the begin time and the date in the 3911 file.

15 Once we had found the corresponding 3911  
record, then

16 you'd go down below the line where it says Step 2, and  
you

17 would have that record set one record from the 3911,  
one from

18 the OPUS, and you would look for a record over in the  
3910, the

19 blue box on the right-hand side. And what you're  
looking for

20 over there would be the port that is in the sequence  
with the

21 port, the first two boxes. You would look for a record  
that

22 was the same date. You would look for a record in the  
3910

23 that had the same end time as a record in the 3911  
file, and  
24 you would look for a record that had the same "to"  
number in  
25 the 3910 as the "to" number in the OPUS record.

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Frederick Dexter - Direct

500-plus 1 Q. And did you use the same methodology for all of  
2 calls that you found that started in L.A.?

3 A. That's correct.

4 Q. Mr. Dexter, the ultimate aim of your project was to  
5 re-create a user-friendly summary that would allow us  
to know  
6 the date of a call, the time of the call, the duration,  
and the  
7 "from" and "to." Is that correct?

8 A. That's correct.

9 Q. Did you prepare an exhibit that would show us where  
from  
10 each of the three sets of records you got those five  
fields of  
11 information?

12 A. Yes, I did.

13 Q. And is that set forth in Exhibit 537?

14 A. Yes, it is.

15 MR. MACKEY: Your Honor, we'd move for  
demonstrative

16 purposes Exhibit 537.

17 MR. TIGAR: No objection, your Honor.

18 THE COURT: Received. May be so used.

19 BY MR. MACKEY:

20 Q. Tell us what is depicted on the top of this chart.

21 A. The top of chart is the format that we created the  
printout  
22 to look like that so it would be user-friendly. As for  
each  
23 date as it changed, etc., you would get something --  
whatever  
24 the current -- whatever the date of the call was would  
be in  
25 the box at the middle.

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Frederick Dexter - Direct

1 Over on the left-hand side where you see a  
number  
2 side, below that in the chart, you would end up seeing  
a  
3 sequential number. And that sequential number is the  
numbers 1  
4 through 600-plus. It's the order of which the calls  
were ended  
5 that were associated with the Daryl Bridges account.

6 Then we would also on there put the start  
time, the  
7 length of the call, the "called from" subscriber

information

8 including the number, the "call to," and the subscriber  
9 including the number.

10 Down below that, you'll see we differentiated  
between  
11 the yellow or tan and the white boxes.

12 To move the information, a white box indicates  
that  
13 that came from the OPUS record; so the date, the  
lengths, and  
14 the "call to" were taken from the OPUS record and moved  
up into  
15 the summary.

16 The date actually was the same in all three  
files.

17 It's just that we encountered it first in the OPUS  
record, so  
18 we took it from there.

19 The start time came from the WCT 3911 source,  
and  
20 that's because we standardized to use the time out of  
the  
21 switch, since every call had to go through that switch.

22 Then the length we took from the OPUS record.  
And in  
23 the summary at the top when you -- when a call is moved  
up  
24 through the electronic file and later printed, length  
of call  
25 in the summary will either be a numeric number or zero.

If

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Frederick Dexter - Direct

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

5 that call was not answered if there was a zero there.  
6 The "call from" came from the 3911 record, and  
the  
7 "call to" came from the OPUS record.

8 Q. In the "start time" block in the Bridges summary,  
that bar  
9 across the top, how did you account for the different  
time  
10 zones that calls might originate from?

11 A. We did two things. The start time by way of  
practice is  
12 associated in the middle column underneath the "called  
from"  
13 with the time it was where the call was placed. But so  
that  
14 the summary is standardized to one time zone over in  
the  
15 left-hand side, we standardized it to Central Time,  
either  
16 standard daylight time -- either Standard or Daylight

Time, so

17 that all the calls would be in sequence from the time  
that they

18 started no matter what time zone they initiated in.

19 Q. Now, did you also assist in preparing Government's  
Exhibit

20 540 that would show in another format the matching  
process

21 you've described?

22 A. Yes.

23 MR. MACKEY: Would move to admit 540 for  
demonstrative

24 purposes, your Honor.

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

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Frederick Dexter - Direct

1 THE COURT: Yes, you may.

2 VOIR DIRE EXAMINATION

3 BY MR. TIGAR:

4 Q. Hello, Mr. Dexter.

5 A. Hello.

6 Q. My name is Michael Tigar. I'm one of the lawyers  
helping

7 Terry Nichols.

8 On this 540, there are some local numbers. Is  
that

9 right?

10 A. Some numbers -- from the local --

11 Q. Telephone numbers. Local telephone numbers?

12 A. Right.

13 Q. Now, in compiling that, did you also look at local  
14 telephone records?

15 A. After the summary had been created, yes, we did.

16 Q. So that when you actually made the summary, you  
then had

17 access to the whole telephone company subscriber  
records for

18 those numbers; is that right?

19 A. No, I did not.

20 Q. Pardon?

21 A. I did not. The subscriber information when I was  
doing the

22 matching process.

23 Q. But I'm talking when you prepared your summary  
eventually,

24 you did have it; right?

25 A. That's correct.

8094

Frederick Dexter - Voir Dire

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

2 A. Approximately, yes.

3 MR. TIGAR: No objection, your Honor.

4 THE COURT: All right. 540 may be displayed.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. MACKEY:

7 Q. All right, Mr. Dexter, at the top of Exhibit 540,  
we see a  
8 filled-in portion of your Bridges summary; is that  
correct?

