

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

United States of America, )  
)  
Plaintiff, ) Criminal Action  
) No. 21-cr-175  
vs. )  
) JURY TRIAL - PUBLIC  
Ethan Nordean, ) Day 55  
Joseph R. Biggs, )  
Zachary Rehl, ) Washington, D.C.  
Enrique Tarrio, ) March 27, 2023  
Dominic J. Pezzola, ) Time: 10:21 a.m.  
)  
Defendants. )

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TRANSCRIPT OF JURY TRIAL  
HELD BEFORE  
THE HONORABLE JUDGE TIMOTHY J. KELLY  
UNITED STATES DISTRICT JUDGE

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\* \* \* \* \* P R O C E E D I N G S \* \* \* \* \*

THE COURT: All right. So we had our court reporter take ill. Thanks for madam court reporter, you stepping in to fill the gap.

There were two documents, two exhibits we were going to look at really quick.

MR. McCULLOUGH: Yes, Your Honor. So, Your Honor, we had, I think yesterday -- sorry, on Friday we had discussed that Mr. Meza had indicated that he had been kicked out of the MoSD chat, and so we were going to show some of the postings that he had made in that chat around the time that the other messages had come in. So, this one is about -- this one on January 3rd at 15:13 is about an hour before the 5:07:10 message that we looked at on Friday, and I don't believe there is any objection to 1513.

We're also going to show 1514, which is a message that Mr. Meza posted on January 4th. And this, Your Honor, was approximately two hours before the message that we looked at on Friday. That's 5:07:17.

THE COURT: The point is, he was in the group -- he was in the chat group at that time.

MR. McCULLOUGH: He's in the chat group at that time hosting messages.

And then there are intervening messages, which is, I think, where the objections are, Your Honor. So, teeing this

1 up, 1515 and 1516. I'll put that on the screen long enough for  
2 Your Honor to read it. 1515 is a message that is approximately  
3 around an hour after his post on January 4th. And just so you  
4 have the totality of it, and then we can get into the guts of  
5 this. 1516, approximately two hours after his post.

6 THE COURT: Okay. This one is not him.

7 MR. McCULLOUGH: Correct. Correct. 1515 and 1516  
8 are not him.

9 THE COURT: Okay.

10 MR. McCULLOUGH: And, so, I think this is the  
11 objections I've explained to counsel. My expectation is that  
12 he will now say: Look, there are a lot of messages in these  
13 chats and you can't expect me to -- you've kind of picked one,  
14 and you can't expect me to have seen that one.

15 But this man basically testified that the entire  
16 purpose of MoSD was to peaceful -- was to get the guys home  
17 safe, and was to be organized. And the point of these is to  
18 say: Look, you deny being in these chats, but you're in these  
19 chats at this time.

20 And these chats -- we're not cherry-picking  
21 statements about engaging in violent conduct on January 6th, or  
22 statements about dragging politicians out by their hair. The  
23 chats are full of these. And, I think that the jury can  
24 evaluate whether Mr. Meza, who says that he was in these chats,  
25 policing anti-Semitic comments and racist comments, who just

1 kind of missed all of these, whether that's -- should be  
2 credited.

3 And, so, this -- I think -- that's why we intend to  
4 bring these in. And I think that they're kind of rightly in  
5 front of this witness who, basically, said: My understanding,  
6 MoSD was informed strictly by the intro message, the video and  
7 the chats that I saw. And, he's participating in this chat at  
8 this time and this certainly should have informed his  
9 testimony.

10 THE COURT: Show me the next one. I see this one,  
11 1515. What's the --

12 All right. Response?

13 MR. HASSAN: Judge, what the government intends to do  
14 here is introduce two more pieces of -- two more pieces of the  
15 chat stream in the Ministry of Self-Defense. And more so,  
16 Judge, it's cumulative. You can see from the message itself  
17 they're talking about the robe and -- pardon the language,  
18 Judge, but it says, "fuck peace," talks about the mayor of D.C.  
19 is presenting people -- it's simply to inflame the jury.

20 It's cumulative. Its prejudicial value far outweighs  
21 any probative value that the government -- if the government  
22 wanted to go through this passage, the government's presented a  
23 multitude of other exhibits in this case, that they don't need  
24 to present two new pieces of evidence just simply to try to  
25 establish that Mr. Bertino is of this mindset, Judge. So --

1 THE COURT: And show me the previous one,  
2 Mr. McCullough.

3 MR. McCULLOUGH: Yes, Your Honor. And the  
4 government's response, very briefly, is that they are putting  
5 up witnesses that are participating in these chats, and for  
6 that witness to then take the stand and say: I thought it was  
7 going to be a peaceful rally. I thought that the entire  
8 purpose was to keep our guys safe.

9 I think these chats impeach that statement that he  
10 was unaware that there was any discussion of an objective, and  
11 the objective is, frankly, informed by the kinds of things that  
12 these people were talking about in these chats.

13 THE COURT: I got to tell you, I probably -- this was  
14 sort of the issue we teed up very briefly, at least  
15 conceptually, the other day, and whether the government is  
16 able -- these are not already in evidence, and the question was  
17 whether the government would be able to go beyond what they  
18 already have in evidence to do what they're doing here.

19 And conceptually, what I had been -- as I had thought  
20 about it, I think the issue to me was how closely, just like it  
21 was when we talked about these issues -- these same -- the same  
22 issue about it would come in under other theories, is how  
23 tightly was it -- how tightly is it -- you know, if this had  
24 been far from January 6 and something that was sort of an  
25 open-ended call to violence, I would be much less likely to

1 allow this.

2 These two are at least temporarily much closer tied  
3 to January 6, and especially the 1515. But the next one seems  
4 like it is -- the rope, I don't -- whatever you want to call --  
5 talk about it, they are certainly talking about the -- they're  
6 talking about D.C. and preventing people from peacefully -- I  
7 don't know exactly what that's in response to.

8 But it's two days before January 6 and talking about  
9 D.C. and situation in D.C., so that seems at least much more  
10 closely pretty tethered to January 6. So, here's -- I'm going  
11 to -- at least I'm going to split the baby and let you use this  
12 one but not 1515. But 1516, which I think is more closely  
13 tethered to January 6. 1515 is on the borderline. But I think  
14 you get to use -16, but not -15.

15 Ms. Hernandez?

16 MS. HERNANDEZ: Your Honor, the problem with the  
17 government's arguments regarding MoSD is that the express and  
18 theoretical purpose of MoSD is to have a hierarchical setup  
19 where certain people were the ones who gave the instruction, so  
20 that all this idle talk about what we're going to do, blah,  
21 blah, blah is contrary to MoSD, which said: You only do what  
22 Tarrío or Biggs or Nordean or Rehl or whatever the -- the  
23 identified people, and anything else is just garbage talk out  
24 there, one.

25 And, two, these people who are coming -- who are

1 saying this stuff, they're not even there on January 6. You  
2 see that pattern of -- of the -- you know, the people sitting  
3 at home or who are going to be sitting at home, you know, the  
4 internet rage-type theory that you sit at home and you rage at  
5 the world through the internet because you're not actually  
6 doing something.

7 So, again, I think it's -- it's gilding the lilly.  
8 It's cumulative. It's 403. It doesn't -- and talk is not the  
9 same as action, so I would object.

10 THE COURT: I understand, and I understand the team  
11 Tarrio objections. I'm going to let them do it with 1516.  
12 Again, given the witness has testified he was in this chat, he  
13 was monitoring it, and he testified on direct that -- about his  
14 expectations for the day, and the fact that -- and the fact  
15 that he thought it was the purpose. I think this impeaches  
16 that.

17 And there will be, I'm sure, redirect on the fact  
18 that this is -- you know, that putting it in context, as you  
19 say.

20 Yes, Mr. Hassan?

21 MR. HASSAN: Judge, I just want to note something.  
22 And I had the opportunity over the weekend to read the  
23 transcript completely from Friday, Judge, and I just would like  
24 to note for the Court -- no offense to the Court, no offense to  
25 the government, Judge, but when Mr. -- when the witness was



1       testifying, at least on three separate occasions the witness  
2       was not allowed to complete his answer, Judge.

3               And I'll note for the record, the page numbers 15230  
4       of the transcript, 15268 of the transcript, and 15277 of the  
5       transcript, the witness was in the middle of testifying and  
6       answering the government's answer to the fullest of his ability  
7       and we objected, Judge. The Court overruled the objection and  
8       asked the government to proceed with their follow-up question,  
9       Judge.

10              But I just want to note that, Judge, if the witness  
11       is not allowed to complete his answer during that phasing, it  
12       sort of, like, freezes the witness as far as what he can or  
13       cannot respond. And he places the -- the Court places him in a  
14       position where he believes -- he answers the question yes or no  
15       and he can't proceed with following up the answer. So I want  
16       to note that for the record, Judge. It could impair the  
17       defense. So I just want the witness to be able to answer his  
18       questions completely.

19              THE COURT: Mr. Hassan, I've tried to balance that,  
20       of course. And I recall many occasions on Friday when I  
21       allowed him to complete his answer. And, you know -- let's put  
22       it this way: The witness should be able to complete their  
23       answer. On the other hand, sometimes it drags into narrative  
24       and, you know, I've had -- I've had to police this on both  
25       sides.

1           So, you've marked those spots. If you think he  
2           wasn't able to complete his answer on redirect, you're going to  
3           be able to make him -- you're going to be able to give him the  
4           opportunity to complete that.

5           If there's nothing further, let's bring in the  
6           witness and the jury.

7           MS. HERNANDEZ: The Court made a ruling earlier about  
8           the CHS that -- the person that was at issue for the last  
9           couple of days, and you --

10          THE COURT: Correct.

11          MS. HERNANDEZ: -- you made a ruling that you would  
12          not have admitted -- or, you had not admitted questioning about  
13          her CHS role. I just want to note an objection for the record.

14          THE COURT: It is noted.

15          MR. ROOTS: Pezzola joins that.

16          THE COURT: Mr. Mulroe?

17          MR. MULROE: Your Honor, just so we understand where  
18          we are going today in terms of order of call, just so all  
19          parties are on the same page, my understanding is that the  
20          defense does not intend to call Ms. Loh today.

21          MR. JAUREGUI: That's correct, Your Honor.

22          MR. MULROE: And so asking the Court, then, what the  
23          anticipated lineup is for today in terms of the sequence.

24          MR. JAUREGUI: Judge, I did inform the government  
25          over the weekend that I was not going to be calling Ms. Loh

1 today at all, and I informed him that Fernando Alonzo is the  
2 next witness, and then we're going to be trading off, I think,  
3 to Mr. Smith.

4 THE COURT: Mr. Smith?

5 MR. SMITH: That's correct, Your Honor.

6 THE COURT: The person we've been talking about would  
7 be next for you?

8 MR. SMITH: Correct, Your Honor.

9 THE COURT: All right. So, there we have it. Then  
10 following that individual, do we have -- is that Mr. -- my  
11 understanding is that that is then Mr. Finley?

12 MS. HERNANDEZ: Correct.

13 THE COURT: All right. So, that's the next four.

14 MS. HERNANDEZ: Right. And given the -- the -- how  
15 quickly we move, I anticipate that I may ask for an order to  
16 keep Mr. Finley out another day or two. And I'll just --

17 THE COURT: From Judge Chutkan?

18 MS. HERNANDEZ: Yeah. You said you were going to  
19 call her. I'll file something.

20 THE COURT: Okay.

21 MR. McCULLOUGH: And then, Your Honor -- sorry.

22 THE COURT: Let me just ask: So, can we release  
23 Ms. Loh?

24 MR. JAUREGUI: We can, Judge.

25 THE COURT: Okay. All right. So, I mean, I ask

1 because I admonished her. We won't go through that whole  
2 process. So she is -- she is then released, if there's no  
3 objection from the government.

4 MR. McCULLOUGH: No objection from the government.

5 THE COURT: All right. So you can inform her she is  
6 released.

7 MR. JAUREGUI: We will, Your Honor. Thank you.

8 MR. McCULLOUGH: Then asking through the Court, Your  
9 Honor, for the defense -- and they do not have to do this at  
10 this moment, but I would like for this to happen during the  
11 next break -- we would ask, through the Court, the defendants'  
12 anticipated order of call for tomorrow.

13 We did not receive any material -- and this is not --  
14 before anybody gets upset, we're just trying to keep the trains  
15 moving so that we can all be organized. And, so, again, we do  
16 anticipate -- we expect that the procedures will be followed.  
17 We would just ask, through the Court, to just get that  
18 expectation for Tuesday set out at the next break so that the  
19 government can be prepared and, also, anticipate any objections  
20 to the exhibits.

21 THE COURT: 36 hours, I think, the order calls for.

22 But --

23 MS. HERNANDEZ: I gave my witnesses a long time ago  
24 and notified the government, given how we're moving, that it  
25 looks like it wouldn't be Monday, it wouldn't be Tuesday. So,

1 I think my witnesses are listed.

2 And I will tell the Court, however, that as I -- the  
3 government's position is that they're not going to give us any  
4 cross-examination materials until the person testifies. And  
5 that's why we've had two days of argument over what comes in or  
6 doesn't come in. That's not how the Court required the defense  
7 to notify the government during the government's case in chief.

8 We had to -- before the witness took the stand, not  
9 after, after they completed -- we had to let them know, and we  
10 teed it up for the Court; Rule 106 and all of that. That's not  
11 happening. And it's a problem -- it's a problem particularly,  
12 Your Honor, because with any of these witnesses the government  
13 has a lot more material than we do, and they have a lot more  
14 resources than we do.

15 So, you know, Mr. Tarrio puts on this witness and the  
16 government pulls a video from who knows where or whatever. It  
17 would be -- I think under the Sixth Amendment, at a minimum,  
18 there should be parity. In fact, I don't think we should be  
19 identifying the manner -- the proffers and all that, but that's  
20 the Court's order.

21 But, it certainly shouldn't be worse for us so that  
22 we have to wait to put a witness on to get the  
23 cross-examination material when the government -- I guarantee  
24 you the moment that person was identified, the government had  
25 their cross-examination materials listed.

1           And, so, we're sitting here inconveniencing everyone,  
2           and I think -- I would ask the Court, as soon as the  
3           government -- now, my first witness, Finley, I think we're  
4           fine. The government has produced materials, and I think  
5           there's not going to be a problem. But, with the rest of the  
6           witnesses, I believe it's a big problem.

7           THE COURT: Well, what -- what -- what my order was  
8           with regard to government witnesses in particular was, we were  
9           talking about things, videos, other statements that everyone --  
10          there was no secret about them. But, what I wanted to do is  
11          when the defense wanted to say there's been an inconsistent  
12          statement, it just made sense, once the witness was done  
13          testifying, to identify those things so that we didn't have to  
14          litigate: Is this inconsistent or not inconsistent? So --

15          MS. HERNANDEZ: Before the witness testified. Under  
16          the Court's order, we were having to notify the government  
17          before our witnesses -- before the government witnesses  
18          testified.

19          THE COURT: How could you -- I mean --

20          MR. McCULLOUGH: Your Honor, that's simply not the  
21          case. And I think that we -- we actually -- the government did  
22          ask for that at one point because, as the -- Your Honor may  
23          recall, it was actually me that stood, either here or at the  
24          desk, and said Mr. Smith has a very thorough outline with all  
25          of these things marked and we would like to have that in

1 advance.

2 And the response was that, you know, once the  
3 witness -- and -- eventually, we reached the -- well, once the  
4 witness is on the stand, if, Mr. Smith, if you can provide  
5 that, I think, is ultimately where we reached.

6 MS. HERNANDEZ: That's --

7 MR. McCULLOUGH: And -- and we have been following  
8 that process.

9 And I would also note that in the course of the  
10 government's case, the defense was not required to provide all  
11 exhibits that they would be using. And, in fact, we didn't  
12 have issues with when they would seek to introduce and, kind  
13 of, talk about other exhibits with witnesses. It was only,  
14 kind of, simply with respect to this kind of inconsistent  
15 statement concept. And we've been very liberal in providing  
16 that material to the defense, once the witness is on the stand  
17 and we have an understanding as to the scope of their  
18 testimony.

19 As to order of call, Your Honor, Ms. Hernandez is  
20 absolutely correct. She gave us her list of witnesses, but  
21 that does not -- Your Honor, we -- this trial will move most  
22 efficiently if the government has an understanding of which  
23 witnesses will hit the stand on which particular day. And, so,  
24 that's the point of the exercise, to make sure that we have the  
25 defendant's good faith expectation as to: Okay. Who's going

1 to hit the stand today?

2 And I think we came in today with a good  
3 understanding of the disclosures that have been made. We're  
4 rocketing towards tomorrow without that understanding.

5 THE COURT: So let's just -- the government has made  
6 that request. I think it makes sense for the parties to confer  
7 over the breaks. I don't want to spend any more time talking  
8 about this now, but I do think they need to know who is going  
9 to be up at bat tomorrow.

10 Mr. Pattis?

11 MR. PATTIS: Briefly, in support of Ms. Hernandez,  
12 there was an order at one point to identify potential  
13 impeachment material. I recall in the Bertino testimony,  
14 provided to the government prior to my cross-examination of  
15 him, some 40 ranges of items where I might conceivably cross.  
16 I objected at one point, saying: Where is this in the Sixth  
17 Amendment?

18 The Court made its order. It, candidly, benefited my  
19 client in that instance because discussing with Mr. Kenerson, I  
20 was warned off of certain areas because I was told that if I  
21 move left, they'll go right. So I didn't touch it at all. I  
22 want to say that in support of Ms. Hernandez.

23 THE COURT: Fair enough. Let's not waste any more  
24 time right now, and let's move forward.

25 So let's bring in the jury and the witness.



1 (Whereupon the jurors enter the courtroom.)

2 THE COURT: Everyone may be seated.

3 Mr. McCullough, you may proceed with cross.

4 MR. McCULLOUGH: Thank you, Your Honor.

5 JORGE MESA,

6 CROSS-EXAMINATION (Cont.)

7 BY MR. McCULLOUGH:

8 Q. Good morning, Mr. Mesa.

9 A. Good morning.

10 Q. Last week you told this jury that you'd been kicked out of  
11 the Ministry of Self-Defense chats, correct?

12 A. That's correct.

13 Q. And you said that you'd been kicked out prior to January 6,  
14 correct?

15 A. Correct.

16 Q. And I'd asked you about messages that referred to the  
17 Capitol in the Ministry of Self-Defense, correct?

18 A. Correct.

19 Q. You said you hadn't seen those because you'd been kicked  
20 out, correct?

21 A. Correct.

22 Q. But you, in fact, were in the Ministry of Self-Defense  
23 chat, correct?

24 A. Yes, I was.

25 Q. And, you were in the Ministry of Self-Defense chat on

1 January 3rd, correct?

2 A. I'm not sure exactly the date that I was kicked out, but I  
3 believe I wrote a chat that made it onto the media somehow,  
4 expressing --

5 Q. Mr. Mesa --

6 MS. HERNANDEZ: Objection, Your Honor.

7 A. That should tell you the day I was kicked out. But off the  
8 top of my head, I don't know the exact date I was kicked out.

9 BY MR. McCULLOUGH:

10 Q. Mr. Mesa, I'll show you one of your posts.

11 Just for the witness, 1513.

12 Mr. Mesa, do you recognize this? This is Asher

13 Barkizoba --

14 A. I'm not sure what's to recognize. I don't see an image,  
15 but I see my name on there, yeah.

16 Q. Mr. Mesa, you see a post by yourself, Asher Barkizoba --

17 A. Yes, I do.

18 Q. -- on January 3rd at 12:18 p.m.?

19 A. Yes, I do.

20 MR. McCULLOUGH: I move 1513 into evidence and ask  
21 that it be published.

22 MS. HERNANDEZ: Objection, Your Honor. I don't think  
23 this is impeachment.

24 THE COURT: It will be admitted. And permission to  
25 publish.

1 BY MS. McCULLOUGH:

2 Q. And, Mr. Mesa, you posted a message on January 3rd at  
3 12:18 p.m., correct?

4 A. That's what I see here.

5 Q. And was responded to by Gabriel PB. That's Gabriel Garcia;  
6 is that right?

7 A. Yes.

8 Q. Gabriel Garcia was one of the members who was on the  
9 private jet with you and Tarrio in November?

10 A. Yes.

11 Q. He was also in MoSD?

12 A. Yes.

13 Q. And he said: Brother, I got your back. Fuck those that  
14 are talking shit?

15 A. That's what it says here.

16 Q. And these messages are posted at 12:18 p.m. on January 3rd,  
17 correct?

18 A. Yes.

19 Q. And showing you the exhibit that we discussed on Friday.  
20 This is 507-10, already in evidence. This is approximately --  
21 it's less than one hour later, correct?

22 A. Correct.

23 Q. And this is a message posted by Gabriel PB?

24 A. That's what it states here, yes.

25 Q. That's Gabriel Garcia, correct?

1 A. Correct.

2 Q. On the private jet with you in November?

3 A. Yes.

4 Q. And he's posting messages about the 1776 flag flying over  
5 the White House last night.

6 Correct?

7 A. That's what it states here, yes.

8 Q. It goes on to say: Going to be war soon.

9 And Gabriel PB, at 1:21, says: Yes, sir. Time to stack  
10 those bodies in front of Capitol Hill.

11 Correct?

12 A. That's what it says here, correct.

13 Q. And your testimony is you didn't see these messages?

14 A. People who followed me as an individual knows that I'm not  
15 someone who chats typically on Telegram. So I typically await  
16 for the pinned messages that we all know are typically not  
17 trivial. So in terms of the locker room talk, the trivial  
18 statements, and there's thousands of them, I don't think the  
19 average Proud Boy even followed the trend that I see. This  
20 is -- this a form of locker room talk.

21 So, no, I'm not familiar with this, and I really  
22 wasn't familiar with what Gabriel responded to my message.

23 Q. Mr. Mesa, your testimony is that the only thing you paid  
24 attention to were the anti-Semitic messages, correct?

25 A. I would occasionally see passages that people would forward

1 to me and say: Hey, look what's going on. Because there was  
2 many people in the club who were concerned. So, yes, they saw  
3 me as some sort of spokesman for that cause, yes.

4 Q. Mr. Mesa, this chat went on at, 507-11, 1:30 p.m. Gabriel  
5 Garcia continued to post about this. And at 1:37 p.m.,  
6 focusing you on this message, at the bottom. "So are the  
7 normies and other attendees going to push through police lines  
8 and storm the Capitol buildings.

9 Correct?

10 A. That's what it states here, yes.

11 Q. And you're saying you didn't see that either?

12 A. No, I did not.

13 Q. Mr. Mesa, you continued to post in this chat on  
14 January 4th, correct?

15 A. I don't rememberer.

16 Q. Just for the witness, please.

17 Showing you 1514. Mr. Mesa, is this a post by you on  
18 January 4th?

19 A. That's what it states. I'm not sure what I may have posted.

20 MR. McCULLOUGH: Move to admit 1514.

21 THE COURT: It will be admitted. And permission to  
22 publish.

23 BY MR. McCULLOUGH:

24 Q. Mr. Mesa, you posted another message on January 4th at  
25 1:31 p.m., correct?

1 A. That's what it states here, yes.

2 Q. Mr. Mesa, this is the next day, January 4th, you're still  
3 posting --

4 A. This is over two years ago, so --

5 THE COURT: Sir, you need to wait until the question  
6 is asked before you answer.

7 THE WITNESS: No problem.

8 THE COURT: Again, for the court reporter's sake.

9 THE WITNESS: Yes, sir.

10 BY MS. McCULLOUGH:

11 Q. Mr. Mesa, this is the next day, January 4th, correct?

12 A. That's what it states, yes.

13 Q. Still posting messages in the chat, correct?

14 A. That's what it states here, yes.

15 Q. Still in the chat, correct?

16 A. Yes, sir.

17 Q. And, Mr. Mesa -- just for the the witness, please --  
18 showing you 1516.

19 These are additional messages in the chat; is that  
20 correct?

21 A. They may have been. I'm not familiar with them.

22 MR. McCULLOUGH: I move to admit 1516.

23 THE COURT: All right. It will be admitted. And  
24 permission to publish.

25 BY MS. McCULLOUGH:

1 Q. Mr. Mesa, these posts are made on January 4th at 3:20 p.m.,  
2 shortly after your post; is that right?

3 A. I'm not sure if they were made or not.

4 Q. And, Mr. Mesa, the first post on January 4th here at the  
5 top, at 3:20 p.m., is from KBSman 2. Do you see that?

6 A. I see it on the screen, yes.

7 Q. It says: This fucking mayor of D.C. is preventing the  
8 people of America from peacefully protesting the stealing of  
9 our voice.

10 Did I read that correctly?

11 A. You read it correctly.

12 Q. And then KBSman posted another message after that. What  
13 does that say?

14 A. "The rope."

15 Q. And then Noblebeard posts another message at 3:20 p.m.,  
16 that message says: Fuck peace.

17 Correct?

18 A. That's what it says.

19 Q. And then KBSman 2 posts another message at 3:21 p.m. That  
20 message says: That's absolutely right. They call down the  
21 thunder. Well, now they get it.

22 Did I read that correctly?

23 A. That's what it states here, yes.

24 Q. Your testimony to this jury is you didn't see any of those  
25 messages either?

1 A. I didn't see this and the thousands of other messages that  
2 were very trivial on that chat.

3 Q. You agree that there's a trend of this kind of discussion  
4 in this chat?

5 A. I would say that the vast majority of statements that  
6 appear in this chat had to do with protecting Proud Boys. This  
7 is part of the riffraff, and for some reason, I don't see those  
8 statements posted.

