

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLORADO
3 Criminal Action No. 96-CR-68
4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 vs.
7 TERRY LYNN NICHOLS,
8 Defendant.

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

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12 Proceedings before the HONORABLE RICHARD P.
MATSCH,
13 Judge, United States District Court for the District of
14 Colorado, commencing at 8:45 a.m., on the 12th day of
November,
15 1997, in Courtroom C-204, United States Courthouse,
Denver,
16 Colorado.

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Transcription
Street,
629-9285

Proceeding Recorded by Mechanical Stenography,
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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.

duration of 3 Q. And does it also include the day, time, and
4 each phone call?

5 A. Yes, it did.

many 6 Q. Turning back to the poster, can you describe how
7 different records each phone call going through the
system 8 would make.

the 9 A. A typical telephone call would make one record with
in 10 local telephone company, one record in 3911, one record
local 11 OPUS, one record in the 3910, and one record in the
this 12 telephone company at the distant end, so a total of, in
13 case, five.

moment, 14 Q. And leaving aside the local phone records, for the
15 how many records were made of each phone call that WCT
16 maintained?

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

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

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

4 have to obtain other information to get that number.

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

6 where due to the phone company records, all you get is
000-0000

7 on the 3911?

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

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 --

17 A. Okay. There is an area in Arizona that gives you
18 information in a different format, and what it does is
it gives

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.

2 Q. And where -- what record would you turn to in order
to get
3 the originating phone number?

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

5 Q. Could you explain when that information is first
saved to
6 your 3911 record.

7 A. The record begins to be created as soon as the
switching
8 equipment is notified that it has an incoming call to
that 800
9 number. It starts to write the information pertaining
to the
10 telephone number of the originating location, the type
of

11 telephone that made the call, whether it was a
business-,
12 residential-, or pay-phone-type location. It also puts
down
13 the date, the time, the port numbers associated with
that
14 particular call.

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

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.
system 9 Q. And why was it necessary to keep going back to the
10 over several months to assemble that information?
files, we 11 A. Just the sheer volume of calls that we had in our
system, 12 had to essentially take backup files, load them on the
file, 13 find these particular records, extract them to another

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 A. 3910 file contains the date, the time, the
duration, the
13 port number, the dialed number for the calls that
originated
14 from the OPUS platform.
15 Q. And is the 3910 file created at a different point
in the
16 process of a phone call than the 3911 and OPUS files?
17 A. Yes. It would be.
18 Q. Can you tell the jury about when the 3910 file is
created.
19 A. Each -- each of the 3911 and the 3910 are
independent
20 telephone records. There are two separate calls as far
as the
21 system is concerned. It does not know that one is the
result
22 of another. So you can have a 3911 call come into the
system.
23 You get into the OPUS platform, you can dial the
telephone
24 number; and once you've dialed the telephone number
you're
25 calling, a record is then begun which is a 3910 record,
which

8016

John Kane - Direct

1 supports the billing information for that particular
call. You

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

8 information for the purposes of billing a customer --
that 9 case, it would be OPUS -- for a telephone call.
in this 10 billing ourselves.
Essentially 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

John Kane - Direct

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

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
computer
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
3 disconnected, thinking -- and then redial again to try
to 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

10 call Liberty Lobby and Liberty Lobby itself would
duplicate the
11 activity, would the records reflect the call coming out
of
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.

8079

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.

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

1 answered. But strictly looking at the duration field,
there
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

8082

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

8084

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

8086

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

8087

Frederick Dexter - Direct

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

8088

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.

8089

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.

8090

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.

8091

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

8092

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?

8093

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

8097

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

8098

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

8099

Frederick Dexter - Direct

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

8100

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

8102

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

8103

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,

8104

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.

8105

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
of
5 calls, some completed, some attempted, to the country
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?

8108

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

1 phone company, we could tell exactly how many seconds
that

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.

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

That's 1 (913) 258-3400, and the duration lasted 54 seconds.
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.

6 The port in the 3911 does, in fact, match the
port in 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

10 than the --
11 later, if you will, than the 3911. So there was no
doubt that 12 this particular two records -- these do, the 3910 and

3911 13 matched, but we did not have an OPUS record.

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

15 A. That's at 3911 record; correct.

16 Q. And lasted a little more than 7 minutes?

17 A. From the 3910, we get the duration of the actual
talk time 18 within a second or two, yes. 7:36.

19 Q. And would that mean that this particular phone call
was in 20 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.

8131

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 * * * * *

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8132

1 INDEX

Page 2 Item

3 WITNESSES

4 John Kane

Page 7995 5 Direct Examination Continued by Mr. Goelman

6 Voir Dire Examination by Mr. Tigar

8004		
	7	Direct Examination Continued by Mr. Goelman
8008		
	8	Voir Dire Examination by Mr. Tigar
8011		
	9	Direct Examination Continued by Mr. Goelman
8014		
	10	Voir Dire Examination by Mr. Tigar
8025		
	11	Direct Examination Continued by Mr. Goelman
8026		
	12	Voir Dire Examination by Mr. Tigar
8041		
	13	Direct Examination Continued by Mr. Goelman
8042		
	14	Cross-examination by Mr. Tigar
8049		
	15	Redirect Examination by Mr. Goelman
8064		
	16	Frederick Dexter
	17	Direct Examination by Mr. Mackey
8070		
	18	Voir Dire Examination by Mr. Tigar
8093		
	19	Direct Examination Continued by Mr. Mackey
8094		
	20	Voir Dire Examination by Mr. Tigar
8112		
	21	Direct Examination Continued by Mr. Mackey
8114		
	22	Voir Dire Examination by Mr. Tigar
8120		
	23	Direct Examination Continued by Mr. Mackey

8121

8123 24 Voir Dire Examination by Mr. Tigar

8128 25 Direct Examination Continued by Mr. Mackey

8133

		PLAINTIFF'S EXHIBITS				
Withdrawn	2	Exhibit	Offered	Received	Refused	Reserved
	3	507	8039	8039		
	4	508	8041	8041		
	5	509	8011	8014		
	6	509A	8031	8032		
	7	511	8003	8008		
	8	513-514	8030	8030		
	9	516	8034	8034		
	10	517	8025	8026		
	11	518	8042	8043		
	12	518	8085	8085		
	13	520	8106	8107		
	14	521	8109	8109		
	15	522-524	8107	8107		
	16	525-526	8112	8114		
	17	535	8077	8078		

	18	536	8089	8089
	19	537	8090	8090
	20	540	8092	8094
	21	541	8098	8098
	22	552	8106	8106
	23	553		8130
8130	24	554	8123	
	25	556	8110	8110

8134

	1		PLAINTIFF'S EXHIBITS (continued)			
Withdrawn	2	Exhibit	Offered	Received	Refused	Reserved
	3	557	8110	8110		
	4	558	8114	8114		
	5	559	8116	8116		
	6	1942	8120	8121		
	7	2085	8100	8101		

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.

13

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Paul Zuckerman

Carpenter

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Bonnie