9 A. That is correct.

10 Q. Was that for a call that you found took place on  
11 October 17, 1994?

12 A. That's correct.

13 Q. And you have information filled in, and then there  
is a  
14 series of circles. Do those show the jury where you're  
getting  
15 what information to put into the summary?

16 A. That's correct.

17 Q. Walk through that for us, please.

18 A. Okay. The top left where it says "start time" and  
it has a  
19 green circle around that, if you look down in the 3911  
file,  
20 you will see the "begin time" is also circled there in  
green.

21 The time in the 3911 file, I need to point  
out, that  
22 since this switch was in California, they recorded all  
of their  
23 times in Pacific Time. It was either Daylight Time or  
Standard

24 Time, but it was Pacific Time.

25 Q. And that's what the PDT stands for?

8095

Frederick Dexter - Direct

1 A. That's correct. That time, when you standardize it  
or  
2 normalize it to Central Time, 18:58:39 is represented  
in  
3 Central Time as 8:58:39, so that's just a matter of  
showing  
4 what time it was in Central Time.

5 The blue circle under "length" is the time at  
the  
6 bottom of the OPUS file. That's a straight move. The  
duration  
7 of that, the 641, is moved up to the "length" field.

8 The "from" number -- under the "from number"  
column  
9 subscriber that is circled in red, once the record is  
matched,  
10 then in fact the red -- the 913258 number is moved up  
to that  
11 portion of the summary.

12 You'll also see the green is there. Since  
this call  
13 originated in Herington, Kansas, it was Central Time  
where the  
14 call was originated, so the 8:58:39 in this case is  
identical

15 to what you see the 8:58:39 over in the start time.  
16 Over on the right-hand side at the top, you'll  
see the  
17 yellow circle around there, and that was moved once the  
18 matching process was done from the 39 -- actually, it  
came from  
19 the OPUS record down at the bottom, the (702) 897-6290.  
In the  
20 OPUS file there is a "1" before it because that's what  
the  
21 person had to dial, "1" that was in that sequence that  
they had  
22 to dial the number. And it was verified that this is  
the same  
23 record, so you also had the "to" number up in the 3910  
file  
24 that came from that "to" number.  
25 Q. And the boxes marked "called from subscriber" and  
"call to

8096

Frederick Dexter - Direct

1 subscriber," where did you get the information that you  
2 ultimately made part of your summary?  
3 A. The subscriber information: Once these phone  
numbers were  
4 identified that they were part of the summary, then the  
Task  
5 Force went through the normal process of issuing  
subpoenas to

with 6 whatever phone company that phone number was associated

7 and received back from the phone company the  
information that

8 they had on the -- who was the subscriber to that  
particular

9 phone number for that particular date.

10 Q. And again for purposes of understanding your  
summary, it's

11 not your intent that the jury think that Lana Padilla,  
for

12 example, personally answered the phone call that you've  
listed

13 here in this example?

14 A. No. This just indicates that she was the  
subscriber to

15 that phone.

16 Q. On that date?

17 A. On that date.

18 Q. Now, looking at the white box, the OPUS box, and  
see Port

19 1405, as I understand your testimony, your next step  
would be

20 to find the sister port. Is that right?

21 A. That is correct. And I jumped ahead there by  
telling you

22 that we moved data up to the top of the screen. We  
actually

23 had to show this match and show how it was done.

24 The first thing we had was Port 1405 in this  
record.

25 That's the initial go. And we knew that this OPUS  
record was

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Frederick Dexter - Direct

1 part of the Daryl Bridges account because The Spotlight  
account

2 number is the first thing that you see in that box.

3 We then go to the matrix -- this is all done  
in the

4 computer -- to find out what the sister port is, the

5 corresponding port that we should be looking for in the  
3911

6 file. And we find that the port that we should be  
looking for

7 is 11284. So that is the first step is that you go  
over and

8 you look for on that date 10-17-94 -- you look for the  
records

9 that in the 3911 file that had the Port No. 11284  
stored in

10 that record in the 3911.

11 Q. And based upon your experience and this particular  
project,

12 how many other phone calls would you find having gone  
through

13 that sister port on the same day in question?

14 A. Basically, the number I'm going to give you is an  
average.

15 It fluctuated from that. The 18 months' worth of data  
that we

16 had in the 3911 file based on that 100,000-plus -- and  
it was  
17 15 months' worth of data that we had and the number of  
ports  
18 that they had that supported all of their debit-cards  
19 customers, because all of their debit cards went  
through these  
20 same ports for The Spotlight account -- it would  
average  
21 between two and four calls a day would go through that  
22 particular port for any of the given ports. Two to  
four calls.  
23 Some days it would be five and six, and some days they  
would  
24 only use that port one or two times. There was no  
exact  
25 number; but since it used the most idle, the ports were  
used

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Frederick Dexter - Direct

1 the same number of times each day.  
2 Q. And how did that number, two or four corresponding  
calls,  
3 affect or impact the risk of mismatching information  
between  
4 two sets of records?  
5 A. Well, because they used the theory of most idle,  
when you  
6 found that that port -- we found maybe four records or

five

7 records that used that port, they were normally hours  
apart.

8 They would be three hours', five hours', twelve hours'

9 difference than what the time was in the OPUS record.  
So it

10 made it very easy to in fact select the one that  
matched the

11 corresponding begin times, the ones that were very  
close.

12 Q. Let's turn now back to the non-L.A. calls, the 100-  
plus

13 calls that started from some city other than L.A. Did  
you

14 prepare an exhibit that would show what you did when  
you faced

15 that situation?

16 A. Yes, I did.

17 Q. Is that Government's Exhibit 541?

18 A. Yes, it is.

19 MR. MACKEY: Let me start by asking the  
Court's

20 permission to display this for demonstrative purposes.