9 Q. And your testimony is that that riffraff includes Gabriel  
10 PB, correct?

11 A. Correct.

12 Q. Gabriel Garcia was one of the people that were on the  
13 private jet with Enrique Tarrio?

14 A. Correct.

15 Q. Your testimony is that Gabriel Garcia, who was brought into  
16 the MoSD by Enrique Tarrio, is part of the riffraff; is that  
17 right?

18 A. No, that's not what I said. I said that I considered  
19 certain individuals in this chapter as part of the riffraf.  
20 Whether Enrique trusted them or not, that's up to his  
21 discretion.

22 Q. Showing you 507-16, also in evidence. This is also shortly  
23 after your post. This is at 3:22 p.m. More discussion: What  
24 would they do if 1 million patriots stormed and took the  
25 Capitol building? Shoot into the crowd? I think not.



1 Do you see where it says that?

2 A. Yes, I do.

3 Q. And, again, your testimony to this jury is you didn't see  
4 this one either?

5 A. No, I did not.

6 Q. Now, Mr. Mesa, Enrique Tarrío was arrested on January 4th,  
7 correct?

8 A. Correct.

9 Q. And the Ministry of Self-Defense chat was nuked, correct?

10 A. I'm not sure when I was kicked out exactly. It wasn't  
11 nuked when I was there, or then I would still be in the chat  
12 and have knowledge of it being nuked. But it was destroyed  
13 after I was kicked out. So I can't really testify to when it  
14 was destroyed or if it was destroyed.

15 Q. And, Mr. Mesa, a new chat was made for the Ministry of  
16 Self-Defense, correct?

17 A. I would --

18 MR. HASSAN: Objection. Foundation.

19 THE COURT: Why don't you ask him if he knows the  
20 answer to that question.

21 A. I wouldn't know because I wouldn't have been invited after  
22 they kicked me out of the first one.

23 BY MR. McCULLOUGH:

24 Q. Mr. Mesa, a new chat was created called Boots on the  
25 Ground, correct?

1 MR. HASSAN: Same objection.

2 THE COURT: The witness can answer, if he knows.

3 A. I don't remember that.

4 BY MR. McCULLOUGH:

5 Q. Mr. Mesa, you testified on direct on Friday that you were  
6 included in Boots on the Ground. You don't remember that?

7 A. The initial chats of Boots on the Ground. I'm not familiar  
8 with it being destroyed and then recreated.

9 Q. But you were included in Boots on the Ground; is that  
10 right?

11 A. In the initial chats, yes.

12 Q. Just for the witness, please.

13 Mr. Mesa, I'm showing you what's been marked as  
14 Exhibit 1519. Do you see that?

15 A. Yes, I do.

16 Q. Mr. Mesa, you remained in the Ministry of Self-Defense  
17 chat. Do you see your messages at the bottom on January 9th?

18 A. This can't be accurate because I was kicked out of the  
19 chat.

20 Q. Mr. Mesa, you denied sending these chats in the Ministry of  
21 Self-Defense?

22 MR. PATTIS: Objection. Referring to a document not  
23 in evidence.

24 THE COURT: Overruled.

25 A. I can't verify what chat this belonged to, only because it

1 says "Ministry of Self-Defense" on top. It's hard to believe  
2 they would allow me back into the chat after they kicked me out  
3 of the chat. And I will tell you, the average Proud Boy didn't  
4 even know this chat even existed. So I question this  
5 statement, if I made it at all, if it was made in this chat.  
6 Yeah.

7 MR. McCULLOUGH: Move to admit 1519.

8 MR. HASSAN: Objection, Judge. Foundation. He's  
9 unaware.

10 THE COURT: Mr. McCullough?

11 MR. McCULLOUGH: Your Honor --

12 THE COURT: Let me hear you at sidebar briefly.

13 (Bench discussion:)

14 THE COURT: Mr. Hassan, even if he's unaware, you're  
15 not disputing the accuracy of this, are you?

16 MR. HASSAN: Repeat, Judge. My apologies.

17 THE COURT: That's okay.

18 Your objection is foundation, so that's independent  
19 of whether this is accurate or not. In other words, your  
20 objection is if they want this on, they have to put someone on  
21 the stand to say it's accurate. And because he didn't remember  
22 any of this, it doesn't come in through him?

23 MR. HASSAN: Judge, that's part of it, Judge. And  
24 apart from that, this is a chart we've never seen. This is the  
25 first time we've seen this chart. In the past, we've seen

1 multiple charts that the government has created in this  
2 example, but this is completely different from what we've  
3 normally seen.

4 They also got other things in through FBI agents who  
5 testified as to who provided foundation and testified as to how  
6 they were created.

7 THE COURT: Mr. McCullough, what's your -- what's  
8 your response to that?

9 MR. McCULLOUGH: Your Honor, this was authenticated  
10 through Ms. Cain. She authenticated the Ministry of  
11 Self-Defense Main 2 chat. This has been provided to defense.  
12 This was also provided to defense over the witness, so I did  
13 not believe there to be any objection to this.

14 And so we -- it's authentic. It's been authenticated  
15 by a witness and we can put it in front of this witness.

16 THE COURT: You can put it in front of him, but isn't  
17 there -- is there a foundation problem that he can't say: I  
18 remember any of this?

19 And I don't know how this was compiled.

20 MR. McCULLOUGH: Your Honor, I -- for purposes -- if  
21 you want us to wind up the -- or, kind of button up the  
22 foundation later. But in terms of being able to publish this  
23 to the jury, we are absolutely able to publish this to the jury  
24 based on its previous authentication.

25 THE COURT: All right. I think you get to publish

1 it. It's a good faith basis to believe this is his prior  
2 statement. I guess we can talk about whether it gets admitted  
3 fully down the road.

4 Isn't that fair, Mr. Hassan?

5 MR. HASSAN: Judge, my concern is this witness has  
6 already adamantly said he doesn't know if he posted this, if it  
7 was even posted in this chat. He believed that he was kicked  
8 out of Ministry of Self-Defense previous to that.

9 What the government has to do now, at this point in  
10 time, Judge, is if you see mentioned, it says: If not now,  
11 then when?

12 The message prior to that is a 34.5 megabyte video  
13 which it recorded. It appears to be by Mr. Barkizoba, the  
14 recording in and of itself. But as far as his publishing and  
15 putting it in the chat and him being the one publishing, it's a  
16 foundational issue for the government to overcome.

17 We know about the issues that occurred with the  
18 officer, Judge. When Mr. Hassan questioned Kate Cain and  
19 questioned other individuals and we didn't -- they couldn't  
20 verify whether certain individuals had posted certain things,  
21 if there had been corrections, there had been notations. So,  
22 there's a foundational issue, Judge.

23 THE COURT: Ms. Hernandez?

24 MS. HERNANDEZ: Your Honor, and it appears to be this  
25 is a document generated for litigation, so what they

1 introduce -- what the government introduced earlier, though,  
2 were business records from AT&T or whomever. This is a  
3 document generated for a chart generated, which should have  
4 been produced to us.

5 THE COURT: I don't see why it can't be published for  
6 the jury and he can't be asked. They have a good faith basis  
7 to ask him about these statements.

8 MS. HERNANDEZ: It's hearsay. It's hearsay. It's a  
9 document generated for litigation.

10 THE COURT: They're not -- no, it's not.

11 MS. HERNANDEZ: They've picked and chosen these.  
12 This isn't like a running tab of everything.

13 THE COURT: Mr. McCullough, you're using it for the  
14 statements on 1-9, correct?

15 MR. McCULLOUGH: That's correct.

16 THE COURT: All right.

17 (Open court:)

18 THE COURT: You may publish it to the jury.

19 BY MS. McCULLOUGH:

20 Q. There is one thing I would like to say regarding this  
21 chart, Mr. Mesa, if I could.

22 A. Sure.

23 Q. You were in the Ministry of Self-Defense chat as of 9th; is  
24 that right?

25 A. No, I was not. This was a shared post, and this is why the

1 format is different. So, it looks like I did it, but I didn't.  
2 When someone shares someone else's post in a chat room, it  
3 looks like it came from the person. So, I mean, I don't know  
4 if it was intentional that it was broken down like this, but I  
5 was kicked out of this group, and someone looks like they  
6 shared my video which was called: If not now, then when?

7 Q. And you made a video in which you said: If not now, then  
8 when?

9 Correct?

10 MS. HERNANDEZ: Move to strike, Your Honor.

11 THE COURT: Overruled.

12 BY MR. McCULLOUGH:

13 Q. Do you recall making a video in which you said: If not  
14 now, then when?

15 A. Yes.

16 Q. You were discussing January 6 in that video, correct?

17 A. Yes.

18 Q. And you began and ended that video with the Uhuru Brothers;  
19 is that correct?

20 A. Yes, sir.

21 Q. Mr. Mesa, your testimony is that you went to the Capitol  
22 around 2 p.m., correct?

23 A. Correct.

24 Q. And you made it to within 15 feet of the Columbus doors on  
25 the East Side of the Capitol, correct?

1 A. I may have been a little closer than that, yes.

2 Q. You may have been even closer than 15 feet to the Columbus  
3 doors, correct?

4 A. If I remember correctly, it's possible.

5 Q. You saw officers being violently assaulted?

6 MR. HASSAN: Judge, objection. Asked and answered  
7 from previous Friday, Judge.

8 THE COURT: Overruled.

9 A. I think everyone saw what I saw, because they saw the  
10 video. I saw mass hysteria, and I saw people emoting.

11 BY MS. McCULLOUGH:

12 Q. You saw what was depicted in that video, correct?

13 A. Yes.

14 Q. Officers being violently assaulted, correct?

15 A. Not in that video.

16 Q. Ms. Rohde, if we can have that video again. It's 420-Bravo  
17 (sic).

18 MR. HASSAN: Judge, objection to playing the video.  
19 Once again, it's cumulative. We've already gone through this  
20 video. And it's asked and answered, Judge.

21 THE COURT: Overruled, given the testimony.

22 MS. HERNANDEZ: Your Honor, objection on the limiting  
23 instruction that was earlier -- objection. And request a  
24 limiting instruction as discussed earlier.

25 Thank you.



1 THE COURT: You may proceed, Mr. McCullough.

2 MR. McCULLOUGH: And for the record, this is  
3 440-Bravo.

4 My apologies, Madam Deputy.

5 Ms. Rohde, if you can play this:

6 (Video played.)

7 Pause there.

8 BY MS. McCULLOUGH:

9 Q. You saw the officers there that day?

10 A. Yes, I did.

11 (Video played.)

12 Pause there.

13 Mr. Mesa, you see two more officers there  
14 (indicating), correct?

15 A. Yes, I do.

16 Q. Pinned against the doors?

17 A. Against doors? I don't see officers right now. I see  
18 officers who were being thanked for doing their job and who  
19 were pepper-sprayed by other officers.

20 Q. Ms. Rohde, play.

21 (Video played.)

22 Mr. Mesa, you were right there when all this was  
23 happening, correct?

24 A. Yes.

25 Q. Mr. Mesa, you remained in this area of the Capitol for some

1 time, correct?

2 A. No, I did not.

3 Q. Showing you 1524, just for the witness.

4 MR. PATTIS: Number again, please.

5 THE COURT: 1524.

6 MR. PATTIS: Thank you.

7 BY MS. McCULLOUGH:

8 Q. Mr. Mesa, is this you (indicating)?

9 A. This is three hours later, after we left and came back.

10 But, referring to the video, I was probably there two or three  
11 minutes.

12 Q. Mr. Mesa, this is you, this video, correct?

13 A. Yes, it is.

14 MR. McCULLOUGH: And move to admit 1524 from 6:18 to  
15 6:50.

16 THE COURT: With that limitation, it will be  
17 admitted. And permission to publish.

18 Play, Ms. Rohde.

19 (Video played.)

20 BY MS. McCULLOUGH:

21 Q. Did you hear what you said there?

22 A. Yes.

23 Q. "Proud Boys are wearing black today," correct?

24 A. Yes.

25 Q. Play.

1 (Video played.)

2 "This election was stolen," correct?

3 A. That's what I said there, yes.

4 Q. "This is our House," correct?

5 A. I think that's accurate, yes.

6 Q. That's what you said?

7 A. That's what I said.

8 Q. This -- "Patriots are rising up," correct?

9 A. Can you repeat that again? I'm sorry.

10 Q. "Patriots are rising up," correct?

11 A. That's not what I said.

12 Q. Play it again.

13 A. Are you asking me if I said, "Patriots are rising up"?

14 Q. Play it up, Ms. Rohde.

15 (Video played.)

16 Pause there.

17 "This election was stolen"?

18 A. That's what I said.

19 Q. "This election was stolen," correct?

20 A. That's what I said there.

21 Q. "This is our House"?

22 A. Correct.

23 Q. "Patriots are rising up"?

24 A. That's what I said, yes.

25 Q. "Uhuru," correct?

1 A. That's what I said, yes.

2 Q. Mr. Mesa, you mentioned previously a video that you'd  
3 recorded, correct? "If not now, then when?"

4 A. I'm sorry, I make many videos. But, yes.

5 Q. If we could have 1523.

6 Mr. Mesa, this is you in your selfie-style video; is  
7 that right?

8 A. Yes.

9 MR. McCULLOUGH: And I move to admit 1523. And  
10 permission to publish?

11 THE COURT: It will be admitted. And permission to  
12 publish.

13 MS. HERNANDEZ: This is the objection to the limiting  
14 instruction request, Your Honor.

15 THE COURT: Yes.

16 You may proceed, Mr. McCullough.

17 BY MR. McCULLOUGH:

18 Q. And, Mr. Mesa, this is about a four-and-a-half-long --  
19 four-and-a-half-minute-long video; is that right?

20 A. Yes, that's what it says here.

21 Q. In this video you called January 6 the "glorious event,"  
22 correct?

23 A. I believe so, yes.

24 Q. You say, "What happened in D.C. was called for," correct?

25 A. That's what I said in the video, yes.

1 Q. Says, "This is the most patriotic act in this country in  
2 the last hundred years," correct?

3 A. Yes, I believe that.

4 Q. Play, Ms. Rohde.

5 (Video played.)

6 "When is violence justified according to Republicans."

7 Is that what you said?

8 A. Yes, sir.

9 Q. That's how you felt?

10 A. That's how I feel.

11 Q. That's how you feel.

12 (Video played.)

13 "The founding fathers revolted against the crown for  
14 less."

15 Is that what you said?

16 A. This is historical, yes.

17 Q. Reference to 1776, the American Revolution?

18 A. That's the event, yes.

19 (Video played.)

20 Q. You refer to "stopping the steal," correct?

21 A. That's the name that the rally was given, and the cause in  
22 general, yes.

23 (Video played.)

24 Q. That was the purpose, to go to the Capitol and stop the  
25 steal, correct?

1 A. No, that was not the exact purpose. The purpose was to  
2 support our candidate, and hope that at that time former  
3 Vice President Pence would do the right thing.

4 Q. Through violence, correct?

5 A. No. No. That's not what I said.

6 (Video played.)

7 Q. "Violence is the only language that tyrants understand,"  
8 correct?

9 A. I didn't coin the term, but, yes.

10 Q. That's how you felt?

11 A. At that point in time, yes.

12 (Video played.)

13 Q. You were attacking, correct?

14 A. Who was attacking? I, myself, did no attacking. I was  
15 performing security.

16 (Video played.)

17 Q. Your testimony is that you only acted because someone was  
18 holding your hand?

19 A. No. I'm speaking about individuals who actually went in,  
20 not just people who were there holding a flag.

21 Q. You're not talking about the people that attempted to get  
22 through that Columbus door?

23 A. Can you repeat that again -- or can you phrase it  
24 differently?

25 Q. You attacked the Columbus door --

1 A. I did not.

2 Q. -- on January 6?

3 A. I did not.

4 (Video played.)

5 Q. January 6 was a "glorious event" to you, wasn't it?

6 A. That's what I said, yes.

7 MR. McCULLOUGH: No further questions.

8 THE COURT: All right.

9 Any redirect examination?

10 REDIRECT EXAMINATION

11 BY MR. HASSAN:

12 Q. Good morning, Mr. Mesa.

13 A. Good morning.

14 MR. HASSAN: Judge, may I proceed?

15 THE COURT: You may, sir.

16 BY MR. HASSAN:

17 Q. Mr. Mesa, the government asked you a series of questions,  
18 and I'm going to try to go on a sort of, like, a chronological  
19 order here.

20 You participated in November rally we had discussed  
21 before, correct?

22 A. Yes, sir.

23 Q. And the government had asked you a series of questions  
24 regarding that November rally, correct?

25 A. Yes.

1 Q. And during that November rally, did you -- did you impede  
2 law enforcement in November rally?

3 A. No, I did not.

4 Q. Did you assault law enforcement in November rally?

5 A. No, I did not.

6 Q. Did you strike a police officer at any point in time?

7 A. I would never strike a police officer. No, I did not.

8 Q. Whether it be Metropolitan Police Department, did you  
9 strike them?

10 A. No, I did not.

11 Q. Did you strike Capitol Police Department?

12 A. No, I did not.

13 Q. Did the -- the issues in November related to individuals in  
14 antifa; is that fair to say?

15 A. Can you repeat the question, sir?

16 Q. The banter that was going on in November related to antifa,  
17 correct?

18 A. Correct.

19 Q. Let's fast forward to December rally.

20 In the December rally, did you impede law enforcement in  
21 December rally?

22 A. No, I did not.

23 Q. The government asked you questions regarding December  
24 rally, correct?

25 A. Yes, sir.



1 Q. Did you assault law enforcement?

2 A. No, I did not.

3 Q. Did you see individuals that are present here before the  
4 Court strike or assault law enforcement at any point in time?

5 A. No, I did not.

6 Q. You discussed regarding what the purpose and some of the  
7 issues that arose during December rally, correct?

8 A. Yes.

9 Q. And those issues related to, once again, with antifa,  
10 correct?

11 A. That and protecting Americans, yes.

12 Q. And when you say "protecting Americans," can you tell the  
13 ladies and gentlemen of the jury what you mean by "protecting  
14 Americans"?

15 A. Standing in harm's way.

16 Q. "Standing in harm's way."

17 Can you describe that a little bit more? What do you  
18 mean by "Standing in harm's way"? We can interpret that any  
19 number of ways.

20 A. Sure. The core of this organization is reactionary. We do  
21 things other people don't because we don't want innocent  
22 Americans to be harmed.

23 Q. And when you say "innocent Americans to be harmed," what do  
24 you mean by "innocent Americans to be harmed"? In what way are  
25 they harmed?

1 A. For political reasons. We don't think it's fair that  
2 someone who just wants to support their candidate should be  
3 bullied into he either voting or thinking in a specific manner.

4 Q. On Friday, the government discussed with you your departure  
5 from the armed forces. Do you recall that?

6 A. Yes, sir.

7 Q. And that it has caused you being -- they said, in a way, of  
8 being court-martialed. That you sort of, like, danced around  
9 being court-martialed. Do you recall that?

10 A. Yes.

11 Q. Can you describe to the ladies and gentlemen of the jury  
12 what transpired and why you did what you did in regards to the  
13 U.S. Army?

14 A. Sure. It's really standard operating procedure. The  
15 average person who wants to get his MOS changed -- my job was  
16 in infantry. I was Eleven Bravo. I was a paratrooper. I was  
17 stationed in the 82nd Airborne, and I did my time there. I  
18 contributed. I didn't finish my contract. I tried to change  
19 my MOS because I felt I was lied to. I couldn't go to college  
20 while I was in the military.

21 Q. Why -- why were you changing your MOS? What were you going  
22 to -- where did you want to go?

23 A. I wanted to become a chaplain's assistant.

24 Q. Okay. So proceed.

25 A. So, it is true that in active duty military you could

1 attend college, but not while you're infantry or a paratrooper.  
2 This was changed later on. I think when General Shinseki came  
3 on, he modified the rules, but this is after I got out of the  
4 military. So we were constantly in the field. Constantly.  
5 This was before 911, before -- it was just peace time.

6 So, after a couple of years, I tried to renegotiate  
7 my contract. They were hurting for infantrymen, and they  
8 wouldn't let me move to a different MOS. So one thing that  
9 people do to just get out of their contract is to go AWOL for  
10 more than six months, turn themselves in, and in lieu of  
11 court-martial, they get somewhat of a general Other Than  
12 Honorable discharge.

13 Q. So, in fact, you did not receive a dishonorable discharge,  
14 correct?

15 A. Correct.

16 Q. It was a general discharge from the armed forces; is that  
17 fair to say?

18 A. It's similar to a general discharge, yes.

19 Q. And that's because you simply wanted to change your  
20 designation; is that fair?

21 A. Correct.

22 Q. And when -- you say you went AWOL, basically in order to  
23 withdrawal from the armed forces?

24 A. Correct. And I turned myself in afterwards.

25 Q. And the military -- military police, they didn't go out and

1 seek you, correct?

2 A. Well, they do put out a warrant for you, if you ever get  
3 pulled over or anything like that, then, yeah. But they didn't  
4 come to my door or anything.

5 Q. You went to where they were, correct?

6 A. Correct.

7 Q. And you addressed the issues that were going on, correct?

8 A. Yes.

9 Q. And it was at that point in time that you received a  
10 general discharge?

11 A. Yes.

12 Q. Or the discharge that you received?

13 A. About two months after that, yes.

14 Q. Ms. Rohde, if we can pull up Exhibit 1513. And if we can  
15 have government table -- the exhibit for government table.  
16 1513.

17 THE COURTROOM DEPUTY: What number is it?

18 MR. HASSAN: 1513. And if we can publish to the  
19 jury.

20 BY MR. HASSAN:

21 Q. Mr. Mesa, you see the exhibit that's shown before you?

22 A. Yes, I do.

23 Q. The exhibit that's before you is a blank message from you,  
24 allegedly, correct?

25 A. Correct.

1 Q. And then an individual, Gabriel PB, says something at the  
2 bottom, correct?

3 A. Yes.

4 Q. You don't know if Mr. Gabriel PB is responding to your  
5 message, correct?

6 A. I cannot verify that.

7 Q. It can be possible that Mr. Gabriel PB was responding to  
8 somebody else; is that fair to say?

9 A. Well, this happens a lot, that if someone deletes a message  
10 in between another message, it looks like to that person may be  
11 responding to you. This creates CORALs.

12 Q. So, in fact, you don't know what Gabriel PB is responding  
13 to, and you don't know what your message is in there, correct?

14 A. I've never seen this message before, correct.

15 Q. Let me ask you this: Were -- at any point in time, were  
16 you designated by Enrique or anybody else to monitor the chats?

17 A. No.

18 Q. Were you in charge of making sure what was said in the  
19 chats was neutral, unbiased, anti-prejudicial, anything along  
20 those lines?

21 A. No.

22 Q. Anti-Semitic?

23 A. No.

24 Q. You took it upon yourself -- when you saw certain remarks,  
25 is it fair to say you took it upon yourself to speak up

1 regarding those issues?

2 A. Correct. I and other Proud Boys did the same thing, yes.

3 Q. It was only when you came across it that you discussed it,  
4 correct?

5 A. Correct.

6 Q. Ms. Rohde, if we can pull 503-1.

7 And, Ms. Harris, if you can publish that to the jury.

8 And if we can scroll to the bottom of that, Ms. Rohde.

9 Mr. Mesa, do you know what a bot is, a B-O-T?

10 A. Yes.

11 Q. And you're in -- what field are you?

12 A. IT.

13 Q. And that message from Enrique Florida PB, does that seem to  
14 you as a bot?

15 A. No.

16 Q. You don't know if it is, you don't know if it isn't, or  
17 you're sure it's not a bot?

18 MR. McCULLOUGH: Objection. Asked and answered.

19 THE COURT: Sustained.

20 A. I'm not certain, but it sounds like the same form of speech  
21 that Enrique would post. I mean, he was very professional,  
22 always.

23 MR. HASSAN: Ms. Rohde, if we can pull up 1524.

24 (Video played.)

25 Actually, let's pause there.

1 Ms. Harris, if we can take it down. I believe it's  
2 16 -- 16 -- 618? And if we can go about -- start playing it --  
3 not yet, Ms. Harris.

4 (Video played.)

5 MR. HASSAN: Ms. Rohde, if we can pause there.

6 Ms. Harris, if we can publish that to the jury.

7 BY MR. HASSAN:

8 Q. Is this you, Mr. Mesa (indicating)?

9 A. That is me, yes.

10 Q. Is this how you went to the Capitol on January 6?

11 A. Yes.

12 Q. Did Enrique instruct you to go to the Capitol that day?

13 A. By the "Capitol," do you mean the building?

14 Q. The building, correct.

15 A. No, he did not instruct me.

16 Q. Was there discussion by any of the Proud Boys to go to the  
17 Capitol that day?

18 A. No, there wasn't.

19 MR. McCULLOUGH: Objection. Foundation.

20 THE COURT: Overruled.

21 BY MR. HASSAN:

22 Q. Was there any instructions by the Proud Boys to be at the  
23 Capitol that day?

24 A. No, there was not.

25 Q. And I'm talking about the United States Capitol, the

1 building.

2 A. No, there was not.

3 Q. I'm circling -- it appears to be a badge, correct?

4 A. Correct.

5 Q. What is that badge?

6 A. That's the back-the-blue badge.

7 Q. Back-the-blue badge.

8 What day is this again?

9 A. January 6.

10 Q. You're carrying -- what other badges are you carrying on  
11 you?

12 A. Next to that badge I have the Israeli flag. In the back of  
13 my vest, I have a badge of the 82nd Airborne and a "Don't Tread  
14 on Me" badge.

15 Q. On January 6, were you supporting law enforcement?

16 A. Yes, I was.

17 Q. Were the -- to your knowledge, did Enrique support law  
18 enforcement come January 6?

19 A. Yes, he did.

20 Q. And what leads you to believe that?

21 A. He easily could have broken a court order and entered the  
22 Capitol, if the assumption was some sort of coup d'état, but he  
23 respected that court order enough to remain in Baltimore.

24 Q. If we can take down that -- take down that image,

25 Ms. Harris.



1           Mr. Mesa, the government concluded by showing you a  
2       video that says that you created it, correct? "If not now,  
3       then when?"

4       A. Yes, sir.

5       Q. Is this your feelings regarding what occurred on  
6       January 6th?

7       A. It's my personal feeling, yes.

8       Q. Is that the feelings of Mr. Tarrio?

9       A. No.

10           MR. McCULLOUGH: Objection. Foundation.

11           THE COURT: Sustained.

12       BY MR. HASSAN:

13       Q. Did Mr. Tarrio instruct you to place that video?

14       A. No, he did not.

15       Q. Did Mr. Tarrio represent to you that those were his  
16       sentiments?

17       A. His sentiments were the opposite. No, he did not.

18       Q. When you say "his sentiments were the opposite," what were  
19       his sentiments?

20       A. He was interviewed a few weeks after --

21           MR. McCULLOUGH: Objection. Objection.

22           THE COURT: Sustained. Sustained.

23       BY MR. HASSAN:

24       Q. Mr. Mesa, the government discussed with you you being on  
25       video chats, correct?

1 A. Video chats, yes.

2 Q. Video chats with the MoSD, correct?

3 A. Correct.

4 Q. And you were part of a video chat that was the introductory  
5 MoSD, correct, a brief?

6 A. Correct.

7 Q. And you sat through the whole MoSD brief video, correct?

8 A. Yes, I did.

9 Q. And you had the opportunity to listen to the comments of  
10 the individuals that are present here before the Court,  
11 correct?

12 A. Correct.

13 Q. Ms. Harris, if we can pull up on defense table Tarrío  
14 Exhibit 133.

15 Has it already been introduced?

16 THE COURTROOM DEPUTY: No, it hasn't been introduced.

17 MR. HASSAN: It had already been previously  
18 introduced.

19 THE COURTROOM DEPUTY: No.

20 MR. HASSAN: I believe this government showed this  
21 video before.

22 Tarrío 133 is not in? Government Exhibit 613?

23 THE COURTROOM DEPUTY: 613?

24 MR. HASSAN: Yes.

25 THE COURTROOM DEPUTY: I have a bunch of 613s.

1 MR. HASSAN: And we'll go through that.

2 THE COURTROOM DEPUTY: Some have been admitted, some  
3 have not. The whole of 613 is not in.

4 MR. HASSAN: That's fine. We'll take it step by  
5 step.

6 BY MR. HASSAN:

7 Q. Mr. Mesa, do you recognize what you have before you?

8 A. Yes, I do.

9 Q. And is -- what is -- what are you looking at right now?

10 A. This was the initial briefing, the introduction of what the  
11 MoSD group was all about.

12 Q. Okay. And the government asked you a series of questions  
13 regarding this video, correct?

14 A. No, they did not.

15 Q. Mr. Mesa, there was a point in time where the government  
16 expressed that -- and you quoted in particular saying --

17 A. This is the first time I've seen the video.

18 Q. Mr. Mesa --

19 MR. McCULLOUGH: Object to scope.

20 THE COURT: I'm going to have hear you Mr. Hassan, on  
21 this.

22 (Bench discussion:)

23 MR. HASSAN: There's so few that say defense  
24 attorney, so I want to make sure --

25 Judge, so in regards to scope, number one, I was

1 going to ask him a question, if he knows the name at the bottom  
2 of the page.

3 Number two, Judge, and I'll tell you, the next  
4 portion of it the government will integrate detail to discuss  
5 whether Mr. Tarrio -- issues with Mr. Tarrio expressing his  
6 position of self-defense and elaborate on that on multiple  
7 occasions in the initial brief. And I was going to go to that  
8 next. The timestamp is 7:54 to 8:13, pretty much, clearly.  
9 Did I -- it's Tarrio, himself, discussing self-defense portion  
10 of Proud Boys, explaining what to do and what the purpose of  
11 MoSD is, Judge.

12 So, it's clearly within scope of the government's  
13 cross-examination, and it's Tarrio basically explaining how --  
14 if the Court doesn't want me to go into, which I believe it's  
15 fair game, Judge, because they did go into elaborate detail  
16 regarding the video. There's about -- I want to say 15,000  
17 pages, I want to say here, where there's about ten pages of  
18 multiple discussions that Mr. McCullough had with Mr. Mesa  
19 regarding the video clip chats, the StreamYard and multiple  
20 things throughout that time period when they went into detail  
21 cross-examining him on this issue. So I believe it's fair  
22 game, the whole video itself, but I just intend to introduce  
23 those two portions, Your Honor.

24 THE COURT: Number one, Mr. McCullough, what's your  
25 view?

1 MR. McCULLOUGH: Object. Beyond the scope. We did  
2 not -- it's just factually incorrect. Even if the witness said  
3 this, we did not go into detail on this. We did say his basis  
4 of knowledge was from this video, and that was elicited on  
5 direct. We crossed on it. That's it. There's no more to it.  
6 There's just nothing more to this video at this point.

7 THE COURT: Mr. Hassan?

8 MR. HASSAN: Judge, that's completely incorrect. I'm  
9 looking at it right here. Not everyone was welcome into the  
10 StreamYard portion of the video. YouTube portion was for  
11 people who watched. You weren't welcome into the StreamYard.  
12 And then it went further. Then discussed whether the YouTube  
13 was public, wasn't public, who could watch it, being private,  
14 not being private.

15 The government went into detail discussing -- as far  
16 as Mr. Tarrio's discussion regarding self-defense. This is  
17 fairly within the game, Judge. This is Mr. Tarrio, himself,  
18 expressing it.

19 THE COURT: The point about Mr. -- the point about  
20 the name on the screen right now and anything -- that is  
21 clearly out. Okay. Clearly. The video was discussed, but it  
22 was really just his impression of it. And he already said, you  
23 know, he already confirmed -- I guess I don't understand what  
24 more you can do with it.

25 He said -- -- let's put it this way: His testimony

1 was, yes, this reflects self-defense -- you know, self-defense.  
2 Reflects self-defense. What more is there? Why do you have to  
3 recross him by playing it -- redirect, sorry.

4 MR. McCULLOUGH: Your Honor, I will just add that I  
5 did not challenge what he said as to, you know, that's what was  
6 told to me in this video. I did not challenge what was told to  
7 him in this video. So, just beyond the scope to go back to  
8 this and seek to play it.

9 THE COURT: Mr. Hassan?

10 MR. HASSAN: Judge, right. During the same  
11 continuing discussions, the Telegram, pretty much it goes  
12 through the StreamYard. It goes through YouTube. And talk  
13 about -- I mean, some kid, like, trying to -- it says clearly,  
14 and it's page 1521 (sic). The -- I mean, some kid tries to  
15 watch a Smurf cartoon is not going to suddenly stumble across  
16 Proud Boys. And then right at that, this was were there were  
17 discussion of violence, and here they're talking about  
18 self-defense, Judge.

19 THE COURT: Right. My point is: He testified that  
20 he was instructed that this isn't self-defense, and the  
21 government didn't challenge that he was instructed in  
22 self-defense, right? So for that reason, that is beyond the  
23 scope. And then this mention of this individual is beyond the  
24 scope as well.

25 (Open court:)

1 BY MR. HASSAN:

2 Q. Mr. Mesa, regarding -- you were stating before, and I asked  
3 you on -- along the lines of Mr. Tarrio's feelings on  
4 January 6.

5 How did you become aware of Tarrio's feelings on  
6 January 6?

7 A. I saw an interview done by --

8 MR. McCULLOUGH: Objection.

9 THE COURT: Sustained.

10 BY MR. HASSAN:

11 Q. Did he express any feeling to you regarding January 6?

12 MR. McCULLOUGH: Objection. Foundation.

13 THE COURT: Well, overruled as to foundation. I  
14 mean, the question was: Did he express?

15 BY MR. HASSAN:

16 Q. Right. Did Tarrio express his feelings regarding  
17 January 6?

18 A. Yes, he did.

19 Q. And were they contrary to yours that you expressed on the  
20 video?

21 MR. McCULLOUGH: Objection, relevance. Objection,  
22 foundation. Hearsay. 403.

23 MR. HASSAN: Of course.

24 (Bench discussion:)

25 THE COURT: What are we talking about?

1 MR. HASSAN: I'm going back to my original questions,  
2 Judge.

3 THE COURT: All right. I'm going to sustain the  
4 objection.

5 (Open court:)

6 BY MR. HASSAN:

7 Q. Mr. Mesa, in regards to Mr. Tarrío, you had a friendly  
8 relationship with him, correct?

9 A. Yes.

10 Q. And in regards to Mr. Tarrío, would you present him as more  
11 of a showboater -- or, not a showboater -- or, a showman?

12 MR. McCULLOUGH: Objection. Relevance. Scope.

13 THE COURT: Sustained on scope.

14 BY MR. HASSAN:

15 Q. Did Mr. Tarrío like to razzle-dazzle the crowd?

16 MR. McCULLOUGH: Objection. Same.

17 THE COURT: Sustained.

18 BY MR. HASSAN:

19 Q. What was Mr. Tarrío's persona within the Proud Boys?

20 A. Essentially, the chairman.

21 Q. And as chairman, would he like to razzle-dazzle  
22 individuals?

23 MR. McCULLOUGH: Objection.

24 THE COURT: Sustained as to scope.

25 BY MR. HASSAN:



1 Q. Did Mr. Tarrio do gestures to elicit certain responses from  
2 certain individuals?

3 A. Yes.

4 Q. And did those responses relate to media?

5 A. Yes.

6 Q. Were his responses over the top sometimes?

7 MR. McCULLOUGH: Objection. Leading. Relevance.  
8 Scope. Foundation. 403.

9 THE COURT: Sustained, at least as to scope.

10 BY MR. HASSAN:

11 Q. What would he do in regards to the media?

12 MR. McCULLOUGH: Objection. Scope.

13 THE COURT: Sustained.

14 MR. HASSAN: I have no further questions, Judge.

15 THE COURT: Very well.

16 Sir, you may --

17 MS. HERNANDEZ: Your Honor, I'm sorry.

18 (Bench discussion:)

19 MS. HERNANDEZ: Questions about whether he knows if  
20 my client ever spoke with him.

21 THE COURT: Well, I had asked the -- all right. Very  
22 well.

23 So, Mr. --

24 MR. McCULLOUGH: I think --

25 MS. HERNANDEZ: Oh, I'm sorry.

1 MR. McCULLOUGH: Your Honor, the time to do this is  
2 on direct exam. I did not get into anything with respect to  
3 Mr. Rehl. Let's just move on here. She's going to redirect  
4 off the back of nothing.

5 MS. HERNANDEZ: Your Honor --

6 THE COURT: Go ahead.

7 MS. HERNANDEZ: The only reason, it was because all  
8 the stuff that was bought out in direct -- I'm sorry, in cross.  
9 That's the only reason, distancing my client from him. I had  
10 nothing to raise from before.

11 THE COURT: You knew he was a Proud Boy. You knew he  
12 was there --

13 MS. HERNANDEZ: I had --

14 THE COURT: Ms. Hernandez -- Ms. Hernandez --

15 MS. HERNANDEZ: If I could explain.

16 THE COURT: Sure.

17 MS. HERNANDEZ: Obviously, I did not have copies of  
18 all documents the government produced after he testified,  
19 including those which I think are pretty provocative statements  
20 of his and all these videos and all these statements, "If not  
21 now, when?"

22 I didn't have a copy of those. I didn't know that  
23 the government was going to go into it. So, that's the only  
24 reason. I want to just distance myself -- or, distance my  
25 client from him. What I believe this person will say is he's

1 never spoken to my client. He never met him before. He didn't  
2 see him on January 6. I just want three or four questions.

3 That's the only reason I'm asking him, not getting  
4 into whatever he told Mr. Tarrío or whatever the subject matter  
5 of the redirect is. I just think I'm entitled to -- given the  
6 what I believe is fairly unduly prejudicial materials, which I  
7 understand -- understand the Court -- over my objection, the  
8 Court admitted it. I'm not rechallenging that.

9 THE COURT: Why wouldn't you have this same -- and I  
10 understand it became more --

11 MS. HERNANDEZ: I think it became dramatically  
12 different after cross. I don't think -- I think the thrust of  
13 this -- I mean, I wasn't pleased with everything he said on  
14 direct, but it's Mr. Tarrío's witness, not my client's. But on  
15 cross, I think it became very, very different.

16 THE COURT: Mr. McCullough?

17 MR. McCULLOUGH: Your Honor, there's just -- this is  
18 just not procedurally appropriate. There's nothing that was --  
19 that happened on cross that raised any specter of  
20 Ms. Hernandez's requirement to do this. If Ms. Hernandez  
21 wanted to distance herself from this witness, the time to do it  
22 was on direct examination, where he basically said: I was at  
23 all these things. I was at the Capitol. I did this. I did  
24 that.

25 THE COURT: I think that's right.

1           And the other piece of it, I think that -- look, the  
2           reality is there -- you're going to be able to argue there is  
3           no evidence that the -- connecting this person to your client,  
4           and so you're going to be able to make that argument regardless  
5           of the -- the absence of evidence is going to work for you at  
6           this point, so we're going to move on.

7           MS. HERNANDEZ: Your Honor, when will you give the  
8           limiting instruction?

9           THE COURT: I'll talk to you about it in one second.  
10          (Open court:)

11          THE COURT: You may step down. Thank you for your  
12          testimony.

13          We have to take a quick break for the court reporter.  
14          So, counsel will remain here.

15          And, Ms. Harris, if you let the -- bring the jury out  
16          for about a ten-minute break.

17          (Whereupon the jurors leave the courtroom.)

18          THE COURT: All right. Everyone may be seated.

19          Very quickly. So, I think this is modeled after all  
20          the instruction -- it's a slightly different issue, but just  
21          let me read to what I have with regard to Ms. Hernandez's  
22          request.

23          "You have seen a video that Mr. Mesa recorded about  
24          January 6th. You may consider this video only for the  
25          potential purposes of impeaching Mr. Mesa's direct testimony

1 and for showing -- and for showing his bias, and not for any  
2 other purpose."

3 I put the word "potential" in there because unlike  
4 the other -- I mean, unlike the other issues, instances, where  
5 we're talking about -- well, it's state of mind. It seems to  
6 me a statement always reflects a witness's state of mind. What  
7 that state of mind is is sort of the question.

8 Here, I think whether it impeaches or whether it  
9 truly shows bias is sort of, ultimately, the jury's  
10 determination to weigh, whether it does or does not. So,  
11 that's -- that's the instruction I would propose. I'll read it  
12 again just -- and then hear from what you all think about it.

13 "You've seen a video that Mr. Mesa recorded about  
14 January 6. You may consider this video only for the potential  
15 purposes of impeaching Mr. Meza's direct testimony and for  
16 showing his bias, and not for any other purpose."

17 And whoever would like to be heard.

18 Mr. Kenerson, you rose to the microphone quickly.

19 MR. KENERSON: I did. I apologize. Our microphone  
20 is at the other end of the table.

21 I think generally we're fine with that -- with that  
22 structure, I think. I don't know whether -- our request is  
23 going to be that it include that they can use it for evaluating  
24 Mr. Meza's credibility, because I think impeaching his  
25 testimony, I'm not -- it might be a little too limited. I

1 don't know whether -- if it's in addition to or in lieu of  
2 impeaching his direct, I guess I take no position, but I think  
3 we would like to say that they can use it in evaluating his  
4 credibility.

5 THE COURT: "Credibility" actually covers both of  
6 those things, right, conceptually.

7 Ms. Hernandez.

8 MS. HERNANDEZ: Your Honor, the limiting instruction  
9 is requested by the defendant Mr. Rehl. I don't think there is  
10 an opportunity for the government to argue credibility, bias,  
11 whatever. That will come in the final jury instruction.

12 So I would ask that the Court give the same  
13 structured limiting instruction that you gave for the previous  
14 Bertino, and where you just say that video is about his state  
15 of mind. Period.

16 And then bias, impeachment, everything else is stuff  
17 that the Court is going to instruct the jury in its final jury  
18 instructions.

19 THE COURT: But conceptually, that's just wrong,  
20 though. It's really -- it's for -- this is a witness, not a  
21 defendant and not an alleged coconspirator. So -- or even  
22 someone who the government has argued is a tool. So the point  
23 is, this is about him as a witness. And that's -- and that's  
24 even why you get a greater protection at the end of this one,  
25 and not for any other purpose.

1           Because in the other cases, we had talked about this,  
2           how -- how one particular person's state of mind could -- the  
3           jury can use that to conclude whether -- to weigh whether a  
4           conspiracy happened. This is different. This is conceptually  
5           different.

6           It's -- to me, whether we're saying impeaching  
7           testimony or showing bias, I think both of those things are  
8           captured by one thing, that would be credibility.

9           MS. HERNANDEZ: The problem with this whole line of  
10          cross-examination is that they're still putting up MoSD with  
11          our client's little photos up there, as if somehow related to  
12          what my client said, even though it's a statement from the 9th  
13          of January, after the conspiracy is over, and though he's never  
14          had a conversation with my client. That's why I want to  
15          distance what he said from my client. I think I should have  
16          been allowed to at least ask those two questions.

17          But that being said, the limiting instruction I want  
18          is that whatever he said, it's about him and his state of mind.  
19          It's nothing to do with my client. Whereas, I think that by  
20          adding all this stuff about credibility, it kind of waters that  
21          down, and it adds something that the government is not entitled  
22          to get at this point. That's not what a limiting instruction  
23          is for. You're adding, not limiting.

24          THE COURT: No, I am limiting. I will have the  
25          parties discuss this over the break, but I think -- I'm not

1 adding. I am limiting. And the limit is: It's for his  
2 broadly defined, I think, credibility.

3 Mr. Pattis?

4 MR. PATTIS: The topic, in preparation for  
5 cross-examination, may we have permission to take a photograph  
6 of Exhibit 106? It's a demonstrative aid. We would like it  
7 for our own purposes.

8 THE COURT: Any -- what exhibit is it?

9 MR. PATTIS: The overview map of the Capitol grounds.  
10 The government had said they were going to give us a copy, but  
11 we haven't received one yet. We just ask for permission to  
12 take a photograph of it.

13 THE COURT: Is there any objection to that?

14 MR. McCULLOUGH: No. I just --

15 THE COURT: All right. Given the history of what  
16 I've -- of what I've said -- what happened with Mr. Pattis's  
17 last photograph, I don't blame him for asking for permission.

18 Permission is granted, Mr. Pattis.

19 MR. PATTIS: Thank you.

20 THE COURT: Talk about that instruction. I think,  
21 Ms. Hernandez, credibility covers these two concepts of  
22 impeaching or bias, and so I think that is a more succinct way  
23 to do it. But I don't want to discuss it anymore. I want you  
24 all to talk about it. And then -- so the next witness is the  
25 witness we've talked about -- no, it's not?



1 MR. JAUREGUI: Fernando Alonzo is our next witness.

2 THE COURT: Okay. Let's take our ten-minute break.  
3 We'll come back, begin with that witness.

4 (Recess.)

5 THE COURTROOM DEPUTY: We are back on the record in  
6 criminal matter 21-175, United State of America versus Ethan  
7 Nordean, et al.

8 THE COURT: All right. Mr. Tarrio may call his next  
9 witness.

10 MR. JAUREGUI: Thank you, Judge. We call Fernando  
11 Alonzo.

12 THE COURTROOM DEPUTY: Will you please raise your  
13 right hand?

14 FERNANDO ALONZO,  
15 was called as a witness and, having been first duly sworn, was  
16 examined and testified as follows:

17 MR. JAUREGUI: May I proceed, Judge?

18 THE COURT: You may, sir.

19 MR. JAUREGUI: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. JAUREGUI:

22 Q. Sir, please introduce yourself to the jury.

23 A. Good morning. Fernando Alonzo.

24 Q. Please keep the microphone close to you so everybody can  
25 hear you.

1 Mr. Alonzo, where do you live?

2 A. Miami, Florida.

3 Q. And where are you from originally?

4 A. Born in Mexico. Raised in Michigan.

5 Q. What do you do for a living?

6 A. I'm an entrepreneur. I own my own business.

7 Q. Do you have any children?

8 A. I'm sorry?

9 Q. Do you have any children?

10 A. I have three.

11 Q. Can you please tell the ladies and gentlemen when you first  
12 became involved with the Proud Boys?

13 A. When I first became --

14 Q. Involved with the Proud Boys.

15 A. Probably -- I think it was in July of 2018.

16 Q. And are you a Proud Boy right now?

17 A. Yes, I am.

18 Q. What degree Proud Boy are you?

19 A. Fourth-degree.

20 Q. Who did you have to beat up to get that Fourth-Degree Proud  
21 Boy?

22 A. Nobody.

23 Q. How do you achieve the fourth-degree?

24 A. Fourth-degree is -- it's kind of like an unwritten degree.

25 It's usually hardship that you've suffered, something that

1 happened to you being a Proud Boy.

2 Q. Okay. And what hardship did you suffer to get --

3 A. I suffered a loss of a business. I lost a huge business  
4 deal because I got doxxed by antifa, and my clients found out,  
5 they saw it on the internet, and I lost a contract.

6 Q. And why would you lose the contract because you're a Proud  
7 Boy?

8 MR. MULROE: Object to relevance. Object to  
9 speculation.

10 A. So the media --

11 THE COURT: Sir, I have to rule on an objection  
12 before you answer.

13 I'm going to overrule the objection.

14 A. So the media portrays us as white supremacists. I'm  
15 Latino. I don't see how that works, but, you know, they saw  
16 that, they saw my face, and they assumed, like everybody does  
17 without asking questions, and I lost a contract.

18 BY MR. JAUREGUI:

19 Q. Were you involved in any rallies or any events here in  
20 Washington, D.C. before January 6?

21 A. December 12th, yeah.

22 Q. Okay. And how do you know Enrique Tarrio in this case?

23 A. He was the president of the chapter I was involved in.

24 Q. Where is that chapter?

25 A. Huh?

1 Q. Where is that chapter?

2 A. In Miami.

3 Q. And you've been a Proud Boy since approximately 2018?

4 A. Yes, sir.

5 Q. Now, are you a member of any Telegram chat groups?

6 A. Many.

7 Q. How many, more or less?

8 A. Too many.

9 Q. Can you give us a number, approximately?

10 A. Proud Boys-wise, probably seven or eight. And then in  
11 chats, you know, just anything -- usually, news chats. More  
12 news chats than anything.

13 Q. Okay. Were you ever a member of the MoSD Telegram chat?

14 A. Yes, I was.

15 Q. The Ministry of Self-Defense?

16 A. Yes, I was.

17 Q. What is your understanding of the purpose of the MoSD  
18 Telegram chat?

19 A. My understanding of the MoSD when I joined, which was in  
20 around December 31st, was there was going to be another rally  
21 on January 6, and it was -- you know, there was -- Enrique  
22 didn't want anybody to show up. It was widely known, you know,  
23 not to show up because the chapter in Washington, D.C. didn't  
24 want us here. They didn't want the heat.

25 So it was -- basically, we were a group of guys that

1 was going to show up to make sure nothing bad happened, if  
2 anybody else showed up. So, it was nothing -- I mean, it  
3 wasn't anything to do anything other than try to keep the  
4 peace.

5 Q. Okay. When did you start traveling here to Washington,  
6 D.C.?

7 A. On the same -- actually, January 5th, that night.

8 Q. How did you get here?

9 A. By car.

10 Q. Did you eventually learn that you were going to meet  
11 somewhere on January 6?

12 A. There was no plan up that I knew of, other than when we got  
13 here, we would know what we were going to do.

14 Q. In the Telegram chats that you were involved in, was there  
15 any chatter about storming the Capitol? About what was going  
16 to happen on January 6?

17 A. Absolutely not. Absolutely not. Never was there anything  
18 that it was implied that we were going to go storm the Capitol.  
19 That's just ludicrous.

20 Q. When you got here on January 6, what was your understanding  
21 of what was your purpose here on January 6?

22 A. There was no understanding. And Enrique was arrested on  
23 the 4th, I believe. There was no more plan because the chat  
24 had been deleted. So, we had -- we were just waiting to see  
25 what we were going to do because there was no -- nobody knew

1        what was going to happen, what was it that we were going to do.

2                We found out, actually, probably 30 minutes prior,  
3        that we were going to meet at the Mall at 9 o'clock. That's  
4        it.

5        Q.    Okay. Once you got to the Mall -- and I'm going to show  
6        you a video right now.

7                MR. JAUREGUI: This has been previously admitted.  
8        It's Nordean 301, and I'm starting at timestamp 44:25.