21 THE COURT: Agreed?

22 MR. TIGAR: No objection, your Honor.

23 THE COURT: All right. 541 may be so used.

24 BY MR. MACKEY:

25 Q. Mr. Dexter, how is this chart different than an  
earlier

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1 version, more simple version that the jury has seen?  
2 A. -- really, the only difference here is that when a  
call is  
3 made -- and we'll use No. 1 up in the left-hand corner  
as to a  
4 phone that a call came into a local phone company and  
the  
5 person had dialed an 800 number -- it could be any 800  
number,  
6 but for our purposes here, we'll use The Spotlight 800  
7 number -- that number or that information from that  
local phone  
8 company is sent off to NASC, the Number Administration  
and  
9 Service Center, for routing. And based on the local  
phone  
10 company identifier that went to NASC, the NASC would  
then send  
11 information back to the local phone company and say  
this is the  
12 next place where you route that information. And the  
box  
13 between No. 4 and 5 on this diagram now is defining  
that for  
14 that particular call, the information was sent to a  
non-L.A.  
15 switch first and then sent on to the L.A. switch.  
16 Q. By way of example, if I'm standing in western New  
York and

17 dial a Bridges call, where might my call first be  
routed before

18 it gets to L.A.?

19 A. I know for western New York goes directly to L.A.

20 Q. Bad example.

21 A. But assuming that you're in a part of the country  
-- they

22 also had switches in Atlanta, Philadelphia, Chicago,  
Dallas,

23 Seattle, and San Francisco. So assuming that you were  
in

24 Dallas -- or you were in Texas, then when they sent it  
to NASC,

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

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Frederick Dexter - Direct

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

2 Angeles.

3 Q. And the fact that it had stopped somewhere else  
before

4 getting to L.A: How would that impact on the  
information you

5 had to work with and the methods you would rely upon in  
6 matching?

7 A. Okay. For any call that was routed to a switch  
other than

8 L.A. first, that information actually was carried on to  
the  
9 L.A. switch. The information I'm talking about is the  
time of  
10 day was recorded in whatever switch it was; so if you  
were in  
11 Atlanta, the time of day that's recorded is Eastern  
Time,  
12 either Daylight or Standard. If you're in Dallas, it's  
13 recorded in Central Time. So the time that the call  
hit the  
14 switch was recorded at that switch, and that was sent  
on to Los  
15 Angeles. So in the 3911 file, that information is now  
recorded  
16 in Los Angeles in their file as being the time of that  
switch.

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

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

24 A. Yes, I did.

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

Frederick Dexter - Direct

1 demonstrative purposes only Exhibit 2085.

2 MR. TIGAR: No objection, your Honor.

3 THE COURT: All right. Received for that  
purpose.

4 Display.

5 BY MR. MACKEY:

6 Q. Go ahead, Mr. Dexter.

7 A. In this particular case, this record, this OPUS  
record down

8 at the bottom, which was recorded using Port 711, of  
course we

9 would first look for a 3911 record with the  
corresponding port.

10 It's not on here. I'm -- because I have these ports  
semi-

11 memorized, it's probably 11517 -- it's 11506. I just  
know

12 that.

13 But it's -- we didn't find any records to meet  
the

14 criteria for that date and time in the Los Angeles 3911  
record;

15 so the next step was then to look at all of the records  
that

16 came in from all of the switches.

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

18 take all the calls that did not come through L.A.  
first, and  
19 look for records that have a corresponding time from  
every  
20 other switch. So when we compared it to records that  
had come  
21 in from Atlanta -- now, down in the OPUS record, that  
742 is  
22 Pacific Time. So if we're looking at the records that  
came in  
23 from Atlanta, we would try to match it with a record  
that came  
24 in at 10:42 because Atlanta is three hours earlier  
(sic). We  
25 would look at all the records that came in from  
Philadelphia at

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Frederick Dexter - Direct

1 10:42. The program was written to go in and look at  
based on  
2 which one of those switches that it came from to do --  
to try  
3 to find a match based on the differentiation in time  
zone.  
4 Q. And you took that differentiation into account for  
each of  
5 the calls, 100-plus calls, that that would originate  
from  
6 someplace other than L.A.?  
7 A. That's correct.

a 8 Q. We learned earlier this morning, Mr. Dexter, about  
9 reorigination feature on The Spotlight platform.  
What's your  
10 understanding of that feature?

11 A. The -- and this is not unique to The Spotlight  
debit card.  
12 This is used on credit cards and other debit cards,  
etc., so  
13 that a person using the telephone does not have to --  
if you're  
14 going to make more than one call, you do not have to  
redial the  
15 800 number and put your PIN in again. If you want to  
make a  
16 second call, when you complete the first call, you just  
hit the  
17 pound sign, and then it's available for you to put in  
another  
18 number that you want to call; and you can put it in.  
That had  
19 effects on the way that the information was captured by  
WCT.

20 Q. And just briefly, how was it that you took that  
feature  
21 into account as you matched records between the various  
22 sources?

23 A. Okay. The -- the important thing here is that WCT  
wrote a  
24 3911 record every time that a -- the 800 number was  
dialed. So  
25 if it was only dialed once and you had many other calls

that

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Frederick Dexter - Direct

1 were made, then the 3911 record, the duration of that  
and the

2 ending -- beginning time and ending time encompassed  
all of the

3 calls that you made during that reorigination series.  
There

4 would be no difference in the OPUS record each time  
that you

5 put in a "to" number. The OPUS record would be  
created. And

6 if, in fact, that call was answered, then an individual  
3910

7 was created for that call, also.