9                Permission to publish.

10               MR. SPEAKER: No objection.

11        BY MR. JAUREGUI:

12        Q.    This good-looking gentleman I circled here, do you know who  
13        that guy is (indicating)?

14        A.    Yesh. That's me.

15        Q.    Can you identify an article of clothing, just so the jury  
16        can follow along with you?

17        A.    (Indicating.)

18        Q.    Is that a yellow scarf you were wearing that day?

19        A.    That's me.

20        Q.    What's happening at this point in the video?

21        A.    Nothing. We're just sitting there waiting to see what's  
22        going to happen. I mean, the idea of -- behind everything was  
23        just going to be the group of MoSD only.

24               MR. MULROE: Objection. Nonresponsive.

25               THE COURT: Overruled.

1 A. The idea that we all had was we were going to have just --  
2 it was probably 100 guys, only the MoSD chapter, if you will,  
3 and it was just going to be us. When I got there at this time,  
4 and I saw that there was over 100 guys -- more than 100, I was  
5 like: What is this? This is not, you know, what originally  
6 was going to be the plan, meaning as to who was going to gather  
7 in this out in public. That was -- we had no idea what was  
8 happening.

9 BY MR. JAUREGUI:

10 Q. Most people that you saw on that day you did not identify,  
11 you did not know?

12 A. No. Because nobody was -- everybody was in regular  
13 clothes. There was no identifying U.S. Proud Boys. And, you  
14 know, we're usually in a chat. You don't see their faces or  
15 whatever, so -- other than the people I knew locally in my  
16 chapter or surrounding Florida chapters. So I didn't know who  
17 anybody was.

18 Q. I'm going to play this for a second.

19 (Video played.)

20 I see you there looking around (indicating). I see you  
21 engaging with different kind of groups and the other people as  
22 well.

23 Was there any kind of organizational structure at this  
24 point?

25 A. Not at all. I was meeting new people. A lot of them

1       were -- since we didn't know who anybody was.

2       Q.   When you got there that morning and you did -- you said you  
3       were a part of the MoSD chat, correct?

4       A.   Yes, sir.

5       Q.   Okay.  Was there any kind of plan at all when you got  
6       there?

7       A.   None.

8       Q.   Was there any kind of agreement of any kind when you got  
9       there?

10      A.   None.

11               MR. MULROE:  Object to foundation.  Relevance.

12               THE COURT:  Overruled.

13      BY MR. JAUREGUI:

14      Q.   Was there any kind of objective when you guys were there  
15      meeting at the Washington Monument?

16      A.   None that I was aware of, no.

17      Q.   Lastly, did you have any kind of understanding of what was  
18      going to happen when you got to the Washington Monument?

19      A.   None.

20      Q.   Let me show you another clip.

21               (Video played.)

22               This is you again, here in the middle (indicating)?

23      A.   Yes, sir.

24               (Video played.)

25      Q.   Again, I see everybody just standing around.



1 Did you have an understanding of what you guys were  
2 going to do?

3 A. None at all.

4 (Video played.)

5 Q. You heard that somebody said: Make sure there's no press  
6 around?

7 A. Yes.

8 Q. Can you explain to the members of the jury why you guys did  
9 not want to have any press around?

10 A. The idea of us, the group, MoSD going there, we didn't want  
11 anybody to know we were there in the sense -- we didn't want  
12 attention to ourselves, we didn't want attention to the club or  
13 anything like that. It wasn't about that. It wasn't like the  
14 previous rallies we had gone to. So we didn't -- you know, and  
15 also the press, we didn't want to be doxxed with our faces or  
16 whatever because a lot of people don't want that.

17 And that's why we didn't want the press around.

18 Q. Can you explain to the jury what "doxxing" means?

19 A. Doxxing is, like, a lot of the guys, you know, we're  
20 private citizens, et cetera. Since the media portrays us in a  
21 certain way, you don't want your face out there with your face,  
22 et cetera, because people have lost their jobs or -- et cetera.  
23 So, you just want -- it's a private club, so --

24 Q. I'm going to play some more.

25 (Video played.)

1           Is this you here in the middle of the action  
2           (indicating)?

3           A. Yes, it is.

4           Q. Were you listening to everything that was being said by  
5           Mr. Nordean?

6           A. Attentively, yes.

7           Q. You heard when he said: Let's -- attention to detail.  
8           Look good. Slow, steady pace, and we're going to do a meet and  
9           greet?

10          A. Um-hum.

11          Q. What does that mean?

12          A. It meant, you know, stay sharp, et cetera. You know, don't  
13          do anything stupid, et cetera. We're actually -- at that  
14          point, the media already knew we were there and they had rushed  
15          to where we were. We knew we were being filmed, photographed,  
16          et cetera, and, you know: Look good. Don't do -- basically,  
17          every time that we -- Enrique was -- if we were going to go, we  
18          always be -- you know, don't do anything that brings attention  
19          to yourself. Be sharp, be proud of who you are as a Proud Boy,  
20          and don't do anything stupid. We're not in to, you know, be  
21          aggressive. We're there, you know, as peacekeepers, if you  
22          will.

23          Q. Are you sure it's not some kind of secret code to be  
24          violent and attack the police?

25          A. Absolutely not.

1 Q. When he says "developing the front lines," what does that  
2 mean?

3 A. Meaning the front line? Who is going to walk out in front  
4 and everybody else in the back.

5 Q. Okay. Have you done these type of protests, rallies with  
6 Enrique before?

7 A. In, like, this type? No. I mean, like, in Miami there  
8 was -- usually -- during that year, on Sundays there was a  
9 Cuban restaurant, they had Latinos for Trump or people that  
10 would do flag waves, et cetera, and that's where we went and  
11 hung out and drank Cuban coffee, et cetera. And they liked us  
12 being there because they felt safe when we were around.

13 Q. Let me ask you: Before any event, did Enrique contact law  
14 enforcement?

15 A. Yes.

16 Q. How do you know?

17 A. Because it was known, every time we would show up  
18 somewhere, to let them know we were going to be there so, you  
19 know, it was wasn't a surprise that we showed up, because we're  
20 not doing anything wrong.

21 Q. And when Enrique would come to do events in Washington,  
22 D.C., would he contact law enforcement then?

23 A. Of course, as he should.

24 (Video played.)

25 Q. I'm going to circle these individuals here (indicating).

1           Who are all these people following you guys?

2       A.   I'm sorry?

3       Q.   Who are all these people following you guys? Looks like  
4       they're embedded all over you guys.

5       A.   They have cameras, so I'm assuming they're either reporters  
6       or -- who knows who they were.

7       Q.   Okay.

8       A.   They were not part of us.

9       Q.   Were you guys hiding any kind of communication, anything  
10       that you were doing from these people that are taking pictures  
11       when you stop at -- looks like these photos ops?

12       A.   No. No, they're obviously there. Nobody is doing anything  
13       to them, so --

14       Q.   Okay. When you guys would stop, would you stop for these  
15       photo ops?

16       A.   I don't think we stopped for photo ops. We just stopped  
17       for getting the group together, if it was falling out of place  
18       or whatever, you know.

19                    (Video played.)

20       Q.   You see this person just walking in the group here  
21       (indicating)?

22       A.   Um-hum.

23       Q.   Is that person a Proud Boy?

24       A.   I don't think so. And that's probably why, you know, the  
25       reasons we wore gaiters or whatever, because people like that.

1 They come up, they come to your face and try to film your face.  
2 You don't know who they are.

3 Q. Okay. Is this you here, over here (indicating)?

4 A. Yes, it is.

5 Q. Okay. This guy with this huge -- looks like a boom  
6 microphone, right?

7 A. Oh, we had international press. CNN, everybody was there,  
8 embedded between us.

9 Q. Okay.

10 (Video played.)

11 During these breaks of your march, were there any secret  
12 plans being discussed?

13 A. Absolutely not.

14 Q. How about any secret agreements?

15 A. Nothing. We still didn't know -- we were -- to us, we were  
16 just walking towards -- you know, we were walking towards the  
17 Capitol. But --

18 Q. As you're walking here, is there an objective that's being  
19 developed?

20 A. The objective was we were going to walk towards the  
21 Capitol, stop somewhere along the line and say a prayer. That  
22 was the only objective that I knew of at that point.

23 Q. Okay. And in this stop, you didn't have an understanding  
24 that you were going to attack the Capitol?

25 A. Absolutely not. If that would have been the understanding,

1 I would have stopped walking right there.

2 Q. Okay. Did you plan to attack the Capitol on January 6?

3 A. Absolutely not.

4 (Video played.)

5 Q. Again, you guys just marching, making a presence, stopping  
6 for photos?

7 A. That's it.

8 Q. Any other purpose at this point?

9 A. None.

10 (Video played.)

11 Q. Here, you're stopped again.

12 Is this you again, on the front lines (indicating)?

13 A. It would have -- yes. Yes, it would be me.

14 Q. Okay. Now that they're stopped yet again, at this point --  
15 was a plan hatched at this point to storm the Capitol?

16 A. There was no plan hatched at any point.

17 Q. Okay. But how about an agreement? Was an agreement  
18 hatched at this point?

19 A. Agreement of what?

20 Q. Okay. Was there an objective?

21 A. No. I mean, to go say a prayer. That was the only  
22 objective.

23 Q. Okay. But you didn't have an understanding to attack the  
24 Capitol?

25 A. At that point, that we were going to stop and do a prayer.

1 That was the only thing that I knew of.

2 Q. Okay.

3 (Video played.)

4 You heard what Mr. Nordean said there?

5 A. Yes, sir.

6 Q. He says: Let's go make a presence.

7 Did he say that?

8 A. Yes, he did.

9 Q. Does that mean go and attack the Capitol?

10 A. No. That means we're going to go there, make a prayer --  
11 you know, go towards the Capitol, make our presence, we were  
12 going to say a prayer, and then head back.

13 Q. He said: Meet and greet. Look good.

14 Is attacking the Capitol looking good?

15 A. I think if anybody attacked the Capitol, they're looking  
16 like an idiot, in my opinion. That does not look good.

17 Q. Okay. And the meet and greet, does "meet and greet" mean  
18 go and engage with law enforcement at the Capitol?

19 A. No. Meet and greet is usually -- a meet and greet we had  
20 back on December 12th, where we stopped at the Freedom Plaza.  
21 There was hundreds of thousands of people there that came and,  
22 you know, greeted us and -- you know, and shook our hands. And  
23 that's to -- that's to meet and greet.

24 If there was people outside of the Proud Boys, we  
25 call normies, normal people -- not that we're not normal -- is

1       they want to meet you, they want talk to you, that's the meet  
2       and greet.

3       Q.   Mr. Nordean's saying these things:  Let's make a presence,  
4       Let's meet and greet, Let's look good, Let's stay together, is  
5       that code, some kind of secret Proud Boys code to attack the  
6       Capitol?

7       A.   No.  There is no secret code.

8       Q.   Okay.

9               (Video played.)

10              Is that you again, there on the front lines  
11       (indicating)?

12      A.   Yes, it is.

13              (Video played.)

14      Q.   Again, nothing changed in all the videos I've shown you?

15              MR. MULROE:  Object to leading.

16      BY MR. JAUREGUI:

17      Q.   Has anything changed from the videos I've shown you?

18      A.   No.

19              (Video played.)

20      Q.   Let me stop it there a second.

21              Is this you, here (indicating)?

22      A.   Yes, it is.

23      Q.   Again, in the front of the group?

24      A.   Yes, it is.

25      Q.   All these people all around taking photos and pictures,



1 those are all journalists?

2 MR. MULROE: Object to leading.

3 THE COURT: Sustained.

4 BY MR. JAUREGUI:

5 Q. Do you know who these people with the cameras are?

6 A. To me, again, they're just reporters. I didn't know who  
7 they were.

8 Q. Would it be fair to say that reporters followed you every  
9 step of the way from the Washington Monument all the way to the  
10 Capitol?

11 A. Yes.

12 MR. MULROE: Object to leading.

13 THE COURT: Overruled.

14 You can answer.

15 A. Yes, they did.

16 (Video played.)

17 BY MR. JAUREGUI:

18 Q. And you see this gentleman here (indicating)?

19 A. Yeah.

20 Q. He's carrying -- what's he carrying in his hand?

21 A. What appears to be a camera.

22 Q. This person over here (indicating)?

23 A. I can't --

24 Q. Too far away, huh?

25 Let me show you another video.

1 (Video played.)

2 Even here, while you guys are praying, you see all these  
3 people with cameras (indicating)?

4 A. Um-hum.

5 Q. Would it be fair to say that they're taking photos and  
6 video of you guys?

7 MR. MULROE: Object to leading.

8 THE COURT: Sustained.

9 BY MR. JAUREGUI:

10 Q. Do you know if they were taking photos of you?

11 A. They were.

12 Q. Do you know if they were taking videos of you?

13 A. Some of them were.

14 Q. Were they recording everything you guys did from the  
15 Washington Monument?

16 MR. MULROE: Object to leading.

17 THE COURT: Sustained.

18 BY MR. JAUREGUI:

19 Q. Were you being followed by people with cameras?

20 MR. MULROE: Object to leading.

21 THE COURT: Overruled.

22 A. From the moment we got to the Mall and they know who we  
23 were, the reporters got there. They all rushed us, and they  
24 followed us everywhere we went.

25 BY MR. JAUREGUI:

1 Q. Was this the prayer that you were talking about, speaking  
2 about before?

3 A. Yes.

4 (Video played.)

5 Q. What were you guys doing there (indicating)?

6 A. I'm sorry?

7 Q. What were you guys doing there, when you stopped in this  
8 portion in front of these photographers (indicating)?

9 A. Nothing. We were just stopped.

10 Q. Was there a plan to stop there?

11 A. I don't know if there was a plan. But right after the  
12 parade, you know, it was around noon to noon-ish time, so there  
13 was a whole bunch of food trucks in the area and we stopped to  
14 eat.

15 Q. So you stopped around noon, more or less?

16 A. More or less.

17 (Video played.)

18 Q. Is that you again (indicating)?

19 A. Yes, it is.

20 Q. What building is that behind you?

21 A. What building is that behind me?

22 Q. Um-hum.

23 A. The Capitol.

24 Q. Why were you guys standing around there?

25 A. That's where we had stopped in the area to eat.

1 Q. And that was -- was that the plan, to stop there in front  
2 of the Capitol there?

3 A. It's not that it was the plan, it's that's where we  
4 stopped. After the prayer, that's where -- you know.

5 Q. Was there any kind of map saying: This was where we're  
6 going to stop? Any kind of itinerary? Anything like that?

7 A. It was basically on the go.

8 (Video played.)

9 Q. I see, again, people standing around.

10 MR. MULROE: Object to counsel testifying.

11 THE COURT: Sustained.

12 BY MR. JAUREGUI:

13 Q. What were people doing there?

14 A. Standing around.

15 Q. And why were you standing around?

16 MR. MULROE: Object to foundation.

17 MR. JAUREGUI: He was there.

18 THE COURT: Overruled.

19 A. Why were we standing around?

20 BY MR. JAUREGUI:

21 Q. Yeah.

22 A. Because there was no objective at this point. We're  
23 basically just standing around.

24 (Video played.)

25 Q. Who are those men there with cameras in their hands

1 (indicating)?

2 A. They -- I don't know. They appear to be reporters, if you  
3 will.

4 Q. And who are these gentlemen that I'm circling on the right  
5 (indicating)?

6 A. Who are they?

7 Q. Yes. Do you know who they are?

8 A. I know Joe. I don't know who the other ones were.

9 Q. And what were they doing while they were standing there?

10 A. Getting their pictures taken.

11 (Video played.)

12 Q. Where are you guys going now?

13 A. I don't know if we had a place that we were going to. We  
14 just started walking.

15 Q. Okay. You didn't know where you were going?

16 A. No.

17 (Video played.)

18 Q. Is that you there in the middle of the people there?

19 A. That's me.

20 Q. What are you guys doing here?

21 A. That's where we stopped, where the food trucks were around  
22 that area. We were there for a while.

23 (Video played.)

24 Q. Does anybody know what's going on here?

25 MR. MULROE: Object to foundation.

1 A. I'm sorry?

2 BY MR. JAUREGUI:

3 Q. Do you know what's happening?

4 A. People in front of me was getting food. There's no  
5 objective. Just get food, if you need to.

6 Q. Okay. And when you were standing there, did you know what  
7 you were going to do next?

8 A. Get food. That's what I was going to do.

9 Q. After lunch, what were you going to do?

10 A. There's no -- at this point, really, there's -- nobody knew  
11 what was -- again, we didn't know what was happening. And  
12 actually, at least the people that I was with, we were already  
13 planning that, you know: Is this over? Are we leaving? You  
14 know, what are we going to do after this? Where are we going?

15 To us, it was basically: It's over. Meaning, the  
16 day is over. There's nothing else to do.

17 (Video played.)

18 Q. Is that you again?

19 A. Yes, it is.

20 (Video played.)

21 Q. At that point, did you know where you were marching to?

22 A. At that point, we weren't marching. We were leaving the  
23 area because we were actually in the street, and the police had  
24 asked us to -- you know, to clear the road, et cetera. So we  
25 were just really -- just clearing the area.

1 Q. So when the police asked you to clear the road, you guys --

2 A. Yeah, we went off to the side and we -- you know, at this  
3 point, I'm thinking we're leaving. It's -- you know we're just  
4 walking back.

5 Q. Okay. And where were you planning on going after this?

6 A. There -- nowhere.

7 Q. Nowhere?

8 A. We were -- at least the group I was with was trying to see:  
9 What are we going to do, you know, in as far as, are we staying  
10 for a while? Are we leaving? Are we going to go see Trump  
11 speak?

12 There was no plan.

13 Q. While you were at the food trucks having lunch with these  
14 guys, was there any discussion of storming the Capitol?

15 A. None at all. If there was, I would have left right there  
16 and then.

17 (Video played.)

18 Q. And you know who these people are, correct?

19 A. Some of the ones that I knew, yeah. I didn't know  
20 everybody in the group.

21 Q. Okay. Out of this big mob of people, how many people do  
22 you think you knew?

23 A. (No response.)

24 Q. Out of the whole mob --

25 A. At this point, it was more than us. At this point, there

1 was already, like, regular people that weren't Proud Boys  
2 coming, like, gathering around that area.

3 Q. Okay. And do you know what time it was, more or less?

4 A. That had to have been around -- maybe closer to 1, 2,  
5 maybe.

6 Q. Okay.

7 (Video played.)

8 What is Joe Biggs doing in this video? What is Joe  
9 Biggs doing in this video?

10 A. What is he doing? He's talking on the megaphone.

11 (Video played.)

12 Q. Where are you in relation to the viewpoint of the video?  
13 Were you behind it? In front of it? To the left?

14 A. No. I was behind it. There was too many people, like,  
15 gathering already. You know, as the norm, I tend to, like,  
16 go -- you know, there's too many people. I always look for an  
17 exit way, in case I want to leave or whatever. I didn't want  
18 to be -- you know.

19 Q. How many people do you estimate where there?

20 A. At that point, too many to count. I mean, there was too  
21 many bystanders, if you want to call them that. Like, people  
22 that were not in our group that had already gathered in that  
23 area that were, you know, starting to come, I'm assuming from  
24 the Trump rally, that they were coming from.

25 Q. Did more and more people come?



1 A. A whole bunch, yeah. It was getting -- you know, to me  
2 right there, like our objective of being there, doing a prayer  
3 or whatever, was done. It was every man for themselves.

4 Q. And how would you describe the demeanor of the crowd that  
5 was coming from the Trump rally?

6 A. They were rowdy. But it was, you know, in as far as, you  
7 know, "We love Trump," et cetera. They were chanting "Our  
8 house" and all that stuff, but it wasn't anything -- you know,  
9 weren't a violent crowd.

10 Q. Okay.

11 (Video played.)

12 Now, do you see here some people? Do these seem to be  
13 police officers over there to you?

14 MR. MULROE: Object to leading.

15 THE COURT: Sustained.

16 BY MR. JAUREGUI:

17 Q. Do you know who those people are in the back, in the  
18 uniform?

19 A. Back there? Police?

20 Q. What?

21 A. Police officers?

22 Q. How far away from you -- were you from those police  
23 officers there (indicating)?

24 A. We look to be a good, maybe, 75, 80 yards.

25 (Video played.)

1 Q. Let me ask you this: As you guys are sitting here -- not  
2 sitting here -- standing here making your voices heard, at that  
3 point was a plan hatched to storm the Capitol?

4 A. Absolutely not.

5 Q. Okay. Was there some kind of agreement communicated  
6 between you guys to storm the Capitol?

7 A. None. I would have never participated in something like  
8 that.

9 Q. Okay. Did you perhaps communicate with your phone, send  
10 each other messages?

11 A. The -- in this place, the communications weren't even  
12 working.

13 Q. Did you have a radio on you?

14 A. I had a radio, but there was no communication. The  
15 connections were down in that area.

16 Q. Was there some kind of agreement made to storm the Capitol  
17 at this point?

18 A. None.

19 Q. Did you have some kind of unwritten objective to storm the  
20 Capitol that day?

21 A. No. That's --

22 Q. But you surely had an understanding, at this point, that  
23 you were there to storm the Capitol?

24 A. No.

25 MR. MULROE: Asked and answered.

1 THE COURT: Overruled.

2 (Video played.)

3 THE COURT: Mr. Jauregui, I'm waiting to see if there  
4 is a good stopping point. It sounds like you've got some more  
5 here.

6 MR. JAUREGUI: That's perfect, Judge.

7 THE COURT: Let's press pause for lunch.

8 Ladies and gentlemen, we'll see you -- a lot of food  
9 trucks, so my stomach was grumbling. We'll see you in an hour,  
10 ladies and gentlemen.

11 (Whereupon the jurors leave the courtroom.)

12 THE COURT: All right. You can step down, sir.

13 All right. We're getting a little bit of a late  
14 jump. So, it's just about 12:35. Let's say 1:45. 1:45 on the  
15 other side.

16 MR. SMITH: Your Honor, just one quick point.

17 Since we might start our witness testimony this  
18 afternoon, can I let him know we cannot use his full legal  
19 name?

20 THE COURT: We'll address it -- we'll address it when  
21 we come back.

22 MR. SMITH: Okay.

23 (Recess.)

24 (Whereupon the jurors enter the courtroom.)

25 THE COURTROOM DEPUTY: We're back on the record in

1 criminal matter 21-175, United States of America versus Ethan  
2 Nordean, et al.

3 THE COURT: Sir, welcome back.

4 Ladies and gentlemen, welcome back.

5 Mr. Jauregui, welcome back. You may proceed.

6 MR. JAUREGUI: Thank you so much, Your Honor.

7 BY MR. JAUREGUI:

8 Q. Mr. Alonzo, before lunch, I think we were here watching  
9 this video, Nordean 301. It's at 3:17:44 mark.

10 MR. JAUREGUI: Permission to publish.

11 BY MR. JAUREGUI:

12 Q. And I'm going to play it for you in a little bit.

13 (Video played.)

14 Can you describe what the crowd is doing there?

15 A. Well, I'm thinking this was taken before the first breach  
16 happened?

17 Q. You tell me. I don't know.

18 Is it when the first breach happened?

19 A. It looks like they're moving in, so I'm assuming.

20 Q. Okay. This man that I'm circling here with his arm raised  
21 (indicating), he goes: Whoa..

22 Do you know who that is?

23 A. Yes, I do.

24 Q. Who is that?

25 A. Mr. Nordean.

1 Q. When he lifts his arm up and he goes "Whoa," what does that  
2 mean to you Proud Boys?

3 A. The first thing I thought was: What is everybody doing?  
4 You know, what's going on?

5 Q. And does that mean go?

6 A. No. That means stop.

7 Q. Okay. Was it ever the plan to proceed past any kind of  
8 barriers or any kind of police to the inside of the Capitol?

9 A. By us, absolutely not.

10 Q. Okay. Did you have some kind of understanding of doing  
11 that that day?

12 A. Absolutely not.

13 Q. How about some kind of agreement?

14 A. I'm sorry?

15 Q. Some kind of agreement between you guys?

16 A. If that would have ever been the case, I would have quit  
17 the club that day.

18 Q. And not an objective to stop the transfer of power from  
19 Trump to Biden?

20 A. Honestly, if I can be frank, it's kind of offensive to even  
21 think we would fathom that idea.

22 Q. Why is that offensive?

23 A. Because, you know, in our texts we might be knuckleheads,  
24 saying stupid things, but a lot of us are grown men that have  
25 families and education. To think that we would try to go over

1       there and overtake the government, it's insulting, literally  
2       insulting. Just boggles my mind that anybody would think that  
3       we would go there to overtake the government. It's ridiculous.

4       Q. Okay.

5               (Video played.)

6               You see another person here? Nordean has his fist  
7       raised, and even another person also seems to stop the crowd  
8       with the OK symbol.

9               Do you see that?

10              MR. METCALF: Object to counsel testifying.

11              THE COURT: Sustained.

12              MR. JAUREGUI: Okay.

13       BY MR. JAUREGUI:

14       Q. Do you see another hand next to Mr. Nordean's fist?

15       A. I do.

16       Q. What symbol is that person making with his fingers?

17       A. That's usually our salute to each other when we see  
18       somebody that's in our Proud Boys (indicating).

19       Q. Could you please explain to the ladies and gentlemen of the  
20       jury what this salute means (indicating)?

21       A. To me, to what I was --

22       Q. Proud Boy --

23       A. Very simple: The West is best.

24       Q. That's how you use it in the Proud Boys?

25       A. Yeah. We say "Uhuru," which in Swahili means freedom. You

1 know, it's a salute. Fraternities have salutes. Different,  
2 like -- to us, it is this (indicating).

3 (Video played.)

4 Q. At some point, the mob of people, what did they do?

5 A. What did they do?

6 Q. Yes.

7 A. They started going towards the Capitol building. To me, at  
8 that point, it was -- you know, all bets were off. Everybody  
9 is on their own. This is not part of any plan that we had.  
10 This is not anything that, as Proud Boys, we planned to do.  
11 It's like if there was any -- any plan for us to -- whatever --

12 MR. MULROE: Objection. This is nonresponsive. And  
13 move to strike.

14 MR. JAUREGUI: Judge, I please ask that the witness  
15 be allowed to complete his answer --

16 THE COURT: The question was: What did they do?  
17 Like, what did the mob do?

18 So, sir, you can answer that question, please.

19 A. They proceed to go in. They proceed to move forward,  
20 towards the Capitol.

21 BY MR. JAUREGUI:

22 Q. Okay. And was that part of your agreement with any Proud  
23 Boy?

24 A. None at all.

25 Q. Objective?

1 A. None at all.

2 Q. How about some kind of pseudo understanding? Did you guys  
3 have that, some kind of ESP understanding?

4 A. Absolutely not.

5 Q. Okay. Let me backtrack.

6 What are the Proud Boys as an organization? What do the  
7 Proud Boys stand for?

8 A. We're -- I mean, we're a men's drinking club. We're a  
9 fraternity. We're a brotherhood.

10 Q. All right. And what tenets -- what do you guys believe in?

11 A. What do we believe in?

12 Q. Yes.

13 A. We believe in Western values. We believe in family. We  
14 believe that you have to venerate the housewife. You know, we  
15 don't even tolerate, like, cheating, if you will; you know,  
16 extramarital activities outside of -- I mean, we value Western  
17 values. That's what we're about. We're a men's drinking club.  
18 We get together. You know, we go out. We go to a bar, drink,  
19 have a burger, whatever. That's what we do.

20 Q. Okay. Now, let me ask you about these chat groups.

21 Do you guys use offensive language in these chat groups?

22 A. In -- we're men, of course we do.

23 Q. Okay. And do you guys mean what you say in these chat  
24 groups literally?

25 A. No. We're -- a lot of -- you know, we're working. A lot



1 of us are working men, whatever. It's a way to throw steam  
2 off. And, you know, we like trolling other guys. We get a  
3 kick out of it. And basically, there is nothing that's  
4 literal. It's not literal. It's, you know, we're there having  
5 fun.

6 Q. You used the word "trolling."

7 Is that being like an internet troll?

8 A. It's like what?

9 Q. Being an internet troll.

10 A. What is an internet troll?

11 THE COURT: Sir -- sir, I know this is hard. I need  
12 you to wait until the question is all the way asked so there's  
13 a space there, and then you can answer.

14 THE WITNESS: All right.

15 BY MR. JAUREGUI:

16 Q. What is an internet troll?

17 A. I don't know what an internet troll is. But, I mean,  
18 trolling to us, at least to me is, you know, somebody gets  
19 offended by -- you know, you said something that they didn't  
20 like, whatever, then, you know, you see that that person got  
21 triggered, then you just start going --

22 Q. Okay.

23 A. -- you know, going after them. Just for fun.

24 Q. How do the Proud Boys feel about woke ideology?

25 A. About?

1 Q. Woke ideology.

2 A. We don't agree with it, but, you know, it's -- everybody is  
3 entitled to their opinion. I don't have to necessarily agree  
4 with what anybody says. Doesn't mean that they're wrong.  
5 Doesn't mean that they can't say what they want to say.

6 Q. How would you describe Enrique's personality?

7 A. How would I describe who?

8 Q. Enrique.

9 A. I think he's one of the calmest people I've ever seen. To  
10 see the abuse that he took over a year ago on these chats, the  
11 things that he was called, he's a better man than I am.

12 Q. Okay. And when Enrique organized rallies, protests, or  
13 events, was the purpose to make a presence for the media or to  
14 engage in violence?

15 A. To make a presence. He never was about violence, ever. As  
16 a matter of fact, he always said: We're -- you know, we're  
17 never an aggressor. We never go there to instigate. We're  
18 there just to be peacekeepers. We only engage if somebody  
19 strikes at us, then defend yourself.

20 Q. Did he stage events for the media?

21 A. Did he -- I'm sorry?

22 Q. Did he stage events for the media?

23 A. No.

24 Q. Did he say controversial things on Parler to get media's  
25 attention?

1 A. Probably, yeah.

2 Q. And what kind of leader was Enrique?

3 A. What kind of --

4 Q. -- leader was Enrique?

5 A. I think he was a great leader.

6 Q. What was Enrique's feelings about BLM's right to protest?

7 A. That they had the right to protest. It's their First  
8 Amendment right. We -- we didn't necessarily have to agree  
9 with them -- just like antifa -- but, it's their right to do  
10 so. We don't -- we didn't agree with any of it, but they have  
11 a right to say whatever they wanted.

12 Q. Was it Enrique's plan to engage in violence on January 6?

13 A. Absolutely not.

14 MR. MULROE: Object to foundation.

15 THE COURT: Sustained as to foundation.

16 BY MR. JAUREGUI:

17 Q. How do you know what Enrique's plan was for January 6?

18 A. How do I know what his plan was? I didn't know there was a  
19 plan. I know he said there's absolutely no violence. He was  
20 against anybody going to the -- to -- on January 6, he didn't  
21 want anybody to do it.

22 Q. Do you know what Enrique's feelings towards law enforcement  
23 are?

24 A. He respected law enforcement.

25 Q. And what are the Proud Boys' feelings or their

1 understanding of the Constitution?

2 MR. MULROE: Object on relevance and vagueness.

3 MR. JAUREGUI: Judge, they brought up the culture of  
4 the Proud Boys. I'm merely elaborating on the culture of the  
5 Proud Boys.

6 THE COURT: Overruled.

7 A. We respect the Constitution, just like we respect all the  
8 laws of this country. We're -- you know, specifically free  
9 speech and our Second Amendment rights, that we -- you know,  
10 we're not against -- we're never against the Constitution.  
11 Quite the contrary.

12 MR. JAUREGUI:

13 Q. Do you know what the exact purpose of the Ministry of  
14 Self-Defense was?

15 A. My understanding of what it was, it was a hand group of  
16 selected guys, handpicked, that were levelheaded guys, that  
17 were not instigators, were not -- you know, that were there to  
18 keep -- you know, we were assembled so that we would go to an  
19 event to keep the peace. In case any other person went there  
20 and did anything out of hand, we were there to, you know, keep  
21 the peace.

22 Q. Was the purpose of the rally on January 6 to oppose the  
23 transfer of power by using force?

24 MR. MULROE: Asked and answered. 403. Cumulative.

25 THE COURT: Overruled.

1 A. The purpose of the rally, in as far as -- in a national  
2 level or to -- for what -- our purpose?

3 Nationally, I don't know what the purpose -- Trump  
4 was going to speak and he called for, you know, his supporters  
5 to show up for his speech.

6 BY MR. JAUREGUI:

7 Q. Okay. Was the purpose of the rally on January 6 to  
8 obstruct an official proceeding?

9 A. Not to my understanding, no.

10 Q. Was the purpose of the rally on January 6 to impede law  
11 enforcement officers?

12 A. No.

13 Q. Do you know what Enrique's vision of the rally on January 6  
14 was?

15 A. Yeah, to keep the peace.

16 MR. MULROE: Object to foundation.

17 THE COURT: Overruled.

18 BY MR. JAUREGUI:

19 Q. Why didn't you want to oppose the transfer of power using  
20 force?

21 A. I didn't want to oppose it. Oppose it in what way? I  
22 can't oppose -- I mean, we were not going to do anything to  
23 oppose anything.

24 Q. Did you, yourself, go into the Capitol on January 6?

25 A. Absolutely not.

1 Q. All right. Did you stop other people from trying to go  
2 into the Capitol?

3 A. Absolutely.

4 Q. What do you think of the people that went inside the  
5 Capitol on January 6?

6 A. I didn't think it was a good idea. I don't think it should  
7 have been done.

8 Q. Did you, yourself, impede any police officers on that day?

9 A. Did I impede a police -- I had no engagement with police.  
10 I'm -- they're there doing their job. I'm not going to impede  
11 anything they're doing.

12 Q. You weren't part of some secret plan to impede police  
13 officers?

14 A. I would never be part of a plan to impede. We're there  
15 unarmed. How are we going to impede police officers that are  
16 fully armed?

17 Q. Did your feelings towards law enforcement ever change as  
18 being part of the MoSD?

19 A. They -- no, they didn't change. I mean, do I think there's  
20 some police officers that are bad? Of course. Do I think all  
21 police officers are bad? Absolutely not.

22 Q. Did the culture in the MoSD change negatively towards  
23 police officers?

24 A. No. Respect the peace.

25 Q. I'm going to show you a government exhibit.

1 Ms. Harris, please, this is Government Exhibit 507-11.  
2 Should already be in evidence.

3 THE COURTROOM DEPUTY: Plug your laptop in.

4 MR. JAUREGUI: Oh, yeah, I'm sorry.

5 BY MR. JAUREGUI:

6 Q. I'm showing you an exhibit that was created by the  
7 government.

8 What was your Telegram user name?

9 A. Deplorable51.

10 Q. Why did you pick that name?

11 A. What Hillary had called Trump followers, the deplorables,  
12 and I was 51, so that's why.

13 Q. That's why you picked it?

14 A. That was the reason. No other reason.

15 Q. Could you please take a look at the exhibit, starting from  
16 the top all the way to the bottom, to the point where you post  
17 something.

18 Do you see it there?

19 A. Um-hum.

20 Q. What is that you post on the bottom there?

21 A. Well, it says: Cue the music. *Let the Bodies Hit the*  
22 *Floor.*

23 Q. What did you mean by that?

24 A. What I meant by that, there's a song called *Let the Bodies*  
25 *Hit the Floor.* Somebody made a -- to me, an idiotic comment

1 about people storming in through barricades or whatever. So,  
2 you know, that -- I posted that meaning, you know, if you are  
3 going to have people -- like, regular people going, thinking  
4 that they're going to rush police barricades, start letting the  
5 bodies hit the floor, meaning, the police -- you know, they're  
6 unarmed people. How could you think that they're going to, you  
7 know, rush police officers? It's --

8 Q. Whose bodies are going to hit the floor? Is it police  
9 officers or regular people?

10 A. Regular people, of course.

11 Q. So you weren't stating that police officers were going to  
12 hit the floor. You're saying that police are going to shoot  
13 people and the people were going to hit the floor; is that what  
14 you're saying?

15 A. Of course.

16 Q. Have you ever been doxxed? I think you said one time?

17 A. Today. Today. Just now. Right when we were in the break.

18 Q. You got doxxed right now?

19 A. Yeah.

20 Q. How did that happen?

21 MR. MULROE: Object to relevance.

22 THE COURT: Sustained.

23 BY MR. JAUREGUI:

24 Q. How did you find out you were doxxed?

25 MR. MULROE: Object to relevance.



1 THE COURT: Sustained.

2 BY MR. JAUREGUI:

3 Q. Was it Enrique's idea to go inside the Capitol on  
4 January 6?

5 MR. MULROE: Object to foundation.

6 THE COURT: Well, sustained.

7 BY MR. JAUREGUI:

8 Q. You know Enrique, correct?

9 A. Yes, I do.

10 Q. How many years have you known Enrique?

11 A. Since I joined the Proud Boys.

12 Q. And you know him from the organization, from the chapter in  
13 Miami?

14 A. Of course.

15 Q. And you've been to multiple rallies with him?

16 A. Huh?

17 Q. You've been to multiple rallies with him?

18 A. A few, yes.

19 Q. And everything that you know of Enrique and your  
20 participation in the MoSD chat, was it Enrique's idea, plan,  
21 objective, understanding, agreement, to go into the Capitol on  
22 January 6?

23 MR. MULROE: Objection. Calls for propensity  
24 evidence.

25 THE COURT: He can answer the question based on his

1 participation in the chat and things that he's observed.

2 A. 100 percent no.

3 MR. JAUREGUI: Thank you very much.

4 THE COURT: All right. Let me -- let me have counsel  
5 at sidebar for a moment.

6 (Bench discussion:)

7 THE COURT: I just want to check with counsel. We  
8 don't have any request, or we do?

9 Ms. Hernandez, you would like to do a direct?

10 MS. HERNANDEZ: Yes, Your Honor.

11 THE COURT: All right. I have -- well, you may  
12 proceed.

13 (Open court:)

14 THE COURT: Direct examination by counsel for  
15 Mr. Rehl.

16 DIRECT EXAMINATION

17 BY MS. HERNANDEZ:

18 Q. Good afternoon. My name is Carmen Hernandez, and I  
19 represent Zachary Rehl.

20 MS. HERNANDEZ: Zach, would you get up, please?

21 DEFENDANT REHL: (Stands.)

22 BY MS. HERNANDEZ:

23 Q. Now, you were shown a picture of Mr. Rehl by Mr. Jauregui,  
24 and you indicated you didn't know him or you didn't recognize  
25 him?

1 A. I mean, I know who he was by name. I have never met him  
2 before.

3 Q. So you never met him before January 6?

4 A. No.

5 Q. And you haven't met him since then either?

6 A. No.

7 Q. And you had never had a face-to-face conversation with him?

8 A. No.

9 Q. On January 6th, did he ever direct you to storm the  
10 Capitol?

11 A. Absolutely not.

12 Q. Did you see him attack any police officers?

13 A. No.

14 Q. Destroy any property?

15 A. I wasn't inside the building, so I couldn't -- but outside  
16 of the building, no.

17 Q. Okay. Or -- so you didn't see him attack any officer  
18 outside the building where you were --

19 A. No.

20 Q. Throw any bottles at any police officer? Throw bottles or  
21 any projectiles --

22 A. No.

23 THE COURT: Sir, I just -- again, the court reporter,  
24 she can't type both of you speaking at the same time, so you  
25 just HAVE to wait until the question --

1 THE WITNESS: Okay.

2 THE COURT: -- is all the way asked.

3 THE WITNESS: Um-hum.

4 MS. HERNANDEZ: I'm sorry. My fault.

5 BY MS. HERNANDEZ:

6 Q. So, just for the record, again, so you did not see Mr. Rehl  
7 throw any projectiles at any police officer while you were  
8 there?

9 A. No.

10 Q. Or attack any person?

11 A. No.

12 Q. Or direct anyone to do that?

13 A. No.

14 Q. Or help anyone do that?

15 A. No.

16 Q. Okay.

17 MS. HERNANDEZ: I have no other questions. Thank you  
18 so much.

19 THE COURT: All right. If there's no further  
20 requests, then we'll have cross-examination by the government.

21 CROSS-EXAMINATION

22 BY MR. MULROE:

23 Q. Good afternoon, Mr. Alonzo.

24 A. Good afternoon.

25 Q. I would like to start right where Mr. Jauregui left off,

1 and that was his questions to you about what Enrique Tarrio had  
2 in mind for January 6.

3 A. Okay.

4 Q. Do you recall that?

5 A. I'm sorry?

6 Q. Do you recall those questions?

7 A. Yeah.

8 Q. He asked you, a lot of times, about what Enrique was  
9 planning and what Enrique's objectives were --

10 A. Correct.

11 Q. -- what Enrique wanted for the Proud Boys on January 6,  
12 correct?

13 A. Correct.

14 Q. Now, Mr. Alonzo, you say that you know Enrique Tarrio well?

15 A. As well as -- I think -- yeah, I know him well.

16 Q. How well do you know him?

17 A. I know him well.

18 Q. Like a best friend?

19 A. Not as a best friend, but that's -- that we're part of the  
20 same organization.

21 Q. Do you know him like a good friend?

22 A. I consider him a good friend.

23 Q. You would call him a friend?

24 A. Yes.

25 Q. Would he call you a friend?

1 A. Huh?

2 Q. Would he call you a friend?

3 A. I would like to think so.

4 Q. How many -- strike that.

5 Mr. Alonzo, you believe that you know him well enough  
6 that you were able to testify to this jury that you know "100  
7 percent" what he had in mind for January 6.

8 A. Yes, sir.

9 Q. That's your testimony?

10 A. Yes.

11 Q. How many of Mr. Tarrío's private communications with Joe  
12 Biggs have you been privy to?

13 A. None.

14 Q. How many of Mr. Tarrío's private communications with Ethan  
15 Nordean have you been privy to?

16 A. None.

17 Q. How many of Mr. Tarrío's private communications with Jeremy  
18 Bertino have you been privy to?

19 A. None.

20 Q. How many of Mr. Tarrío's discussions with the Proud Boys  
21 Elders have you been privy to?

22 A. None.

23 Q. How many of Mr. Tarrío's discussions with the MoSD  
24 Leadership Group have you been privy to?

25 A. None.

1 Q. You, yourself, have communicated sort of one-on-one with  
2 Mr. Tarrío?

3 A. I have.

4 Q. Over Telegram?

5 A. In person and over Telegram, yes.

6 Q. You sent him messages on Telegram, correct?

7 A. Yes, sir.

8 Q. He didn't really send you messages back on Telegram, did  
9 he?

10 A. He always answered me, yes.

11 Q. One-on-one, he would send you messages back?

12 A. Of course.

13 Q. Let me step back just a moment, Mr. Alonzo, and ask you:  
14 For your testimony here today, who have you talked to to  
15 prepare for your testimony?

16 A. Who did I talk to to prepare?

17 Q. Yeah.

18 A. Mr. -- Mr. -- (indicating).

19 Q. Mr. Jauregui?

20 A. Mr. Jauregui and Mr. Hassan, and his partner, yes, sir.

21 Q. And Mr. Hassan.

22 And did you have meetings with them?

23 A. I'm sorry?

24 Q. Did you have meetings with them?

25 A. I had one meeting, yes.

1 Q. Did they record the communications that you had?

2 A. Did they record communications?

3 Q. Did they record the meeting?

4 A. I don't think so.

5 Q. Did you have any emails with them?

6 A. I had -- no. Text messages.

7 Q. You had text messages with them?

8 A. (Nods.)

9 Q. Did you text about the facts of your testimony?

10 A. We discussed the -- yes, we did.

11 Q. Over text message?

12 A. Yeah.

13 MR. MULROE: Can we be heard on the phones?

14 (Bench discussion:)

15 MR. MULROE: Judge, we received no *Jencks* material  
16 for this witness. It sounds like some exists, and so we would  
17 make a request for it at this time.

18 MR. JAUREGUI: Can you hear me, Judge?

19 THE COURT: I can.

20 MR. JAUREGUI: Judge, I have no *Jencks* material for  
21 this witness. If I had it, I would have handed it over, just  
22 like I did with Jen Loh, and I'd give them the recorded  
23 statement. I have no recorded statement from this person. And  
24 if we want to go even further, I met him for the first time  
25 last night, at around 1 in the morning, after he came in on an



1 airplane.

2 THE COURT: Right. But that's not the testimony.  
3 The testimony is that he texted about the substance of his  
4 testimony with you, not that he met with you.

5 MR. JAUREGUI: I don't have any text messages with  
6 him regarding this case, Judge.

7 THE COURT: Mr. Hassan, what about you?

8 MR. HASSAN: Yes, Judge?

9 THE COURT: I'm sorry. Could you -- you could not  
10 hear.

11 The testimony was -- like, I don't remember  
12 whether -- which one of you it was pertaining to, but I think  
13 the testimony was that he had -- you heard what he said.

14 MR. HASSAN: Yes, Judge, I heard that. I don't have  
15 nothing in my possession regarding his testimony. It's just  
16 basically travel arrangements and having a fever last week,  
17 things along those lines, where to send a subpoena to. But,  
18 there's nothing there related to the case and regarding his  
19 testimony.

20 THE COURT: So you're telling me, as an officer of  
21 the Court, there is -- neither of you have any text messages  
22 about the substance of his testimony?

23 MR. JAUREGUI: I don't.

24 MR. HASSAN: Absolutely nothing, Judge.

25 THE COURT: All right. Mr. Mulroe, they're

1       representing that there's no such -- well, hold on.

2               MR. JAUREGUI:   (Indicating.)

3               THE COURT:   Oh, he says he'd be happy to show you.

4               MR. MULROE:   Your Honor, if that's his  
5       representation, I'm fine with it.  You heard the testimony.

6               THE COURT:   Very well.

7               All right.  You may proceed.

8               (Open court:)

9       BY MR. MULROE:

10      Q.  Mr. Alonzo, other than the lawyers for Mr. Tarrío, did you  
11      talk to anyone else about your testimony?

12      A.  No.

13      Q.  No other members of the club?

14      A.  No.

15      Q.  That's a yellow shirt you've got on, correct?

16      A.  Yes, it is.

17      Q.  Any logos on that shirt?

18      A.  Logos?

19      Q.  Yeah.

20      A.  Yeah.

21      Q.  What's on the shirt?

22      A.  (Indicating.)

23      Q.  Can you show the jury that?

24      A.  (Indicating.)

25      Q.  It's the Proud Boys' laurels?

1 A. It's a Fred Perry shirt.

2 Q. Just a shirt?

3 A. It's just a shirt. A yellow shirt.

4 Q. So, you joined the Ministry of Self-Defense shortly before  
5 January 6, correct?

6 A. Shortly?

7 Q. Shortly before January 6?

8 A. On December 31st.

9 Q. December 31st. You remember that day pretty well?

10 A. Yes.

11 Q. Ms. Rohde, could we have Exhibit 1614, please. Should be  
12 in evidence.

13 I apologize. That should be 614.

14 So when you joined the MoSD chapter, you filled out this  
15 application form. Do you recall that?

16 A. Yes.

17 Q. And it asked you your Telegram handle?

18 A. Correct.

19 Q. Asked you who referred you?

20 A. Correct.

21 Q. Asked you who -- what is your home chapter?

22 A. Correct.

23 Q. Asked you what your degree was?

24 A. Correct.

25 Q. Asked you how long you'd been a Proud Boy?

1 A. Correct.

2 Q. And it asked you --

3 We can pause there at the bottom of the first page.

4 -- what events you have attended with the boys.

5 A. Correct.

6 Q. Do you recall answering that question?

7 A. Yes.

8 Q. And by listing what events you'd attended before, you were  
9 able to give the leaders some idea of what experience you were  
10 bringing to the table; fair to say?

11 A. Experience? As far as if I had been at an event, yeah.

12 Q. Yeah, exactly. You were able to tell them what you had  
13 done with the Proud Boys up to that point.

14 A. What event I had attended, yes. Done? What do you mean by  
15 "done"? I don't understand the question. What have I done?

16 Q. Which events you'd gone to as a Proud Boy.

17 A. What events I'd gone to. But what I've done, doing? What  
18 have I done? I went to an event. I don't understand the  
19 question as to my experience of what I've done.

20 Q. So you answered the question about which events you'd gone  
21 to, correct?

22 A. Which events I went to, yes.

23 Q. And that was information that the leaders solicited from  
24 you?

25 A. I'm sorry?

1 Q. And that was information that the leaders asked of you?

2 A. Correct.

3 Q. And having attended some of those past events, Mr. Alonzo,  
4 you had had an opportunity to see what went on at those events,  
5 correct?

6 A. Yes.

7 Q. You were able to see how the group behaved at those events?

8 A. Yes.

9 Q. You were able to see how the leadership operated at those  
10 events?

11 A. Yes.

12 Q. You were able to see what types of activities were  
13 encouraged at those events?

14 A. I guess, yes.

15 Q. You were able to see what types of activities were  
16 discouraged at those events?

17 A. Yes.

18 Q. And all of that shaped your understandings that  
19 Mr. Jauregui asked you about, what you understood to be the  
20 objective or the plan or the mission for January 6, correct?

21 A. I don't -- I don't understand -- well, you're asking me,  
22 going to these events, did I know what the objective was on  
23 January 6?

24 Q. Well, you came into January 6 with an understanding of how  
25 the group operated, right?

1 A. An understanding of what?

2 Q. Of how the group operated.

3 A. Of how the group operates, yes. As far as an objective of  
4 January 6, no.

5 Q. I didn't ask you about --

6 A. No. I'm just saying how we operate, yes.

7 Q. You had an understanding of how the group operated?

8 A. Yes.

9 Q. And that was based, at least in part, on your attendance  
10 at past events?

11 A. Yes.

12 Q. One of those events that you had knowledge of was a  
13 November rally here in Washington, D.C., in November of 2020,  
14 correct?

15 A. Correct. Which I didn't attend.

16 Q. And you didn't attend that, and you testified to that on  
17 direct, right?

18 A. Right.

19 Q. But you did list that event on your MoSD application.

20 A. No, I did not. I didn't go on November 12th. I was not  
21 there.

22 Q. Ms. Rohde, let's have Exhibit 615, please.

23 If we could go to the third page of that exhibit.

24 Zoom in, please. We can go on the left side, about  
25 two-thirds of the way down the page.

1           If we could zoom a little more.

2           And, Ms. Rohde, just give me a few more clicks, if you  
3 could, to make the text nice and large. And we can scroll  
4 around as we need to.