8 Q. How would you, given that, identify the start time  
for Call

9 No. 2, for example, in that series?

10 A. Okay. There were steps that were done along the  
way. If a

11 reorigination series only had two calls in it, then we  
knew the

12 start time because the start time in the 3911 was when  
the

13 first call was placed. So that one was automatic. We  
didn't

14 have any problem with that.

15 The -- if there was only two calls in the  
series, we

second 16 also from the 3911 file knew the ending time of the  
had a 17 call. And the second call in the OPUS record already  
duration from 18 duration, so it was a matter of subtracting the  
when that 19 the end time so that you always had an exact time of  
20 call initiated.

reorigination 21 If there were more than two calls in the  
was 22 series and the call was answered, then when that call  
also the 23 answered is recorded in the 3910 file. And that is  
3911 and 24 same clock that is in the switch. That switch, the  
you 25 3910, only has one clock. So if the call was answered,

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Frederick Dexter - Direct

1 also know what time that call started.  
string of 2 The issue comes into place when you have a  
than two, 3 calls of five calls, six calls, whatever it is, more  
that you 4 and a call was not answered. Then what you have is is  
time 5 have a time period between when one call ended and the

6 that the third call, fourth call, started. And you  
know the  
7 duration because you have that in the OPUS records. So  
what we  
8 did is we standardized it, wrote a formula to take into  
account  
9 that it would be the same amount of time between each  
one of  
10 those calls, and calculated when the start time would  
be for  
11 the call in the middle of the series if it didn't have  
any of  
12 those other criteria. And there were very few of  
those. There  
13 was around 40 that we had to calculate a start time  
that was in  
14 the middle of those.

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

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

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

21 A. That's correct.

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

24 A. The WCT records in the 3911 file always captured,

when it

25 was made available to them, the originating  
information.

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Frederick Dexter - Direct

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

2 The Kingman, Arizona -- the Citizen Utility  
Company

3 that supports that area did not have what is referred  
to as

4 "Feature Group D." They were a Feature Group B company  
at that

5 time. And what that means is that they did not pass  
the "from"

6 number from one phone company to the next phone  
company. That

7 feature today allows everybody to have Caller ID on  
their phone

8 so that you can see who the incoming call was. If you  
had

9 Caller ID back in early 1995 and the call was placed  
from

10 Kingman, you would not be able to see the phone number  
appear

11 on your Caller ID because they did not pass it.

12 So what WCT captured in the 3911 file was the  
fact

13 that a phone call originated in Kingman, Arizona.  
There was a

Kingman, 14 city and state field so that we knew it came from  
store 15 Arizona; but in the "from" number field, all they would  
know 16 is the number zero, one zero, and therefore we did not  
the call 17 originally doing the matching what the number was that  
18 was placed from.

19 Q. Did you take any steps to trace that "from" number?

20 A. Yes, we did.

21 Q. What were those?

calls 22 A. We took the time period -- excuse me -- of all the  
subpoena was 23 that we knew originated in Kingman, Arizona, and a  
from 24 sent to Citizens Utility requesting all of the calls  
and for 25 Citizen Utility that had called The Spotlight number

8106

Frederick Dexter - Direct

1 them to provide those activity records to us.

Government's 2 Q. And did you assemble those records into

3 Exhibit 552 for purposes of this proceeding?

4 A. Yes, we did.

upon in 5 Q. Were those the Citizens Utility records you relied

6 producing the Bridges summary?

7 A. Yes, I did (sic).

Exhibit

8 MR. MACKEY: Your Honor, we'd move to admit  
9 552.

10 MR. TIGAR: No objection, your Honor.

11 THE COURT: Received.

12 BY MR. MACKEY:

13 Q. Mr. Dexter, you told us earlier, too, about the  
need to get  
14 records from other companies to know who a particular  
phone  
15 number was subscribed to on a particular date. Do you  
recall  
16 that?

17 A. Yes.

18 Q. Did you assemble Government's Exhibit 520 with the  
phone  
19 records produced by other phone companies for that  
information?

20 A. 520, I believe, is the subscriber records for those  
phones.

21 Q. Are they the subscriber records you relied upon in  
22 producing your summary?

23 A. Yes, they are.

24 MR. MACKEY: Your Honor, we move to admit  
Government's

25 Exhibit 520.

Frederick Dexter – Direct

1 MR. TIGAR: No objection, your Honor.

2 THE COURT: 520 is received.

3 BY MR. MACKEY:

4 Q. You found, Mr. Dexter, in your study a number of  
phone

5 calls, some completed, some attempted, to the country  
of

6 Philippines, did you not?

7 A. Yes, we did.

8 Q. Did you track down the subscriber information for  
those

9 phone calls?

10 A. Yes. They were also subpoenaed.

11 Q. And are they set forth in Government's Exhibits  
522, '23,

12 and '24?

13 A. Yes, they are.

14 Q. Are those the records you relied upon in your  
summary?

15 A. Yes, we did.

16 MR. MACKEY: Your Honor, we move to admit  
Government's

17 Exhibits 522, 523 and 524.

18 MR. TIGAR: No objection, your Honor.

19 THE COURT: Received.

20 BY MR. MACKEY:

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

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Frederick Dexter - Direct

1 A. Yes, we did.

2 Q. Describe what you did.

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

9 Now, the computer that we have also has in it  
a table  
10 that, based on area code and exchange, tells us what  
phone  
11 company services that particular area code and

exchange. So

12 what we did then was we went back to look and see if,  
in fact,

13 those records had been subpoenaed earlier in the case  
by

14 looking at the 1Bs for that particular phone company or  
15 whatever.

16 We then would go down through that 1B and  
determine

17 if, in fact, we had supporting information that we had  
a call

18 on the same date and same time as a call that we had in  
the

19 summary to give us further verification that, in fact,  
the

20 "from" number that had been matched from the 3911 --  
that the

21 phone company -- that a call to the 800 number had been  
placed

22 at that same date and time from that phone; and we  
verified for

23 all of the ones that we had subpoenaed -- we went in  
and

24 matched those.

25 Q. And are those activity records created by local  
phone

8109

Frederick Dexter - Direct

1 companies for the calls in question gathered into  
Government's

2 Exhibit 521?

3 A. That's correct.

Exhibit

4 MR. MACKEY: Your Honor, we'd move to admit  
5 521.

6 MR. TIGAR: No objection your Honor.

7 THE COURT: Received, 521.

8 BY MR. MACKEY:

sets of

9 Q. Mr. Dexter, when you made that comparison of the

records that

10 records created by other phone companies with the

you find

11 you were examining from West Coast Telephone, what did

duration?

12 in terms of how like they were about start time and

summary

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

against

14 that records had been subpoenaed that we could match

had not

15 around 280 of the calls, and we then -- the other ones

because

16 been subpoenaed or were subpoenaed and not available

phone

17 the older the records were, the less likely that a

18 company would still have them.

is within

19 But what we found was -- is that this number

matched

20 one or two -- I believe there were 278 or 280 that

was -- 21 within a few seconds for the start time. I believe it  
22 the average was less than 20 seconds. It was around 19  
23 seconds. And that strictly was because the local phone  
company 24 clock is going to be different than what the switch  
time clock 25 is that we could see. And if they were made from the  
same

8110

Frederick Dexter - Direct

that 1 phone company, we could tell exactly how many seconds

2 phone company was different than the 3911.

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

5 A. Yes, we did.

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

7 A. Yes, it is.

Exhibit 8 MR. MACKEY: Your Honor, we'd move to admit  
9 556.

10 MR. TIGAR: No objection, your Honor.

11 THE COURT: Received. 556.

12 BY MR. MACKEY:

13 Q. And did you go through the same process in  
comparing

14 records about duration?

15 A. Yes, we did.

Exhibit

16 Q. And did you reduce your findings to Government's

17 557 there?

18 A. Yes, we did.

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

21 MR. TIGAR: No objection, your Honor.

22 THE COURT: Received.

23 BY MR. MACKEY:

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

8111

Frederick Dexter - Direct

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

7 the local phone company. The average difference there  
was less

8 than 5 seconds.

9 Q. So both for start time and duration, you found  
independent

10 verification within seconds of what you were  
discovering from

11 WCT's records?

12 A. That's correct.

13 Q. Mr. Dexter, this jury has heard previously some  
testimony

14 about phone calls placed on Friday, April 14, 1995.  
Did you

15 examine business records available concerning those  
phone

16 calls?

17 A. Yes, I did.

18 Q. Have you seen Government's Exhibits 525 and 526?

19 A. Yes.

20 Q. And do you know what they are?

21 A. Yes, I do.

22 Q. Could you tell the jury what they are, please.

23 A. 525 was subpoenaed records from Sprint United, I  
believe it

24 is, that the subpoena asked for records on the calls  
that

25 originated from a pay phone from the -- at the J & K  
Bus Depot.

Frederick Dexter - Direct

1 And that particular 525 is, in fact, the response that  
came  
2 from the phone company.

3 Q. And Exhibit 526 is what?

4 A. 526 is the subpoena -- the response from the phone  
company

5 for the records -- I believe it's for the reverse  
records --

6 the term is "reverse" -- The phone company keeps track  
of calls

7 going into somebody's house, and I believe that's the  
one

8 that -- for the calls going into Terry Nichols' house.

9 Q. Did you rely upon those records --

10 A. Wait a second. I don't think that's into Terry  
Nichols'.

11 I believe that's going into L.A. -- is what that was  
for.

12 Q. Okay. If you need to examine any exhibit, should  
be right

13 next to you.

14 A. I'm sure that that's what that was.

15 MR. MACKEY: All right. Let me ask first,  
your Honor,

16 to admit Government's Exhibits 525 and 526.

17 MR. TIGAR: May I examine, your Honor?

18 THE COURT: Yes, you may.

19 MR. TIGAR: Thank you.

20 VOIR DIRE EXAMINATION

21 BY MR. TIGAR:

22 Q. Agent, do you have 526 in front of you, sir?

23 A. I have the books.

24 Q. Would you just double-check, please.

25 I'm sorry. It's Mr. Dexter. Not Agent  
Dexter. My

8113

Frederick Dexter - Voir Dire

1 name is Michael Tigar. I represent Terry Nichols.  
Excuse me.

2 A. I need my glasses.

3 Q. Please do.

4 Would you verify for me that 526 is indeed a  
record

5 that reflects a telephone call from 238-8534 at 9:54  
a.m. and 5

6 seconds placed to a number -- I'm sorry. May I start  
again?

7 It's received -- the call was received at  
238-8534.

8 Is that right?

9 A. It's received at 238-8534.

10 Q. And that's the Elliott's Body Shop/Ryder rental  
place;

11 correct?

12 A. That's correct.

13 Q. And it was made from the J & K Bus Depot pay phone.

Is

14 that right?

15 A. That's correct. This record does not tell me that,

but --

16 Q. But you know that independently?

17 A. Yes.

18 Q. So this particular record does not involve any

telephone

19 listed to Mr. Nichols. Is that right?