5           So, here, I've highlighted a line where your Telegram  
6 handle appears, correct?

7       A.   Correct.

8       Q.   And Vice City, that's your chapter?

9       A.   The one that I was a part of then, yes.

10      Q.   And second-degree was your Proud Boys degree at that time,  
11 right?

12      A.   Yes, sir.

13      Q.   If we could scroll to the right, please.

14           In terms of what events you'd attended, you responded:  
15 D.C. as intel chat first time. D.C. in person second time.

16           Did I read that correctly?

17      A.   Correct. I wasn't in D.C. the first time. I was in a chat  
18 in Miami, not in D.C., inside. I was not here.

19      Q.   Right. So you had involvement in that rally, right?

20      A.   I had involvement in the intel chat, but I wasn't present  
21 in the rally.

22      Q.   You felt you were involved enough to list it on your resumé  
23 when you applied --

24      A.   I was involved with the intel --

25           THE COURT: Sir -- sir, hold on one second. Sir, I

1 just need you to let the prosecutor ask the question, whoever  
2 is asking it, the lawyer, and then answer the question.

3 THE WITNESS: Okay.

4 THE COURT: Mr. Mulroe.

5 BY MR. MULROE:

6 Q. You felt that you were involved enough in the November  
7 rally that you felt you should list it on your application to  
8 MoSD, correct?

9 A. Correct.

10 Q. And in your capacity as a member of that intel chat, you  
11 learned some of what happened at the November rally, didn't  
12 you?

13 A. Correct.

14 Q. And some of that stuff made its way to social media,  
15 correct?

16 A. Correct.

17 Q. And many of those social media posts celebrated acts of  
18 violence committed by the Proud Boys in November, correct?

19 A. Correct.

20 Q. Can we have 602-17, please.

21 Ms. Rohde, I'll ask you to play the video.

22 MR. JAUREGUI: Judge, I'm going to object. This is  
23 outside the scope.

24 MR. SMITH: 613, objection, not inconsistent.

25 THE COURT: Hold on one second.



1 Mr. Mulroe, let me hear you at the phones.

2 (Bench discussion:)

3 THE COURT: So let me just -- before I hear the  
4 objections, the --

5 MS. HERNANDEZ: Your Honor, can we take the exhibit  
6 down right now, while the Court is considering this?

7 THE COURT: Sure.

8 MS. HERNANDEZ: Thank you.

9 THE COURT: Ms. Harris, could you do that?

10 This witness testified on direct that his  
11 understanding of what -- I mean, he testified as to an  
12 understanding about what and what was not planned for  
13 January 6th, and --

14 MR. SMITH: Your --

15 THE COURT: I'm sorry. I'm sorry. I'm speaking.

16 -- and he said it was, you know -- and, so, why can't  
17 the government explore how his experiences with the club shaped  
18 that experience, Mr. Jauregui, since, I think, it was your  
19 objection.

20 MR. JAUREGUI: Yes. Thank you, Your Honor.

21 Judge, I intentionally limited the scope of my direct  
22 because I've been noticing a pattern by the government with our  
23 defense witnesses. We -- when we're cross-examining --

24 THE COURT: Let's just talk about this witness for  
25 now.

1 MR. JAUREGUI: Well, Judge, what's happening is we're  
2 putting up evidence and then they're going back in time or  
3 going into the future to pick up every dirty thing one of our  
4 witnesses has said, or they bring in other statements of other  
5 people that the witness has no knowledge of whatsoever. And  
6 they are only using it to dirty the witness, to inflame the  
7 passions of the jury.

8 It's -- this Parler post is not relevant, it's  
9 outside the scope, and it's highly prejudicial.

10 THE COURT: Well, I think it's very fair to say that  
11 if he doesn't -- if Mr. Mulroe plays it only for him and he  
12 says: I don't recognize this, I don't know what this is about,  
13 then that -- clearly, then he has to -- I think they have to  
14 move on. It's not like he was in a -- it's different from  
15 being in a chat, number one.

16 But the point is -- but conceptually, put that  
17 objection aside. I mean, you know, he was asked open-ended  
18 questions about, like, how he came -- you know, he had these  
19 certain conclusions about what was going on January 6th. I  
20 think they get to explore not every single thing, but something  
21 that links up with them.

22 Mr. Mulroe has laid the foundation to say: Well, he  
23 had some involvement with this.

24 Either he's going to look at it and say: Yeah, I  
25 remember that, or I don't. But, why doesn't he get to ask that

1 question?

2 MR. JAUREGUI: Judge, this is remote in time. This  
3 is back in November. It's very far away from January 6. At  
4 this point, the MoSD had not even been created yet.

5 THE COURT: Right.

6 MR. JAUREGUI: So it's so remote in time that if the  
7 government is allowed to play this video, the damage is done.  
8 It's done. We can't allow the video to get played. By that  
9 point the jury already saw it, and it's too late to do anything  
10 with it.

11 THE COURT: Well, it's already in evidence. I mean,  
12 I'm not -- I'm not -- you know, it is -- that's not an answer  
13 to what they can do here. But it's already in evidence.

14 Ms. Hernandez, you had your hand up.

15 MS. HERNANDEZ: Your Honor, this obviously is  
16 something that my client posted on Parler, I believe. Remote  
17 in time, it's unduly prejudicial, and the Court limited its  
18 admissibility for motive. And I don't know what they're --  
19 what possible purpose is coming -- it's coming in -- might come  
20 in here, except to, once again, bring in this black issue, this  
21 race issue, which is infecting this whole case, over defense  
22 objection.

23 My client -- he doesn't even know my client. He's  
24 never talked to him. He came in here to talk about that day.  
25 This is just so prejudicial, Your Honor. The Court has already

1 allowed them to do this once before, and it's just not relevant  
2 to any question, other than -- and even if it's minimally  
3 relevant, the undue prejudice is such that, again, I'm going to  
4 move for a mistrial if it comes in.

5 THE COURT: All right. Mr. Smith?

6 MR. SMITH: Thank you, Your Honor.

7 The whole predicate for introducing this evidence is  
8 the leading question: Did the prior rallies play any part in  
9 your testimony that you didn't expect the Proud Boys to be  
10 interfering with Congress?

11 And he said: Yes, some part.

12 So, now, Judge, Your Honor, for that minimal opening  
13 of the door, we're now going to walk through videos of people  
14 being assaulted on November 11th. This is grossly unfair.  
15 This is to not impeaching the witness's testimony, this is just  
16 playing prejudicial videos for the jury.

17 THE COURT: It's not a question of -- it doesn't have  
18 to directly -- in other words, why -- look, he testified as to  
19 what his expectation was there. Now, it wasn't based on -- I  
20 mean, the -- how he could have come to an understanding about  
21 what was and was not -- was or was not expected on January 6th  
22 was about his -- I mean, his -- his involvement of prior events  
23 and all the rest.

24 Now, look, I'm -- so, I think they get to talk  
25 about -- they get to explore this, whether it's directly --

1 whether it directly contradicts what he said or not.

2 Now, I do think -- Mr. Mulroe, you know, look, I  
3 think you can -- I know it's in evidence, but I would say this:  
4 Why don't you show it to the witness, play it, and -- play part  
5 of it, and if he says: I don't know, I've never seen this  
6 before, then do you agree you would have to move on at that  
7 point?

8 MR. MULROE: Yes, Your Honor. I expect he'll  
9 recognize it.

10 THE COURT: I mean, maybe he will, maybe he won't.  
11 But, I mean, I think you get to say, Did this -- you know, How  
12 did this impact what your expectation for January 6 was?

13 He has to have some expectation. He testified --

14 MR. SMITH: Your Honor, why is the expectation of  
15 this witness, who is not a defendant, relevant to this case?  
16 He testified -- he said there was no plan to storm the Capitol  
17 based on his experience at the march. Then he was asked a  
18 leading question about his expectation --

19 THE COURT: It's not just -- Mr. Smith, it's not just  
20 based on the cross. It's based on the direct.

21 Ms. Hernandez?

22 MS. HERNANDEZ: Yes, Your Honor. So, the question  
23 about what he might or might not expect on January 6 is  
24 irrelevant to this particular video, which is the event --  
25 again, some fighting against antifa.

1           What was happening on January 6, which this gentleman  
2           has said multiple times he was not privy -- he was not  
3           interested in doing, is this -- the charges are about attacking  
4           the government, not antifa, not another person. So this video  
5           has no bearing on any intent to attack the government, which is  
6           the gravamen of the conspiracies in this case.

7           So, on top of being unduly prejudicial, it bears so  
8           little resemblance to any element of the offense or to anything  
9           that this witness testified on direct at all.

10          THE COURT: Okay. I'm going to overrule the  
11          objection. I think the government has laid a foundation to ask  
12          him what -- how this played into his direct testimony about  
13          what he thought was being planned and happening on January 6.

14          (Open court:)

15          MR. MULROE: If we could have for the witness 602-17.  
16          And we actually don't need the sound quite yet.

17          BY MR. MULROE:

18          Q. But, Mr. Alonzo, I'm going to play this video and ask you  
19          if you recognize it.

20          (Video played.)

21          You know this one, right?

22          A. I've seen it, yes.

23          Q. Let's stop the video.

24          And we can add the sound, and please publish the exhibit  
25          to the jury.

1 MS. HERNANDEZ: Objection, Your Honor.

2 THE COURT: Overruled.

3 MR. MULROE: Ms. Rohde, if we could go full screen  
4 with the video.

5 THE COURT: Let me just -- actually, before we do  
6 that, let me hear it at sidebar for one --

7 MS. HERNANDEZ: Take it off, please.

8 (Bench discussion:)

9 THE COURT: Mr. Mulroe, what's the question going to  
10 be?

11 MR. MULROE: The question is going to be that he took  
12 pleasure in scenes like this, made jokes about them, and that  
13 this type of stuff made him want to come back to the next Proud  
14 Boys event in December.

15 MS. HERNANDEZ: Your Honor, this has nothing to do  
16 with January 6 or the charges in this case, nor do we know  
17 where -- this is an internet video that a lot of people  
18 reposted. So, if he didn't see it from my client -- again,  
19 Your Honor, it's so unduly prejudicial --

20 THE COURT: I'm going to overrule the objection.

21 MR. HULL: Objection to 403.

22 THE COURT: Okay. Very well.

23 (Open court:)

24 MR. MULROE: May we have the video please, 602-17.

25 (Video played.)

1 BY MR. MULROE:

2 Q. Mr. Alonzo, you saw videos like this after the November  
3 rally, and you took pleasure in videos like this, didn't you?

4 MS. HERNANDEZ: Objection. Relevance.

5 THE COURT: Overruled.

6 MS. HERNANDEZ: And 403.

7 THE COURT: Overruled.

8 A. I don't -- I don't consider that anybody took pleasure. I  
9 mean, she clearly has a knife, and she started swinging the  
10 knife.

11 BY MR. MULROE:

12 Q. Mr. Alonzo --

13 MR. JAUREGUI: Judge, I'm going to object. He had  
14 not finished answering his question.

15 THE COURT: All right.

16 You may proceed to complete your answer, sir.

17 THE WITNESS: So to answer your question, it's not  
18 that you take pleasure. I'm sorry, but somebody that was  
19 trying to attack one of our guys with a knife or whatever got  
20 knocked out, am I happy about it? Absolutely. That's not  
21 taking -- I mean, she obviously stole a flag from somebody that  
22 had a -- a patriot that had a flag. Why did she steal the  
23 flag? Somebody took pleasure in that. She had a knife. They  
24 were taking pleasure in that. She got knocked out.

25 BY MR. MULROE:



1 Q. You made jokes about that video, didn't you?

2 A. Yes, we did.

3 Q. 1603A, please.

4 MR. SMITH: Objection. Relevance.

5 MR. JAUREGUI: And improper impeachment.

6 MR. SMITH: 403. Cumulative. Scope.

7 THE COURT: Overruled.

8 MR. MULROE: If we could scroll down in the page.

9 BY MR. MULROE:

10 Q. This is -- this is your message, right? Message from  
11 Deplorable51?

12 A. What chat is this?

13 Q. That's your Telegram handle, correct, Deplorable51?

14 A. That's my Telegram handle, but I didn't post this. What  
15 chat was this posted on?

16 Q. You're saying you didn't send this message?

17 A. I don't speak like that. That's a -- the context of these  
18 words or how they're put, that's not how I speak, I'm sorry.

19 Q. Mr. Alonzo, who else uses the Telegram handle Deplorable51?

20 A. There's instances of other chats where people would --  
21 somebody would, like, clone and put stuff that wasn't said. I  
22 had my name put on several chats many times of things  
23 supposedly I said, and when we went back to check on the chat,  
24 nothing was there.

25 Q. So your testimony to this jury is that a person was

1 impersonating you in the Proud Boys chats that --

2 A. I --

3 Q. -- were extracted from Enrique Tarrío's phone?

4 THE COURT: Sir -- sir, I need --

5 THE WITNESS: Sorry.

6 THE COURT: It's okay.

7 BY MR. MULROE:

8 Q. You believe, Mr. Alonzo, there was an impersonator stealing  
9 your identity in the chats that were extracted from Enrique  
10 Tarrío's phone?

11 A. Where it says "From," this line, is that supposed to be the  
12 phone number associated with the account?

13 Q. Mr. Alonzo, the way this works is I ask you the questions.  
14 Do you understand that?

15 A. Okay.

16 MR. SMITH: Objection. Decorum.

17 THE COURT: Overruled.

18 A. You're saying that I posted this, so I'm answering your  
19 question.

20 If this is supposedly the number associated with my  
21 account, that's not me. That's not my phone number.

22 BY MR. MULROE:

23 Q. All right. So, just so we have your sworn testimony for  
24 the record, you are testifying that you never sent the message  
25 reading, "Put the video of the predator bitch" --

1 MR. SMITH: He's reading from a document.

2 MR. JAUREGUI: He's testifying.

3 THE COURT: Let me hear you at the sidebar.

4 (Bench discussion:)

5 THE COURT: Is the contention that Mr. Mulroe does  
6 not have a good faith basis to ask this question?

7 MR. JAUREGUI: Judge, if he's saying that he did not  
8 write that message, we don't even know where this is coming  
9 from.

10 THE COURT: I mean, I can't understand why he doesn't  
11 have the right to ask. He had a good faith basis to ask the  
12 question.

13 THE JURORS: Judge, we don't even know who did the  
14 extractions on these phones. It wasn't Cain. It wasn't  
15 Dubrowski. We don't even know where this thing came from.

16 THE COURT: But it's his handle. I mean, if he says  
17 no, he says no, they have to move on, but they get to ask the  
18 question.

19 MR. PATTIS: Judge, good faith basis isn't a  
20 substitute for a foundation, however. And, you know, in this  
21 case, we would claim that he can't read from a document not in  
22 evidence yet. There may be a foundation to be laid, but it  
23 hasn't been laid yet.

24 THE COURT: Mr. Mulroe, what's your -- I mean,  
25 Mr. Pattis, I suppose what you're saying is he could never lay

1 a foundation if the witness keeps saying: No, I didn't --  
2 that's not mine; is that right?

3 MR. PATTIS: I don't know about that. We may get to  
4 the question of a good faith basis as a foundation, but at this  
5 point it's premature. And to simply start reading --

6 MS. HARRIS: Hold on, Mr. Pattis.

7 THE COURT REPORTER: I don't know who's speaking.

8 MR. PATTIS: Judge, I don't know if I need -- how  
9 much I need to repeat, sir. I'm sorry.

10 THE COURT: It's okay. Go ahead and make your point.

11 MR. PATTIS: So, I'm not saying that. I'm simply  
12 reacting in the moment to reading a document not in evidence to  
13 the witness, absent a foundation. It could be -- as I see this  
14 testimony, I don't know what the hell -- excuse my language --  
15 I don't know what's going on, sir. Apparently the witness is  
16 trying to say there may have been someone else associated with  
17 a different phone number using his account. I simply don't  
18 know.

19 But I don't think the government can say on this  
20 record, at this point, that it's his statement and read it to  
21 him when it's not in evidence. I just don't think so.

22 THE COURT: I think they have a good faith basis to  
23 ask the question.

24 MR. PATTIS: Our argument -- and then I'll shut up, I  
25 promise -- is that a good faith basis is not a substitute for

1 foundation as a matter of law.

2 THE COURT: I think he has the basis to ask the  
3 question, and then if he says no, we move on.

4 (Open court:)

5 BY MR. MULROE:

6 Q. Mr. Alonzo, you were a member of a chat called  
7 Miami-Dade OG?

8 A. I was a member of?

9 Q. A member of a chat called Miami-Dade OG?

10 A. Yes.

11 Q. Your testimony to this jury, so we have this for the  
12 record, is that you were not the person who sent a message  
13 reading --

14 A. I don't recall posting this, no.

15 Q. -- you were not the person who sent a message reading, "Put  
16 the video of the predator bitch getting smacked" --

17 MS. HERNANDEZ: Objection, Your Honor. It's  
18 unduly --

19 THE COURT: Overruled. I've already overruled these  
20 objections.

21 MS. HERNANDEZ: The document has not been admitted yet.

22 THE COURT: You may ask the question, sir.

23 BY MR. MULROE:

24 Q. Mr. Alonzo, your testimony to this jury is that someone was  
25 impersonating you when Telegram handle Deplorable51 sent a

1 message reading, "Put the video of the predator bitch getting  
2 smacked and say the page is doing a GoFundMe page to help pay  
3 for her new teeth. We finance something for the chapter.  
4 LOL"?

5 A. I'm not saying somebody impersonated. I'm saying I don't  
6 recall saying this. Doesn't sound like something I would say.

7 Q. And that was from November, correct, the video?

8 A. It says here, "November 16th."

9 Q. Mr. Alonzo, there was nothing about the violence at the  
10 November rally, which you learned about in your capacity as  
11 intel, that made you want to stay away from future events,  
12 correct?

13 A. There was nothing -- I'm sorry. I'm sorry.

14 MR. SMITH: Objection. Relevance. 403.

15 THE COURT: Overruled. Overruled.

16 BY MR. MULROE:

17 Q. There was nothing about the violence in November that made  
18 you want to stay away from future events, correct?

19 A. No.

20 Q. And, so, within just a few days of the November rally, you  
21 started making plans to attend the December 12th rally in D.C.?

22 A. Correct.

23 Q. It was *Protest Time Again*, right?

24 A. Correct.

25 Q. And you understand the reference I'm making there?

1 A. I think it's a facetious statement, "It's *Protest Time*  
2 *Again*." We didn't go to protest. We went there to rally.

3 Q. *Protest Time Again* is a song, right?

4 A. It's a song that's on a video, yeah.

5 Q. And something Proud Boys make reference to?

6 A. Yeah.

7 MR. JAUREGUI: Objection. Scope.

8 THE COURT: Sustained.

9 BY MR. MULROE:

10 Q. That song is about violence at rallies, right?

11 MR. JAUREGUI: Objection. Scope.

12 THE COURT: Sustained.

13 BY MR. MULROE:

14 Q. Now, the planning for December, some of that planning took  
15 place in a chat called D.C. Street Sweepers, correct?

16 MR. JAUREGUI: Objection. Scope. December 12th  
17 event.

18 THE COURT: He's testified as to that event, correct?

19 MR. MULROE: (Nods head.)

20 (Bench discussion:)

21 MR. JAUREGUI: Judge, I didn't get into the event of  
22 December 12th. I didn't ask him anything about the event of  
23 December 12th.

24 THE COURT: You jumped from November all the way to  
25 January 6?

1 MR. JAUREGUI: Judge, if anything, I asked him if  
2 there was any planning for violence in December. I mean, it  
3 was, like, one throwaway question. But I didn't get into the  
4 events of December 12th. I didn't get into the stabbing or  
5 confronting antifa or any of that.

6 THE COURT: Again, the difficulty, though, is -- I  
7 mean, the problem is -- or, the issue is, you know, he  
8 testified -- he drew lines from his experience with the club,  
9 his relationship with Tarrio, to January 6. So, I mean, I  
10 think -- and, again, we're not going back years, but I think  
11 some of this is within the scope.

12 Mr. Mulroe, where are we going here with the December  
13 rally?

14 MR. MULROE: Your Honor, I think that's all  
15 completely right, that it all is part and parcel about his  
16 testimony about what he knew 100 percent to be, you know, fair  
17 game and not fair game in January.

18 I also, separately, want to note that Mr. Jauregui  
19 elicited a number of categorical statements from the witness  
20 about things the Proud Boys would never do. "We would never be  
21 aggressive. We would only act in self-defense."

22 That wasn't limited to January 6. That was  
23 across-the-board, so I'm entitled to rebut that.

24 THE COURT: What are we going to get into here in the  
25 December rally?



1 MR. MULROE: I'm not going to be showing videos from  
2 December. I'm going to be showing a limited number of the  
3 witness's own text messages planning aggressive acts on the  
4 12th.

5 MR. JAUREGUI: Judge, we didn't get into any messages  
6 at all or any Telegram from December 12th. And we were  
7 limited, when we were crossing the agents, with specific dates  
8 on what we could get into and not get into, and we're not  
9 having the same kind of treatment here. It seems like the  
10 government has unlimited scope when they're cross-examining our  
11 witnesses.

12 THE COURT: The problem is: For fact witness to be  
13 making sweeping -- the agents weren't making sweeping  
14 declarations about what -- you know, what the evidence from all  
15 the -- what conclusions about -- about what happened on  
16 January 6. This witness did. And, so, they have to be able to  
17 say: Well, what is that based on and -- or, what seems  
18 inconsistent with it?

19 MR. JAUREGUI: Judge, I respectfully disagree. The  
20 government would elicit from the FBI agents that the culture of  
21 violence --

22 THE COURT: No. No. No. No. No.

23 MR. JAUREGUI: -- of the Proud Boys, and also the  
24 change towards law enforcement.

25 THE COURT: To be clear, they based that on -- the

1 change, to the extent there was testimony on the change, was  
2 reflected what the chats said or did not say. But the broader  
3 culture point, if you recall, that was all on cross. I would  
4 never let that in on direct.

5 (Open court:)

6 THE COURT: Mr. Mulroe, you may proceed.

7 BY MR. MULROE:

8 Q. Part of the planning for the December 12th rally took place  
9 in a Telegram chat called D.C. Street Sweepers, correct?

10 A. Yeah.

11 Q. And it was called that because you and the other Proud Boys  
12 planned on cleaning up the streets of D.C., right?

13 A. That I planned on cleaning the D.C. streets? Uhmm -- it  
14 was called that because -- that's -- to clean the streets in  
15 the -- I mean, the police were not doing -- didn't do anything  
16 in November, clearly, so we called ourselves the Street  
17 Sweepers. If there was -- antifa was attacking innocent  
18 people, they were throwing fireworks. And you can see it on  
19 TV. They were throwing fireworks inside restaurants. They  
20 were attacking innocent people, specifically older people.

21 Forget being a Proud Boy. As a U.S. citizen, as a  
22 human being, seeing that hurts you, when you see police  
23 officers standing there not doing anything.

24 Q. Mr. Alonzo, I asked you a pretty direct question. The chat  
25 group was called D.C. Street Sweepers because you and the other

1 Proud Boys thought it was your job to clean up the streets,  
2 correct?

3 MR. SMITH: Objection as to "other Proud Boys."

4 THE COURT: Overruled.

5 BY MR. MULROE:

6 Q. Is that right?

7 A. I'm answering you what -- to me. I can't speak for other  
8 Proud Boys. So, to me --

9 Q. You thought it was your job to clean up the streets?

10 A. I didn't think it was my job to clean anything. To me, as  
11 a U.S. citizen. Period. To be able to go there and protect  
12 innocent people? Yes.

13 Q. You thought it was your job to forcibly remove people who  
14 you viewed as troublemakers from the streets of D.C.?

15 MS. HERNANDEZ: Objection. Relevance.

16 THE COURT: Overruled.

17 BY MR. MULROE:

18 Q. I'll ask the question again.

19 You thought it was your job to forcibly remove people  
20 that you viewed as troublemakers from the streets of  
21 Washington, D.C. --

22 A. No.

23 Q. -- correct?

24 A. No. No. It was my job to go there and keep peace when  
25 people attack innocent people.

1 Q. That's what "street sweeping" means?

2 A. That's what street sweeping means.

3 Q. This chat group, D.C. Street Sweepers, was where the term  
4 coptifa started to get thrown around quite a lot?

5 A. I don't know if that was where it started to get thrown.

6 Q. You know the word "coptifa"?

7 A. I know the word, but you're asking me specifically if in  
8 this chat is where it started. I don't know if that's where it  
9 started.

10 Q. Well, let me ask you about timeframe.

11 It was in December 2020 timeframe that the term  
12 "coptifa" started getting used a lot, right?

13 A. It started getting used, yes.

14 Q. Now, when you were testifying on direct, I believe you said  
15 that you all never engaged in acts of aggression at these  
16 events; is that your testimony?

17 A. No. My testimony was that we were not -- when we went to  
18 D.C., we were not there to start an aggression. We were there  
19 to defend, if there was an aggression.

20 Q. You, yourself, had certain aggressive acts in mind as you  
21 planned for the D.C. rally in December, didn't you?

22 A. I, myself -- I'm sorry. I couldn't hear.

23 Q. You, yourself, had aggressive action in mind as you  
24 prepared for the December rally?

25 A. To go there and be part of the group and -- that was my

1 objective.