20 A. Does not. No.

21 Q. Okay. It does not?

22 A. I made a mistake. I'm sorry.

23 Q. I understand. I just wanted to make sure that it

24 corresponds.

25 MR. TIGAR: We have no objection to it, your

Honor.

8114

Frederick Dexter - Direct

1 THE COURT: And to 525?

2 MR. TIGAR: Neither to 525. I just wanted to

clarify

3 '26.

4 THE COURT: They're received.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. MACKEY:

7 Q. Mr. Dexter, relying upon records available to you  
from WCT

8 and other sources, did you prepare a diagram that would  
9 illustrate what you found with regard to those two  
phone calls?

10 A. Yes, I did.

11 Q. Let's start with Government's Exhibit 558. Is that  
an

12 illustration of the phone call from J & K Bus Depot to  
the

13 residence of Terry Nichols? 558.

14 A. I believe so.

15 MR. MACKEY: Your Honor, we'd move for  
demonstrative

16 purposes only Government's Exhibit 558.

17 MR. TIGAR: No objection, your Honor.

18 THE COURT: Received. May be displayed.

19 BY MR. MACKEY:

20 Q. Using this exhibit, Mr. Dexter, could you tell the  
jury

21 what you found in the way of phone calls on April 14,  
1995,

22 billed to the Bridges phone card.

23 A. Okay. Down at the bottom of this where the OPUS  
record is

24 as Port 701 at the top, we had a record that showed  
that on

25 4-14 at 7:53 Pacific Daylight Time there was a phone  
call to

8115

Frederick Dexter - Direct

1 (913) 258-3400, and the duration lasted 54 seconds.  
That's  
2 what we got from the OPUS record.  
3 When we matched this record up, the  
corresponding port  
4 in the 3911 record, which is 11496, which is the match  
to 701,  
5 showed that we matched a record on 4-14 with a start  
time of  
6 7:51:30, again Pacific Daylight Time; that the call  
ended as  
7 far as the 3911 was concerned at 7:53:06. The "from"  
number  
8 was (913) 762-9765, and the total duration as far as  
the 3911  
9 is concerned was a minute and 36 seconds.  
10 We then looked for a 3910 record to see if the  
call  
11 was in fact answered. We found a 3910, supporting port  
11508,  
12 with the date 4-14, the beginning time of 7:52:15. The  
thing  
13 that locks this record in to show that the three of  
them  
14 totally correspond to each other is the "to" number in  
the  
15 3910. The (913) 258-3400 is exactly the same as the  
(913)

3910 is 16 258-3400 in the OPUS record, and the ending time in the  
when a 17 7:53:06, is the same in the 3910 and the 3911. And  
writes the 18 person hangs up on both ends, when they hang up, it  
exactly the 19 3910 and writes the 3911, so you can see that it is  
up to 20 same record there. And then that information was moved  
red, 21 the top in the summary based on the green, blue and  
22 yellow, circles.  
account 23 Q. In the OPUS record shown in 558, there is an  
24 number. Do you recognize the account number?  
25 A. I'm sorry? Would you repeat that.

8116

Frederick Dexter - Direct

1 Q. The OPUS box, the white box at the bottom?  
2 A. The 563946.  
3 Q. Yes, sir.  
4 A. That is the Daryl Bridges account number.  
5 Q. From your study and as illustrated in this chart,  
did you 6 conclude that that Bridges call was made from this bus  
depot 7 pay phone on Friday, April 14, beginning at 9:51 in the  
morning

8 to a number subscribed on that date to Terry Nichols?

9 A. Yes, we did.

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

12 A. Yes, I did.

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

15 A. Yes.

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

18 MR. TIGAR: No objection, your Honor.

19 THE COURT: Received.

20 BY MR. MACKEY:

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

22 A. First of all, you see on the bottom that there is a  
-- not

23 an OPUS record that was created for this particular  
call. What

24 we do know is that we went in, and based on "from"  
numbers, it

25 was that a call -- we looked in the 3911, not for just  
this

8117

Frederick Dexter - Direct

were 1 call but for every other call to find out whether calls  
2 placed from the same phones, etc.

3910 3 On this particular one, we found a 3911 and a  
4 that matched, but there was no supporting OPUS record  
for that 5 particular match.

port in 6 The port in the 3911 does, in fact, match the  
7 the 3910. And in the end times, the 8:01:39 match  
exactly, the 8 dates match exactly. The 3910 record, the begin time  
is 9 usually somewhere from 30 seconds to a minute less

than the -- 10 later, if you will, than the 3911. So there was no  
doubt that 11 this particular two records -- these do, the 3910 and

3911 12 matched, but we did not have an OPUS record.

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

14 A. That's at 3911 record; correct.

15 Q. And lasted a little more than 7 minutes?

16 A. From the 3910, we get the duration of the actual  
talk time 17 within a second or two, yes. 7:36.

was in 18 Q. And would that mean that this particular phone call  
19 progress at 10:00 sharp on the Central Daylight Time?

20 A. Yes, it was.

21 Q. And because of that, because it was in progress,  
what

22 impact, as you understand it, did it have on the  
record-keeping

23 in the OPUS file?

24 A. When we were in California meeting with the WCT  
people,

25 they explained to us that one of the situations with  
their

8118

Frederick Dexter - Direct

1 system was -- is that because of some type of problem,  
they had

2 to restart their software down in the debit-card system  
in the

3 OPUS system three times a day. And what they would do  
is when

4 they restarted that -- originally they told us whatever  
record

5 was being written to the disk at that particular time  
did not

6 get written to the disk. The call still stayed in  
progress,

7 the 3911 was written, the 3910 was written; but because  
during

8 the restart the record was being written to the 39 --  
to the

9 OPUS record, that writing did not occur.

10 Q. So when you first received the OPUS file, you did

not

11 receive any indication that the Daryl Bridges card from  
the

12 OPUS file was used on this particular day.

13 A. That's correct.

14 Q. Did you endeavor to --

15 A. I'm sorry. Would you repeat? It was used on that  
day but

16 not for this call -- from that call, yes.

17 Q. Thank you. I'm sorry. As to this particular call.  
Thank

18 you for the clarification.

19 Did you endeavor to identify any other  
possible

20 Spotlight customer who might be responsible for making  
this

21 known call?

22 A. Yes.

23 Q. What did you do?

24 A. We went in and searched the "from" number to find  
out if

25 that was a number that was used often by a Spotlight  
customer,

8119

Frederick Dexter - Direct

1 because you see repetition. A person stays in the same  
hotel

2 or they're a Spotlight customer and they make calls out

of

calls 3 their own home but they charge it. There were only two  
placed on 4 placed from that 3911, and they were the two calls  
5 that day.

looked to 6 We did the same thing in the 3910 file. We  
anybody 7 find out whether that "to" number had been called by  
the 8 else, and we found that that was the only occurrence in  
that 9 3910; and we also checked the OPUS file to see whether  
other 10 termination number, that "to" number was called at any  
time that 11 time than it was, and it was not. That was the only  
12 238-8534 was called.

to see 13 Q. How many thousands of Spotlight calls did you check  
Bus 14 whether any other Spotlight customer had used the J & K  
15 Depot pay phone?

and OPUS 16 A. The 3910 has -- I'm trying to remember -- 140,000  
140,000, so 17 had over 100,000. One of them has 105- and one has  
number 18 they were all checked via computer to see if that

19 occurred; and it did not except once in the 3910 file.  
20 Q. Did you check the same number of Spotlight

customers to see

21 if anybody else who had a card ever called Ryder's in  
Junction

22 City?

23 A. Yes, we did.

24 Q. And?

25 A. And they did not.

8120

Frederick Dexter - Direct

1 Q. All right. Mr. Dexter, did you prepare an exhibit  
that

2 would illustrate the time sequence of these two phone  
calls?

3 A. Yes, I did.

4 Q. Is that set forth in Exhibit 1942?

5 A. Yes, it is.

6 MR. MACKEY: Your Honor, I'd like to show that  
for the

7 jury for demonstrative purposes only.

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

9 THE COURT: You may.

10 VOIR DIRE EXAMINATION

11 BY MR. TIGAR:

12 Q. Mr. Dexter, in this exhibit, the word "Nichols"  
appears.

13 Do you see that?

14 A. Yes, I do.

15 Q. Now, is it the case that -- You don't know who  
answered the

16 telephone, do you?

17 A. I do not.

18 Q. So that when the word "Nichols" appears here, what  
we're

19 seeing -- you're referring to the person in whose name  
the

20 phone is subscribed. Correct?

21 A. A subscriber record, right.

22 Q. Similarly, with respect to Elliott's Ryder Rental,  
you know

23 that's the name of the subscriber but you don't know  
who

24 answered the phone there, either. Correct?

25 A. That's correct.

8121

Frederick Dexter - Direct

1 Q. And the--

2 MR. TIGAR: No objection, your Honor.

3 THE COURT: All right. You may proceed.

4 MR. MACKEY: Thank you, your Honor.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. MACKEY:

7 Q. Mr. Dexter, orient the jury, please, as to what  
this

8 exhibit is intended to depict.

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

13 Also based on the Sprint records on that same  
exhibit,  
14 records from United Sprint that a second call was  
placed at  
15 9:54:07, and the 800 number was also dialed at that  
time.

16 Now, based on response from the phone company,  
same  
17 phone company, same switch records, it shows that the  
phone was  
18 answered -- this is the reverse records -- was answered  
at  
19 9:54:35 at Elliott's Ryder Rental and that that call  
lasted 7  
20 minutes 34 seconds, so that means that the call ended  
at  
21 10:02:09.

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

the time

8122

Frederick Dexter - Direct

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

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

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

13 A. From J & K Bus Depot pay phone.

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

16 please. Exhibit 554.

17 MR. MACKEY: May I approach, your Honor?

18 THE COURT: Yes.

19 BY MR. MACKEY:

20 Q. Mr. Dexter, would you examine that and tell his  
Honor and

21 the jury what Exhibit 554 is, please.

22 A. 554 is the -- is my work, is the Bridges summary of  
604

23 phone calls that started -- that are associated with  
the Daryl

24 Bridges debit card, starting on Call 82 and ending with  
Call

25 685.

8123

Frederick Dexter - Direct

1 Q. What time period does the summary cover, please.

2 A. It covers the time period of September 14, 1994,  
through

3 April 17, 1995.

4 Q. That is the time period covered in the indictment  
in this

5 case?

6 A. I'm sorry.

7 Q. Is that the same time period as covered in the  
indictment

8 in this case?

9 A. Yes.

10 Q. Up through April 19?

11 A. Yes.

12 Q. Does Exhibit 554 accurately set forth the results  
of your

13 examination and work in reviewing the various records  
you've

14 identified for this jury this morning?

15 A. Yes, it is.

16 Q. Does it accurately set forth the dates of calls,  
the times

17 those calls started, the duration or length, and the  
"from" and

18 "to" subscribers for each of those phone calls?