2 Q. Ms. Rohde, could we have, just for the witness, 1602A,  
3 please.

4 MS. HERNANDEZ: Objection. Relevance.

5 MR. JAUREGUI: And also scope, Judge.

6 MR. MULROE: And we can zoom in -- just for the  
7 Court's benefit, zoom in on the top message, Ms. Rohde.

8 THE COURT: Mr. Mulroe, let me hear you at the phone.

9 (Bench discussion:)

10 MR. MULROE: Your Honor, this message -- and it  
11 becomes even more clear with the second message, that I can  
12 show our -- the witness making plans to steal flags from  
13 antifa, an act of aggression that is not done in self-defense.

14 THE COURT: I mean, stealing flags?

15 MR. JAUREGUI: That is not an act of aggression, Your  
16 Honor.

17 THE COURT: I mean, I think -- you know, again --  
18 well, the line between this and what he expected or didn't --  
19 what is pantifa? What does that even mean?

20 MR. MULROE: I think that's a pejorative antifa.  
21 Like, antifa wears panties, pantifa, would be my guess.

22 MR. JAUREGUI: That's pretty good, Mr. Mulroe.

23 THE COURT: And the idea is that he was stealing  
24 flags from them or --

25 MR. MULROE: Well, yeah, I think it would be robbing

1 a flag, quite frankly. You take a flag from somebody, it's not  
2 like you're breaking into their house in the middle of the  
3 night. And I think I should be able to probe him on that.

4 MR. JAUREGUI: Judge, again, this is in November.  
5 Again, extremely outside the scope. They're just trying to  
6 find any possible thing to character assassinate our witnesses,  
7 Judge. It's not relevant. I mean --

8 THE COURT: I think, Mr. Mulroe, I'm going to just --  
9 you know, strangely enough, I'm sure the defense thinks that --  
10 you know, I think there's a straighter line between some things  
11 he said they would do and not do and some of the other things  
12 you've done, but this is pretty -- I'm going to rule this out  
13 on 403 grounds. I just don't think there's -- I don't -- I  
14 think it is truly not nearly as relevant as some of the other  
15 things. And, so, I'm going to sustain the objection on this.

16 MR. MULROE: Yes, Your Honor.

17 THE COURT: All right.

18 (Open court:)

19 BY MR. MULROE:

20 Q. Mr. Alonzo, you traveled to Washington, D.C. for the  
21 December rally, correct?

22 A. Correct.

23 Q. You took part in some of the events there?

24 A. Correct.

25 Q. You didn't get to see as much action as you would have

1       liked, though; isn't that right?

2       A.   What do you mean by "action"?

3       Q.   Well, there were things that held you back from engaging  
4       fully in the group's activities in December.

5       A.   Things that held me back?

6       Q.   Things that held you back.   Physical restraints.

7       A.   Oh, yes.

8       Q.   We have 1601A, please, just for the witness.

9               So, Mr. Alonzo, you were -- strike that.

10              Your level of fitness wasn't quite where --

11              MR. JAUREGUI:  Objection.  Relevance.  Scope.

12              THE COURT:  Overruled on this one.

13       BY MR. MULROE:

14       Q.   Your level of fitness wasn't quite where it needed to be to  
15       take part in an event like the December rally, correct?

16       A.   I had two torn ligaments in my knees.  By the time we had  
17       walked in the morning, about three hours, my right knee was the  
18       size of a watermelon.

19       Q.   And this message that I've highlighted on 12/14/2020, at  
20       9:36:39 a.m., that's from you?

21       A.   Yeah.  "My leg is giving me hell."

22       Q.   That's your message, correct?

23       A.   Yes.

24       Q.   Not an imposter?

25       A.   Huh?

1 Q. Not an imposter?

2 A. No. That's my --

3 MR. MULROE: Move to admit 1601A.

4 MS. HERNANDEZ: Relevance, Your Honor.

5 THE COURT: It will be admitted. And permission to  
6 publish.

7 BY MR. MULROE:

8 Q. So two days after the rally, Mr. Alonzo, you sent a message  
9 to the group saying: Def 100 percent. We need to get in  
10 shape, the ones needing it. I prob should not have been there,  
11 but I could not stay behind and not be part of it. But, I also  
12 knew I had to stay back, letting others handle battle, or I  
13 could have been a liability. My leg is giving me hell today,  
14 but no regrets. I need to get back in shape and stop wallowing  
15 in stupidity in my head.

16 That was your attitude following the December rally,  
17 correct?

18 A. That is my attitude? That was a comment that I made, yes.

19 Q. And so you resolved to get yourself into shape so that you  
20 could be an asset to the group at future events, correct?

21 A. Correct.

22 Q. You were going to start training, right?

23 A. That's what I said, yes.

24 Q. Just for the witness, 1601J, please.

25 If we could scroll down.



1           Another message referencing training for future events  
2           there?

3           A.   Yes, I said that.

4           MR. MULROE:   Move to admit 1601J.

5           THE COURT:   All right.   It will be admitted.   And  
6           permission to publish.

7           BY MR. MULROE:

8           Q.   Now, Mr. Alonzo, in your mind, you were not training for an  
9           imaginary doomsday scenario sometime in the future, correct?

10          A.   The reason I'm saying this is because --

11          Q.   Mr. Alonzo, I've asked you a yes-or-no question.

12          MR. JAUREGUI:   Judge, and I -- please, if he could  
13          please allow the witness to answer the question.

14          THE COURT:   Well, on this one, I think he's right.

15          Mr. Mulroe, ask the question again.

16          BY MR. MULROE:

17          Q.   You were not training for some imaginary doomsday scenario  
18          sometime in the future, were you?

19          A.   No.

20          Q.   You were training because, in your mind, you were already  
21          at war?

22          A.   No.

23          Q.   Just for the witness, 1601E, please.

24                 Another message from you right here at the top,

25                 Mr. Alonzo (indicating).

1 MR. JAUREGUI: Judge, I'm going to object on scope.  
2 This is nothing that has to do with the rally, has nothing to  
3 do with anything.

4 THE COURT: Overruled.

5 A. What is the question?

6 BY MR. MULROE:

7 Q. That's your message, isn't it?

8 A. That's my message.

9 MR. MULROE: Move to admit 1601E.

10 THE COURT: It will be admitted and permission --

11 MS. HERNANDEZ: Objection. Relevance.

12 THE COURT: -- permission to publish.

13 MS. HERNANDEZ: And 403.

14 THE COURT: Objections are overruled.

15 BY MR. MULROE:

16 Q. Mr. Alonzo, this was the message you sent on December 20th,  
17 "I don't get it. Few messages ago Trump disavowed us, so boo  
18 hoo hoo, no one wants to march. And brothers got hurt, so no  
19 more battles. And I'm mad at conservatives. They did not --  
20 whatever.... are we doing or are we not? Or is this like a  
21 3 percent training for one day when doomsday hits and we can  
22 fight off zombies??"

23 Two question marks.

24 Referring to the 3 percenters there?

25 A. Huh?

1 Q. When you said "like a 3 percent training," talking about  
2 the 3 percenters?

3 A. I'm sorry?

4 Q. "I'm in 100 percent" --

5 MR. SMITH: Objection. Relevance. 403. Scope.  
6 Vague.

7 THE COURT: Sustained. Sustained on relevance.

8 BY MR. MULROE:

9 Q. I'll continue reading your message, Mr. Alonzo.

10 "I am in 100 percent for real things and actions, not  
11 for scenarios of what-if down the line. We are at war today,  
12 right now."

13 A. Right.

14 Q. That's your message, wasn't it?

15 A. This has nothing to do with Proud Boys --

16 Q. That's a yes-or-no question, Mr. Alonzo.

17 A. Yes.

18 MR. JAUREGUI: Judge, I ask that the witness be given  
19 an opportunity to answer yes or no and explain his answer  
20 without being stopped by the government.

21 THE COURT: You can -- you'll have a chance on  
22 redirect. If it's a yes-or-no question, he's answered the  
23 question.

24 MR. JAUREGUI: Judge, no. He can answer yes or no,  
25 and then he can explain.

1 THE COURT: If he would like to explain, he can ask  
2 the prosecutor if he can expand on his answer.

3 MR. JAUREGUI: Judge, can we go to the phone?

4 (Bench discussion:)

5 MR. JAUREGUI: Your Honor, respectfully --

6 THE COURT: Mr. Jauregui, we went through this.  
7 Mr. Pattis was very adamant in his cross that he -- he be able  
8 to control whether it's a yes-or-no question.

9 MR. JAUREGUI: And you're correct. I agree with you,  
10 Judge. He must answer -- he must answer yes or no.

11 THE COURT: Right.

12 MR. JAUREGUI: But he doesn't have -- he doesn't have  
13 to ask permission from the government to explain. He can say  
14 yes or no, but -- and then he can launch into his answer. He  
15 can't be stopped from saying his answer. He can't be stopped  
16 from explaining his answer.

17 THE COURT: Well, it's not a yes or no, right? If it  
18 goes on forever, that's fair. So, I mean, I think I'm just  
19 going to take them as they come here. I mean, look, if he just  
20 gives an additional bit of answer, I'm not going to -- I'm  
21 going to allow him to do that. But, I think if it becomes a  
22 narrative, then that's another thing. You're marking the  
23 places and you'll be able to go back and ask him to expand, if  
24 he needs to.

25 MR. JAUREGUI: I understand, Your Honor. But he's

1 being stopped from answering the questions by the government.

2 THE COURT: I'll pay attention it to.

3 MR. JAUREGUI: Thank you, sir.

4 THE COURT: All right.

5 (Open court:)

6 BY MR. MULROE:

7 Q. Mr. Alonzo, your view of this war was that police and  
8 federal law enforcement had chosen the wrong side; isn't that  
9 right?

10 A. No.

11 Q. Just for the witness, 1602D, please. Sorry. 1602D.

12 This message on the bottom of the first page, that's you  
13 again, isn't it?

14 A. (Nods head.)

15 What's your -- what is the question, sir?

16 Q. That message was from you, wasn't it?

17 A. Yes, it was.

18 MR. MULROE: Move to admit 1602D.

19 THE COURT: It will be admitted. And permission to  
20 publish.

21 BY MR. MULROE:

22 Q. Mr. Alonzo, on December 23rd of 2020, you sent the  
23 following message, "Been saying this for a while. Antifuck" --

24 Means antifa?

25 A. Correct.

1 Q. -- "antifuck is backed by Dems, police, and the FBI.  
2 They're like that all over the world. Why would here be any  
3 different? Their comms are police issued."

4 You sent that message, didn't you?

5 A. Yes, I did.

6 Q. Mr. Alonzo, around this timeframe, you were part of a  
7 Telegram group called Croqueta Wars?

8 A. Yes.

9 Q. You remember that, right?

10 A. Yes.

11 Q. We can take the exhibit down.

12 That was a group that had a bunch of guys who came to  
13 D.C. for January 6, right?

14 A. A bunch of the Miami guys, yes.

15 Q. So, Enrique Tarrío was a member of that group?

16 A. Honestly, he might have been, and I --

17 Q. Would it surprise you to hear that we extracted that group  
18 from his phone?

19 A. Huh?

20 Q. Would it surprise you to hear --

21 MS. HERNANDEZ: Objection. Testifying.

22 THE COURT: Sustained.

23 BY MR. MULROE:

24 Q. Do you remember, one way or the other, whether Enrique  
25 Tarrío was a member of Croqueta Wars?

1 MR. PATTIS: Your Honor, asked and answered.

2 THE COURT: Overruled.

3 A. Honestly, I don't remember. It was a satire chat because  
4 we hung around a Cuban restaurant that we -- it was --

5 BY MR. MULROE:

6 Q. And Enrique Tarrio was the creator of MoSD, correct,  
7 Ministry of Self-Defense?

8 A. I don't know who created the chat. If -- if -- it might  
9 have been him, yes.

10 Q. Gabriel Garcia was in that Croqueta Wars group?

11 A. Yes, he was.

12 Q. He was a member of MoSD, right?

13 A. I believe so, yes.

14 Q. And Gabriel Garcia, you wouldn't consider him to be  
15 riffraff, would you?

16 A. I don't consider him at all.

17 Q. You don't consider him at all?

18 A. I have no relationship with him. I don't care for him.

19 Q. He's just a guy?

20 A. It's somebody that I don't associate with and never have.

21 Q. Gilbert Fonticoba was a member of Croqueta Wars?

22 A. Another person that I don't associate with, yes.

23 Q. And he was a member of the Ministry of Self-Defense,  
24 correct?

25 A. Yes, he was.

1 Q. And Ash Barkizoba was a member of Croqueta Wars?

2 A. I don't remember if he was or not.

3 Q. Do you remember he was a member of the Ministry of  
4 Self-Defense?

5 A. Shortly, for a short while, he was.

6 Q. And Greek was a member of Croqueta Wars?

7 A. Greek, yes.

8 Q. And he was a member of Ministry of Self-Defense?

9 A. I don't recall.

10 Q. And a person who used the Telegram handle Michael Priest  
11 was a member of Croqueta Wars?

12 A. Yes, he was.

13 Q. He was a member of Ministry of Self-Defense, correct?

14 A. I don't recall if he was or not.

15 Q. And Michael Priest, that's Alberto Tourna, correct?

16 A. I don't remember his real name.

17 Q. Goes by Al?

18 A. Al, yeah.

19 Q. You know him as Al, right?

20 A. I know him as Al.

21 Q. Pedro Q-Tip Homelander was a member of Croqueta Wars?

22 A. Yes.

23 Q. That's that's -- Pedro Barrios is his real name?

24 A. Page?

25 Q. Pedro Barrios



1 A. I never knew -- a lot of the guys, I never knew their real  
2 names.

3 Q. Okay. But Pedro Q-Tip Homelander was a member of Ministry  
4 of Self-Defense, correct?

5 A. I don't recall if he was or not.

6 Q. And all those people I just listed, none of those people  
7 were bots.

8 A. None of them what?

9 Q. None of them were bots.

10 A. Were what?

11 Q. Do you know what a chatbot is?

12 A. Oh, no. No. A bot. I'm sorry. My ear is closed, so I  
13 can't really hear.

14 Q. None of them are bots, right?

15 A. No.

16 Q. Those are all real people?

17 A. Yes.

18 Q. And all of those people fell under the leadership of  
19 Enrique Tarrío, correct?

20 A. Correct.

21 Q. Now, in this Croqueta Wars chat, you all had discussions  
22 about keeping Donald Trump in power, correct?

23 MS. HERNANDEZ: Objection, Your Honor, on this chat.

24 (Bench discussion:)

25 THE COURT: Ms. Hernandez, he testified on direct

1       that he wouldn't -- that he would never be a part of a group  
2       that was planning to do anything illegal to keep someone in  
3       power and that January 6 was about other things. I don't know  
4       exactly where this is headed, but, I mean, from the questions,  
5       if there are messages from him about the -- that suggest that  
6       that's what he was involved with, how is that not, at a  
7       minimum, relevant to his credibility?

8               MS. HERNANDEZ: Well, it's not relevant to my client.  
9       I don't know what this chat group is. He doesn't know any of  
10      these people. Even this witness says he doesn't know my  
11      client.

12             And, Your Honor, this is, again, we're in the same  
13      situation as we were with the other witness. The government  
14      has not produced these things until after the witness takes the  
15      stand. That was not the order that the Court established for  
16      the government witnesses. We were required to exchange our  
17      exhibits, we were required to tee things up to the Court so  
18      that that morning the Court could look at it, we could go  
19      through all of this.

20             Instead, we're being -- we're being bushwhacked in  
21      the middle of the trial. This is not the way -- this is not  
22      the way things are supposed to go. I don't even know who this  
23      group is. I had no knowledge of these people until -- until, I  
24      think, at whatever time this afternoon the government sent some  
25      exhibits. That's just not the way it's supposed to happen.

1           We've had billions of data -- data from the  
2           government, and now they're sending something that we've never  
3           been -- that, as far as I know, has never been produced to us  
4           before today, and it has nothing to do with my client.

5           THE COURT: There's a lot there. Ms. Hernandez, I  
6           never -- you will have to point me to it, but I don't recall  
7           ever saying that every single stitch of information you're  
8           about to use on cross you've got to produce to the government.  
9           They were --

10          MS. HERNANDEZ: There were --

11          THE COURT: Ms. Hernandez, please. All right?

12          MS. HERNANDEZ: I'm sorry. The videos and stuff we  
13          were, Your Honor.

14          THE COURT: There were occasions in which types of  
15          evidence that we -- there was no -- that, in order to save  
16          time, if you all were going to claim -- and, of course, the  
17          government, you couldn't do this in advance -- but, if you were  
18          to claim a prior inconsistent statement, that once the direct  
19          testimony was done, that we had to have a conversation about  
20          that because it's a question of an inconsistent statement.

21          What we're talking about here now is -- is general  
22          impeachment information in terms of the -- that goes to their  
23          credibility.

24          MS. HERNANDEZ: I guarantee -- I'm sorry.

25          THE COURT: And, so, I don't -- if you have an

1 objection, I mean, we can talk about what the various order  
2 said, but if there's no objection, I'm going to just let the  
3 government -- I understand it doesn't --

4 MS. HERNANDEZ: It's irrelevant and we're being  
5 ambushed, Your Honor. I guarantee you that the government had  
6 these materials ready to cross long before this gentleman took  
7 the stand. This wasn't just generated -- this wasn't just, you  
8 know, gathered after the witness testified.

9 Why are we doing this? Why are we being ambushed  
10 with this? It's one thing if my client had been part of that  
11 group, but he wasn't.

12 THE COURT: First of all, these are just two  
13 different things. It has nothing to do with your client being  
14 part of the group. This is --

15 MS. HERNANDEZ: I'm sorry, but the reason --

16 THE COURT: No, I'm sorry, Ms. Hernandez. I'm so  
17 sorry, but --

18 MS. HERNANDEZ: Your Honor --

19 THE COURT: -- I just -- really -- just, we're never  
20 going to get through this. It doesn't have anything to do with  
21 your client being in the group or not being in the group. You  
22 know that. It's about his credibility.

23 MS. HERNANDEZ: I understand. But in terms of my  
24 ability to deal with this stuff, because my client is not in  
25 this group, I don't even know -- we haven't got discovery on

1 this group. I have no ability to be ready to confront this  
2 stuff. That's my point. It makes it worse because my client  
3 wasn't anywhere near this stuff.

4 THE COURT: If you have an objection and you see  
5 something coming and you want to press pause, I've been giving  
6 you lots of sidebars, but there's no reason for a sidebar now.

7 MS. HERNANDEZ: Well, I'm just --

8 THE COURT: There just isn't.

9 MS. HERNANDEZ: I wish we didn't have to have all  
10 these sidebars. It's the point, Your Honor. I think the  
11 government has an obligation to produce this stuff in time for  
12 us to look at it, bring it up to the Court's attention. All  
13 these -- these are unduly prejudicial matters, Your Honor,  
14 which I don't know what the impeachment value of them are.  
15 But, whatever they are, I think they're completely overborne by  
16 the undue prejudice that it's befalling.

17 THE COURT: I'm going to overrule your objection.

18 And, Mr. Mulroe, you may proceed.

19 And, again, if there's -- look, I'm willing to listen  
20 to objections, if you have them, but just an objection that "my  
21 client wasn't in the chat" is not an objection.

22 MS. HERNANDEZ: I'm sorry. Relevance, Your Honor. I  
23 didn't say -- relevance and lack of notice.

24 THE COURT: Okay.

25 MR. JAUREGUI: Judge, and scope.

1 But, just so Your Honor knows, I did request from the  
2 government, in writing, you know, these impeachment materials  
3 and, unfortunately, never got them. But, I just wanted to let  
4 Your Honor know.

5 THE COURT: Well, you have them now, correct?

6 MS. HERNANDEZ: And 406 --

7 THE COURT: I'm not trying to be cute about it, but  
8 when were you provided them?

9 MR. JAUREGUI: We were provided them after he  
10 finished his direct, Your Honor.

11 MS. HERNANDEZ: At 2 p.m. The government sent an  
12 email, I believe, at 2 p.m.

13 THE COURT: All right. Wait. Ladies and gentlemen,  
14 here's what we're going to do: We have to take an afternoon  
15 break at some point. I'm going to take it right now just so  
16 you have the opportunity to review these materials a little  
17 more, even though we're going to have to take one at some  
18 point. We're going to take our afternoon break, we're going to  
19 come back, and we're going to motor ahead.

20 Mr. Mulroe, I would say "you may proceed," but I'm  
21 going to -- we're going to break in a moment. All right.

22 (Open court:)

23 THE COURT: Ladies and gentlemen, we're going to take  
24 our afternoon ten-minute break. It's 3:15.

25 Ms. Harris, if you would bring the jury back in ten

1 minutes and have them back in the box, we'll continue with  
2 cross-examination. Thank you very much.

3 (Whereupon the jurors leave the courtroom.)

4 You may step down.

5 And we'll be back in ten minutes.

6 (Recess.)

7 (Whereupon the jurors enter the courtroom.)

8 THE COURTROOM DEPUTY: We are back on the record in  
9 criminal matter 21-175, United States of America versus Ethan  
10 Nordean, et al.

11 MR. MULROE: Your Honor?

12 THE COURT: You may proceed.

13 BY MR. MULROE:

14 Q. Mr. Alonzo, before the break we were just about to delve  
15 into the Croqueta Wars chat.

16 A. Correct.

17 Q. And went through a bunch of people in that chat, all of  
18 whom were members of the Ministry of Self-Defense, right?

19 A. I don't recall if they're members. But, yes.

20 Q. Now, in this chat you all had discussions about ways that  
21 Donald Trump could hold on to the presidency after the  
22 election, correct?

23 A. We might have talked about those things. I don't recall  
24 specific conversations. It was several years ago.

25 Q. Well, as of December 17th, 2020, you believed that Donald

1 Trump might have a complicated plan to hold on to the  
2 presidency; does that sound familiar?

3 MR. JAUREGUI: Objection. Scope. Relevance.

4 THE COURT: Overruled.

5 MR. MULROE: Ms. Rohde, if we could have, just for  
6 the witness, 1601B. B, as in boy.

7 And scrolling down just a bit. That's good.

8 BY MR. MULROE:

9 Q. Mr. Alonzo, you recognize your Telegram handle there?

10 A. Um-hum.

11 Q. And you recognize this long message in the chat?

12 A. Correct.

13 Q. And this is a message about affidavits and judicial  
14 corruption and Trump sitting on a stack of trump cards and  
15 dueling electors from seven states' legislatures and so forth?

16 MS. HERNANDEZ: Objection. Reading from a document  
17 not in evidence.

18 THE COURT: Overruled.

19 A. If I recall, you're asking me that this is what I believe  
20 or what I've sent?

21 BY MR. MULROE:

22 Q. Asking whether this is a message you sent.

23 A. It's a message that I shared from a person that sent me  
24 this, yes.

25 Q. You forwarded to the Croqueta Wars?



1 A. Yes, I did.

2 Q. And this was about various legal schemes to affect the  
3 outcome of the election, correct?

4 A. Correct.

5 MR. MULROE: Move to admit 1601B.

6 MS. HERNANDEZ: Objection. Relevance. Hearsay.

7 MR. SMITH: Objection --

8 MS. HERNANDEZ: 403.

9 THE COURT: Overruled.

10 It will be admitted. And permission to publish.

11 BY MR. MULROE:

12 Q. So this was your message about possible solution. But, Al,  
13 or Michael Priest, who was a member of this chat, he had  
14 something less complicated in mind, didn't he?

15 A. I don't recall.

16 Q. Well, Al, who was a member of Ministry of Self-Defense,  
17 correct?

18 A. I don't recall if he was or not.

19 Q. You have no reason to doubt that --

20 A. I don't doubt it. I just don't remember it.

21 Q. All right. Ms. Rohde, let's scroll --

22 MR. SMITH: Objection. Foundation.

23 THE COURT: Let's just have it for the witness.

24 MR. MULROE: Just for the witness, please.

25 THE COURT: Just for the witness.

1 BY MR. MULROE:

2 Q. And Al sent a message right after that message that you  
3 sent, didn't he?

4 A. Yes, that's what it says.

5 Q. And he had something a little less complex in mind, didn't  
6 he?

7 A. That's his comment, yes.

8 MR. SMITH: Objection. Relevance to what Al thought.

9 THE COURT: Understood.

10 Mr. Mulroe. Let's go to the phones.

11 (Bench discussion:)

12 THE COURT: Mr. Mulroe, does he comment on this?

13 MR. MULROE: Your Honor, just -- I'll answer that  
14 question, but I would proffer two things regarding the  
15 relevance of this comment by Al. I mean, first -- and just the  
16 exhibits, I believe, already bear this out -- but Al, or  
17 Michael Priest, was, in fact, a member of the Ministry of  
18 Self-Defense to the extent that the mindset of the tools is  
19 relevant.

20 THE COURT: Yeah, but it's not relevant on this  
21 cross. But, go ahead.

22 MR. MULROE: And, Your Honor, the second point that  
23 is more directly linked to this witness is that on this exhibit  
24 that's on the screen --

25 THE COURT: Uh-huh.

1 MR. MULROE: -- Mr. Alonzo does not comment.

2 However, I am about to offer a second exhibit where  
3 Al, again, raises the idea of bodies. And in that exchange,  
4 which is shortly after this one, the witness does say: Yes, I  
5 agree.

6 THE COURT: Well, then move on to that one. I think  
7 this -- I don't -- it doesn't make this relevant, this Al PB  
8 statement. Look, you've -- I understand that the arguments are  
9 made on tools, but this is -- as we've been talking about, this  
10 is a cross-examination of this witness. This isn't your  
11 opportunity to get tools evidence in just sort of because you  
12 can.