19 A. Yes, it does.

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

21 Exhibit 554.

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

23 THE COURT: You may, yes.

24 VOIR DIRE EXAMINATION

25 BY MR. TIGAR:

8124

Frederick Dexter – Voir Dire

1 Q. Mr. Dexter, you do have a summary that contains  
Calls 1

2 through 81. Is that correct, sir?

contains  
81.

3 A. No. I haven't -- I have a different summary that  
4 Calls 1 through the end -- 685, but not just 1 through

5 Q. I understand. My question was inartful.  
6 The document before you contains Calls 82  
through 685.

7 Correct?

8 A. That is correct.

9 Q. And you do have another summary that contains Calls  
1  
10 through 685. Is that correct?

11 A. We did put together one, yes.

12 Q. And the summary that you put together that contains  
all of  
13 the telephone calls was done according to the same  
methodology  
14 that you have described earlier today; is that correct?

15 A. That's correct.

16 Q. And --

17 MR. TIGAR: May I approach, your Honor?

18 THE COURT: Yes.

19 (At the bench:)

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

22

23

24

25

8128

Frederick Dexter – Direct

1 (In open court:)

2 DIRECT EXAMINATION CONTINUED

3 BY MR. MACKEY:

4 Q. Mr. Dexter, when you started your project, was it  
the

5 purpose to identify all phone calls from the inception  
of the

6 Daryl Bridges account to its conclusion?

7 A. Yes, it was.

8 Q. And that included what time period?

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

10 Q. And did you prepare an exhibit that would summarize  
the

11 entire history of the Daryl Bridges account, not just  
from the

12 period of the indictment but previously from December  
of '93?

13 A. Yes, I did.

14 Q. Let me show you at this time Government's Exhibit  
553.

15 What is that, please.

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

17 Q. And would your answers be the same as to all the  
18 information set forth in that exhibit as you have  
described to  
19 this jury with respect to Exhibit 554?  
20 A. No, it's not.  
21 Q. In terms of the method that you used?  
22 A. Yes.  
23 Q. And the sources of information you relied upon?  
24 A. There is one difference.  
25 Q. Please.

8129

Frederick Dexter - Direct

1 A. The time period prior to September 14, there were  
numerous  
2 records that were not available. Since WCT was testing  
3 software in early 1994, they failed to write some of  
those to  
4 their 3911 file, etc. There was a month time period.  
So in  
5 those cases, we had to rely on information that was  
given to us  
6 by WCT. I could not do it from a matching process  
because  
7 there was not just the Daryl Bridges account, there was  
about a  
8 30-day period where there were no 3911's, so we could  
not match  
9 the "from" numbers on those. WCT could by going back

and

could 10 bringing up on a screen the actual records so that they  
them to 11 find out what the "from" number was, and they provided  
12 us.

complete 13 So the earlier summary, the one that has the  
was not 14 1 through 685 in it, some of the information in there  
15 available to me electronically.

provided for 16 Q. Did you rely, then, on the records that WCT  
unavailable? 17 those earlier periods where similar records were

18 A. Yes, I did.

even for 19 Q. Are you confident that the entries in Exhibit 553,  
accounting of 20 those early periods, are nonetheless an accurate  
21 the activity on the Bridges account?

to me, 22 A. Based on WCT. It's -- if that's what they provided  
them 23 then they were accurate. But I had no way of verifying

we got 24 other than a lot of those calls were also provided --  
independent 25 from the local phone companies, so we had the

Frederick Dexter - Direct

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

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

10 A. Yes.

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

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

15 MR. MACKEY: Yes.

16 THE COURT: All right.

17 MR. TIGAR: Yes, your Honor.

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

20 We need to take a recess about now --

21 MR. MACKEY: Thank you.

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

23 So you may step down now, Mr. Dexter, and  
we'll have

24 you back here in about 90 minutes.

25 THE WITNESS: Okay.

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1 THE COURT: And, members of the jury, we'll be  
2 recessing now for our usual luncheon period to 1:35,  
during  
3 which, of course, as I'm required to do, to remind you  
of what  
4 is required of you: that you withhold the temptation to  
have a  
5 discussion about all that you've heard this morning  
here as  
6 well as everything else with respect to the trial,  
keeping open  
7 minds until you've heard it all, as you are required to  
do.

8 And of course, therefore not only avoid discussion  
among  
9 yourselves but with all other persons, but anything  
outside of  
10 the evidence that you come across, you must also avoid  
in so

11 far as it may affect your judgment in this case.

12 You're excused now till 1:35.

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

14 THE COURT: Okay. We're in recess.

15 (Recess at 12:07 p.m.)

16 \* \* \* \* \*

17

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21

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23

24

25

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|           |    | PLAINTIFF'S EXHIBITS |         |          |         |          |
|-----------|----|----------------------|---------|----------|---------|----------|
| Withdrawn | 2  | Exhibit              | Offered | Received | Refused | Reserved |
|           | 3  | 507                  | 8039    | 8039     |         |          |
|           | 4  | 508                  | 8041    | 8041     |         |          |
|           | 5  | 509                  | 8011    | 8014     |         |          |
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|           | 12 | 518                  | 8085    | 8085     |         |          |
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|           |   |         |                                  |          |         |          |
|-----------|---|---------|----------------------------------|----------|---------|----------|
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| Withdrawn | 2 | Exhibit | Offered                          | Received | Refused | Reserved |
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8 \* \* \* \* \*

9 REPORTERS' CERTIFICATE

10 We certify that the foregoing is a correct  
transcript from

11 the record of proceedings in the above-entitled matter.

Dated

12 at Denver, Colorado, this 12th day of November, 1997.

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Paul Zuckerman

Carpenter

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Bonnie