13 So, go ahead.

14 MR. MULROE: Understood, Your Honor.

15 But, the other thing I would note is that on direct  
16 examination, this witness expressed horror at the idea that  
17 he and the other Proud Boys --

18 MS. HERNANDEZ: Your Honor, we can hear -- we can  
19 hear Mr. Mulroe.

20 MR. MULROE: On direct, Your Honor, this witness, I  
21 believe, said he was offended and disgusted at the notion that  
22 he and the other Proud Boys might use violence to stop the  
23 certification of the election. He said he would -- if there  
24 was any talk of storming the Capitol, he would quit right away.  
25 He was categorical about that. So, I think that I should be

1 entitled to show him this message and ask, you know: You  
2 didn't rebuke Al? You didn't quit the group?

3 THE COURT: Look, I think that's a stretch. It's  
4 not -- everything up 'til now has really been his statement.  
5 This is -- I think it's a stretch. So, Mr. Mulroe, let's move  
6 on to the -- I'm going to sustain an objection to this, and you  
7 can move on to whatever he said. I mean, obviously the  
8 stacking bodies thing is -- also plays back to what he said on  
9 direct about the other posts. So --

10 MR. JAUREGUI: Your Honor, my apologies for  
11 interrupting.

12 Just to be clear, the statement that he does make is  
13 the next day, at 11 a.m. It's not even clear that he's  
14 responding to any of this stuff. Remember, these are hundreds  
15 of thousands of messages.

16 THE COURT: I understand. What Mr. Mulroe, I think,  
17 said, if I understand it, there's another thing about stacking  
18 bodies, and he responds to that.

19 Is that -- Mr. Mulroe, do I have that right?

20 MR. MULROE: (Nods head.)

21 THE COURT: So, I mean, I think that's fair. And  
22 it's fair because he used that phrase in the other post. So,  
23 let's just move on. I'll sustain the objection to this, and  
24 let's move on to the next one.

25 (Open court:)

1 BY MR. MULROE:

2 Q. That message you sent about legal challenges, Mr. Alonzo,  
3 was December 17th, correct?

4 A. Correct.

5 Q. About a week later, by December 24th, you had something a  
6 little more drastic in mind, didn't you?

7 A. This message I shared doesn't necessarily mean that that  
8 was my view. So when you said, "I had something more drastic,"  
9 I don't know -- I don't understand what you're saying. What  
10 did I say on December 24th?

11 Q. Just for the witness please, 1601F.

12 There's a conversation that you're a part of. You see  
13 your Telegram handle up there at the top?

14 A. "Boom, there it is."

15 Q. And then the second message is from Al, right?

16 A. Um-hum.

17 Q. And then if we could scroll down a bit.

18 A. Um-hum.

19 Q. You respond to that message by providing a date, correct?

20 A. Um-hum.

21 Q. And then if we could scroll down some more.

22 Al provides some further suggestions, correct?

23 A. Um-hum.

24 Q. And then after that, you say: "Yes."

25 Correct?

1 A. Yes.

2 MR. MULROE: Move to admit 1601F.

3 THE COURT: It will be admitted. And permission to  
4 publish.

5 MR. MULROE: Let's go to the top, please, Ms. Rohde.

6 BY MR. MULROE:

7 Q. So picking up on the second message. Al says, "Yeah, yeah.  
8 Unleash the kraken. Trust the plan. Blah. Blah. Blah. When  
9 do we start stacking bodies on the White House lawn?"

10 And he's not talking about police killing protestors  
11 there, is he?

12 MR. PATTIS: Objection.

13 THE COURT: Sustained.

14 BY MR. MULROE:

15 Q. Al PB asks: When do we start staking bodies on the White  
16 House lawn?

17 And then you reply January 7th, correct?

18 A. Yeah.

19 Q. And then let's scroll down.

20 Al continues: The RINOS first. Make the Democrats  
21 watch.

22 A RINO is Republican in name only, correct?

23 A. Are -- what in name only?

24 Q. Republican in name only.

25 A. That's not what -- to me, what I thought RINO was was

1       somebody who had been in office too long.

2       Q.   Someone who was a member of the Republican party, but not  
3       conservative enough for you, right?

4       A.   Of any party.

5       Q.   Scroll down.

6               Said:   Stock the bodies of the RINOs first and make the  
7       Democrats watch.

8               And then you say:   Yes.

9               Correct?

10      A.   That's what I posted, yes.

11      Q.   That's what you were talking about on Christmas Eve of  
12      2020, correct?

13      A.   I'm sorry?

14      Q.   That's what you were talking about on December 24th of  
15      2020, correct?

16      A.   That's my understanding of what a RINO is, yes.

17      Q.   And the RINO was the bodies that you thought --

18      A.   The RINOS were what?

19      Q.   The RINOs were the bodies that you thought needed to be  
20      stacked in front of the White House?

21      A.   They're spies?

22      Q.   Bodies.

23      A.   The context of this banter was not literal.   Nobody -- I  
24      mean, locker room talk, if you will.

25      Q.   When Mr. Jauregui asked you during your direct examination

1 about what you really meant when you said, Let the bodies hit  
2 the floor, you had some time to think about the answer to that  
3 question, didn't you?

4 A. No. That -- when I was told about that comment, my first  
5 reaction was -- what was said prior to me saying that? Because  
6 I need to know what was said to see what context I said it in.  
7 And the comment I said prior to me saying that was somebody  
8 making a idiotic comment about rushing the police. Whoever is  
9 going to -- unarmed American rushing police, the odds of police  
10 dropping on the ground, I'm sorry, are zero to none.

11 Q. Ms. Rohde, could we scroll up about in the exhibit. These  
12 bodies that are getting stacked on the White House lawn, the  
13 police aren't putting the bodies over there, are they?

14 MR. JAUREGUI: Objection. Argumentative.

15 THE COURT: Overruled.

16 MS. HERNANDEZ: Objection. Hearsay, 403.

17 THE COURT: Overruled.

18 BY MR. MULROE:

19 Q. Police aren't the ones putting the bodies on the White  
20 House lawn, are they?

21 A. I don't know what -- I mean, whatever he's talking about,  
22 we're just making -- it's, again, locker room talk. It's  
23 nothing that we were planning, anything of this.

24 Q. Let's have the screen down.

25 MR. PATTIS: Judge, may we have a sidebar.



1 (Bench discussion:)

2 MR. PATTIS: Judge, I'm going to request the same  
3 curative instruction. And that is that mere abstract calls for  
4 violence at some future date are protected speech. This  
5 language may reflect intent, it may not. My understanding is  
6 the way the government is proceeding is the door has been  
7 opened to general comments about violence. However, the use of  
8 this has gone beyond impeachment now and I think there is a  
9 danger that the jury may use this as to reflect plan, intent,  
10 or objective on January 6.

11 And because the speech is, in our view, no more  
12 prohibited than saying you're going to line up capitalists  
13 against the wall and shoot them. This is a line of speech that  
14 has been protected, and is recognized as protective. If the  
15 jury -- and the jury is free to regard it as so, they're not  
16 required to.

17 THE COURT: All right. Mr. Pattis, I'll consider  
18 your request. Between witnesses, if you'll talk to the  
19 government and see what they think. But I'll strongly consider  
20 that request. But, Mr. Pattis, I also want to correct one  
21 thing you said for the record: I don't think they have  
22 opened -- the door has -- given his direct testimony, the door  
23 is open to things that undermine his testimony that he and the  
24 Proud Boys would not have used, sort of, violence to advance  
25 their political goals. I don't think it's -- I don't think

1 it's -- the door is kicked open as widely as you might have  
2 said. But --

3 MR. PATTIS: In fairness, it appears to me that the  
4 government is taking that view. And if we continue to go down  
5 this line, it's going to become, in my view, 403 question.  
6 There has been some impeachment, and given the importance of  
7 protected speech and the notion that *Brandenburg* stands for  
8 what it think it says -- I understand I'm invited to make the  
9 application later.

10 THE COURT: Exactly. And my comment is not to  
11 suggest that the merits of your request are not -- that the  
12 question you're making is unreasonable or does not have merit,  
13 so I just ask if you -- we could talk about what it would say,  
14 but I don't think it's an unreasonable request.

15 MR. PATTIS: Thank you, sir.

16 THE COURT: All right.

17 (Open court:)

18 BY MR. MULROE:

19 Q. Mr. Alonzo, on January 6 you understood the focus of the  
20 event was going to be the Capitol building, isn't that right?

21 A. The focus of the event was going to be --

22 Q. The Capitol building?

23 A. Of what event?

24 Q. The focus of the Proud Boys rally on January 6.

25 A. It was never the Capitol. There was never a focus.

1 Q. Well, you were focused on the Capitol?

2 A. No, I was not.

3 Q. You were not focused on the Capitol building --

4 A. No, I was not.

5 Q. -- and what was going on inside?

6 A. I knew there was going to be a certification, but other  
7 than that, it was not the reason we were there.

8 Q. 1602C, please. Just for the witness.

9 Scroll down a bit.

10 See this message from you?

11 A. Um-hum.

12 Q. This is on December 19th, 2020?

13 A. Correct. Outside the Capitol where the Trump rally was  
14 going to happen.

15 Q. What I asked you, Mr. Alonzo, was whether you sent this  
16 message on December 19th, 2020?

17 A. Yes, I did.

18 MR. MULROE: Move To admit 1602C.

19 THE COURT: It will be admitted and permission to  
20 publish.

21 BY MR. MULROE:

22 Q. You said, "D.C. Street Sweepers, January 6, is to go stand  
23 and protect our fellow patriots outside the Capitol building  
24 while history is made inside," correct?

25 A. Yes.

1 Q. And you believed that the history that was going to be made  
2 was something relating to the certification of the Electoral  
3 College vote, isn't that right?

4 A. Correct.

5 Q. And on direct, Mr. Alonzo, you denied that there had been  
6 any talk that you were privy to about storming the Capitol,  
7 right?

8 A. Correct.

9 Q. You would have rejected that?

10 A. 100 percent.

11 Q. You would have removed yourself from any conversation where  
12 storming the Capitol came up, right?

13 A. As far as going over there to overtake the U.S. government,  
14 of course.

15 Q. Storming the Capitol was something that you just wanted no  
16 part of?

17 A. And didn't have any part of.

18 Q. Let's have, just for the witness, 1604A, please.

19 Do you recall being part of a chat called Florida Proud  
20 Boys State chat?

21 A. Florida?

22 Q. Florida Proud Boys State chat?

23 A. I might have been. I don't recall all the names of all the  
24 chats we were in.

25 Q. And let's scroll to the -- let's go to the bottom of page

1 2, that we just passed. This is your message? You sent a  
2 message that says "empty file," correct?

3 A. I shared an attachment, yes.

4 Q. This is on December 20th of 2020?

5 A. Yeah, that's what it says there.

6 Q. This was in the midst of a conversation where Al and you  
7 were each discussing expectations for January 6; fair?

8 A. I don't recall the conversation of that day.

9 Q. Scroll up a little bit to the bottom of page 1. See a  
10 message from Al about January 6? Do you see that?

11 A. Okay. Um-hum.

12 Q. Scroll to page 2. Another message from Al about  
13 January 6th?

14 A. Um-hum.

15 Q. Scroll down. Scroll down.

16 And here Al is expressing a view on what might be the  
17 wise thing for Proud Boys to do?

18 A. Correct.

19 Q. Scroll down. Scroll down.

20 Scroll down. Scroll down.

21 And we got a message from you at the top of page 4  
22 saying what the 6th is going to be about, correct?

23 A. Except, awaiting the outcome.

24 Q. Well, going on the 6th is what it is or is not going to be  
25 about, is what that message --

1 A. Awaiting -- the outcome of why people were there, not --  
2 what -- you -- you're asking me two things. One thing is this  
3 chat that's got nothing to do with the MoSD and what the MoSD  
4 was about. Here, talking about -- as a patriot waiting --  
5 waiting, waiting at the Capitol steps to see the outcome. I  
6 don't see anything there that I'm saying that I'm going to go  
7 attack, on the 6th, the Capitol --

8 Q. Mr. Alonzo, I asked you one thing --

9 MS. HERNANDEZ: Objection.

10 Q. -- and it was a one yes or no question.

11 A. You're asking what I'm saying and I'm not --

12 THE COURT: Ask your question, Mr. Mulroe.

13 BY MR. MULROE:

14 Q. You sent this message about what going on the 6th was or  
15 was not going to be about, correct?

16 A. What?

17 Q. You sent this message about going on the 6th was or was not  
18 going to be about, yes?

19 MR. SMITH: Objection, vague.

20 THE COURT: Overruled.

21 A. In general, as a patriot of the United States, not as a  
22 Proud Boy.

23 BY MR. MULROE:

24 Q. So that's a yes?

25 A. Yes.

1 Q. Scroll down, and then at the bottom of page 4 we have a  
2 message from Al, don't we?

3 A. Um-hum.

4 Q. Then you send another message right after that one, don't  
5 you?

6 A. Yes.

7 MR. MULROE: I move to admit 1604A.

8 THE COURT: All right. It will be admitted and  
9 permission to publish.

10 MS. HERNANDEZ: Objection, 403.

11 BY MR. MULROE:

12 Q. Go to the top, Ms. Rohde.

13 MS. HERNANDEZ: Hearsay.

14 THE COURT: Objection's overruled.

15 BY MR. MULROE:

16 Q. So walking through this conversation with you, Mr. Alonzo,  
17 now that it's in evidence, we got a message from Al on December  
18 20th saying January 6 may be the moment the people need to take  
19 D.C., right?

20 A. That was his comment, not mine.

21 Q. That's a yes or no questions. Al sent that message --

22 A. Al --

23 Q. Let me finish. Mr. Alonzo, this nice lady is taking all  
24 the answer down. You got to let me finish the question. All  
25 right? Do you understand that?

1 A. (Nods head.)

2 Q. Al sent that message on December 20th, 2020, didn't he?

3 A. Yes.

4 Q. Scroll down a bit.

5 Al said it may not be that peaceful, correct?

6 A. That's what he wrote there, yes .

7 Q. If we could scroll down a bit more.

8 Al says maybe we should stand back and standby, correct?

9 A. That's what he wrote, yes.

10 Q. Let's scroll down some more.

11 MR. JAUREGUI: I'm going to object. Scope. This  
12 isn't part of the MoSD.

13 THE COURT: Overruled.

14 BY MR. MULROE:

15 Q. Al says the only thing we would be doing is fighting crazy  
16 leftists, taking all the risk and not affecting the outcome of  
17 that day, correct?

18 A. That's what he wrote, yes.

19 Q. Outcome of that day, meaning whether or not the election  
20 would be certified, is your understanding, right?

21 MR. JAUREGUI: Objection. Speculation as to what  
22 Al's understanding is.

23 THE COURT: Sustained.

24 A. I don't know what his understanding is.

25 THE COURT: Sustained. If I sustain the objection,



1 sir, then you don't have to answer.

2 BY MR. MULROE:

3 Q. Scroll down a bit. Now you have a message that says, Going  
4 on the 6th is not about fighting lefties, it's about joining  
5 patriots on the Capitol steps, awaiting the outcome of history  
6 that affects all of us, correct?

7 A. Correct.

8 Q. And you said, "IMO," and that means in your opinion, right?

9 A. I'm sorry?

10 Q. Then you said "IMO," means in your opinion?

11 A. In my opinion.

12 Q. Scroll down. And Al says, If we were storming the Capitol,  
13 that's a different story, correct?

14 A. That's what he says.

15 Q. And that didn't disgust you, did it?

16 A. It's a comment that he made. It's if -- suggests a  
17 facetious statement. It means nothing. It wasn't saying that  
18 we're going to attack the Capitol, that's not what he said.

19 Q. That didn't insult you, for Al to be talking about storming  
20 the Capitol --

21 A. I didn't pay attention to it.

22 Q. You got to let me finish the question, Mr. Alonzo. Will  
23 you do that?

24 That didn't insult you, when Al talked about storming  
25 the Capitol in a Proud Boys chat, did it?

1 MR. METCALF: Objection. Relevance.

2 THE COURT: Overruled.

3 A. I didn't think anything of it because I thought it was a  
4 stupid comment.

5 MR. MULROE:

6 Q. Scroll down a bit.

7 You said: Like we chant in our Latino countries when we  
8 unite -- Spanish phrase -- people united will never be beaten,  
9 is that right?

10 A. And I'm alluding back to my comment of waiting for the  
11 outcome.

12 Q. Scroll down a bit.

13 And then you, at 10:24 a.m., expressed your  
14 understanding that January 6 determines everything. It's the  
15 joint session certification of Electoral College votes, or  
16 rejection goes to House, correct?

17 A. Correct.

18 Q. Scroll down. And then, again, 10:28 a.m., you said: I  
19 already answered this question. Us going is not for antifa,  
20 it's going as patriots to stand with normies together, united,  
21 awaiting the outcome. When we are amongst them they feel safer  
22 and the purpose is what will happen that day.

23 You said, "The purpose is what will happen that day,"  
24 correct?

25 A. I said that, yes.

1 Q. It's not a: Meet at Harry's at 8 p.m. to go hunt antifa,  
2 correct?

3 A. Correct.

4 Q. Scroll down.

5 And then you sent a longer message, poking fun at people  
6 who didn't want to get behind the troop, correct?

7 A. Right.

8 Q. Now, Mr. Jauregui asked you during direct examination about  
9 your understanding of the purpose of the Ministry of  
10 Self-Defense. Do you recall that?

11 A. Yes.

12 Q. And you expressed great confidence that you knew what  
13 Mr. Tarrio had in mind when he created the Ministry of  
14 Self-Defense, right?

15 A. That I had what he had in mind?

16 Q. You were confident you knew what his purpose was in making  
17 the Ministry of Self-Defense, right?

18 A. I don't recall saying that I had what his -- I recall  
19 saying that -- what the purpose of the MoSD was, which was to  
20 keep the peace.

21 Q. You're confident?

22 A. Of course. Even in this comment here, I'm not alluding to  
23 anything violent.

24 Q. I think you've used the phrase you're 100 percent sure that  
25 you know what the purpose of the Ministry of Self-Defense was?

1 A. Yes.

2 Q. How many conversations with the Ministry of Self-Defense  
3 leadership have you been a part of?

4 A. You asked me that already, I said none.

5 Q. And were you in the chat group called Skull and Bones when  
6 Enrique Tarrío was originally seeking their approval to create  
7 the Ministry of Self-Defense?

8 A. I don't recall being part of that. I might have been, I  
9 don't recall.

10 Q. Ms. Rohde, can we have 500-74, please.

11 And this should be in evidence, so I would ask that it  
12 be published.

13 MR. JAUREGUI: Objection. He has no personal  
14 knowledge of this, Judge.

15 THE COURT: Mr. Mulroe?

16 MR. MULROE: I would like to confirm that he hasn't  
17 seen this, and the jury can evaluate his opinion.

18 THE COURT: Objection is sustained.

19 BY MR. MULROE:

20 Q. So you weren't part of any of the discussion where  
21 Mr. Tarrío was telling the Elders what MoSD was going to be  
22 for?

23 A. No, I was not.

24 Q. We can take the exhibit down.

25 Mr. Jauregui asked you questions about whether Enrique

1 Tarrío would reach out to law enforcement ahead of Proud Boys  
2 events.

3 A. Correct.

4 Q. And you responded: Of course he would do that, right?

5 A. Correct.

6 Q. Were you part of those conversations?

7 A. He would tell us what he did. You know, people would ask  
8 him. I know -- he's -- he did because I know at some point  
9 those questions were asked and --

10 Q. This is based on --

11 A. Excuse me?

12 Q. This is based on what he told you?

13 A. Again, I'm answering your question.

14 It's not that he told me, directly to me, it's  
15 something that was knowledgeable because sometimes people would  
16 ask him that. I've seen the question asked, and he would let  
17 them know, yes, we notified police ahead of time for -- to let  
18 them know we're going to be there. I think that's the correct  
19 thing to do.

20 Q. To be clear, though, you were not present for any meetings  
21 between Enrique Tarrío and any police officers?

22 A. No.

23 Q. And you were not on the phone for any calls between Enrique  
24 Tarrío and any police officers?

25 A. I was not on the phone, no.

1 Q. And you were not part of any chat threads where Mr. Tarrio  
2 was communicating with the police officers?

3 A. No.

4 Q. But you understood that those types of things were  
5 happening?

6 A. Correct.

7 Q. So you would expect that Mr. Tarrio would have told law  
8 enforcement about the Ministry of Self-Defense?

9 A. I don't know if he did or not. In this case it was  
10 something where it wasn't like any other rally, it was just we  
11 were going to be there to make sure the -- that, you know,  
12 there wasn't anything dumb, like it did happen, happening.  
13 That's why when people started -- we started stopping them.

14 Q. It was going to be a little different than the other  
15 rallies?

16 A. In the sense where it wasn't the normal rally where we were  
17 going as Proud Boys.

18 Q. So you would have expected Mr. Tarrio to tell the D.C.  
19 police that he has a bunch of guys meeting at the Washington  
20 Monument at 10 a.m.?

21 A. I don't know if that was the original plan, of going to  
22 the -- all the guys -- it was just going to be the MoSD.  
23 Obviously, at 9 a.m. it wasn't just the MoSD.

24 Q. Based on your prior experience, I guess you would have  
25 expected Mr. Tarrio to let law enforcement know that the Proud

1 Boys would be marching to the Capitol that morning?

2 A. It's not something that I would expect, yes or no. I  
3 mean -- being knowledgeable that he had done before whatever,  
4 but that I'm expecting him to do so, it's -- it -- they're two  
5 different things. No, it's not something I was thinking about.

6 Q. Let's talk about that march. Mr. Jauregui showed you a  
7 bunch of parts of the video of the march, right?

8 A. Correct.

9 Q. And he asked you questions about each one. And do you  
10 remember him asking you why you did things?

11 A. Why --

12 Q. Why you stopped where you stopped?

13 A. Correct.

14 Q. And why you moved when you moved?

15 A. Correct.

16 Q. And why you went to one particular place or another?

17 A. Correct.

18 Q. Your answer was really not much reason, right?

19 A. Correct.

20 Q. Mr. Alonzo, you had no role whatsoever in deciding where  
21 this group was going to move, did you?

22 A. No.

23 Q. Your job was just to follow them wherever they took you,  
24 correct?

25 A. My job -- I don't think I had a job.

1 Q. Well, what you did was to follow them wherever they took  
2 you, correct?

3 A. That's what we did.

4 Q. So when the leaders moved, you moved?

5 When the leaders moved, you moved, correct?

6 A. Correct.

7 Q. And where the leaders stopped, you stopped, correct?

8 A. Correct.

9 Q. And did you go up to any of those leaders and ask them why  
10 we're doing the things we're doing?

11 A. We weren't doing anything that would have caused me to ask  
12 why are we -- why are we stopping? Why are we getting lunch?

13 I mean --

14 Q. You didn't go to President Trump's speech, correct?

15 A. No.

16 Q. That wouldn't have surprised you, right?

17 A. Some people went, some people didn't.

18 Q. But you knew, as we saw in your text, that the main event  
19 was at the Capitol?

20 A. Correct.

21 Q. And then there came a time, Mr. Alonzo, that a whole bunch  
22 of guys you were with charged through those barricades and went  
23 on to the Capitol grounds, right?

24 A. Some did, yes.

25 Q. Many did, right?



1 A. I don't know if they were our guys, like I said. I don't  
2 know who was who or who wasn't. I can't tell you that all of  
3 them or many of them at that point. When it started, there was  
4 people that were -- there was more people than the ones that we  
5 started off walking with.

6 Q. You did not go in, right?

7 A. I did not.

8 Q. You hung back?

9 A. Yeah.

10 Q. You hadn't gotten yourself into fighting shape quite yet,  
11 had you?

12 MR. JAUREGUI: Objection. Argumentative, Judge.

13 THE COURT: Overruled.

14 A. I -- it had nothing to do with that. I wasn't going to go  
15 in when there's armed police pointing guns at us. I had a  
16 police officer pointing a rifle at my face. Oh, okay, I'm  
17 going to walk in?

18 Q. That would be pretty extreme to go inside, wouldn't it?

19 A. It was pretty extreme to go past the police.

20 Q. Your leg was still bothering you that day?

21 A. I'm sorry?

22 Q. Your leg was still bothering you that day?

23 A. It's still bothering me right now.

24 Q. So you hung back towards the back edge of the lawn,  
25 correct?

1 A. When I saw what was happening to the person I had gone  
2 there with, we went all the way to the back where there's a  
3 wall and we sat there for a couple hours. When he heard the  
4 mayor say there was a curfew, we said it's time to go.

5 Q. And you kept up with what was going on inside though,  
6 right?

7 A. I mean, we kept hearing things from people that were, you  
8 know, coming out and saying things that were happening inside.

9 Q. You received some updates about how things were going?

10 A. We heard things from people that were coming in and out and  
11 messages that were being said about what was going on inside,  
12 yes.

13 Q. Could we have, just for the witness, 1610A, please?

14 And do you recognize that scene, Mr. Alonzo?

15 A. I recognize?

16 Q. The scene.

17 A. I mean, that scene in particular, I recognize being there,  
18 yes.

19 Q. This is where you hanging out for a while on the afternoon  
20 of the 6th?

21 A. Correct. That's all the way at the back, yes.

22 Q. And this guy in the hood and the hat with his phone to his  
23 ear, he's somebody who marched with you, correct?

24 A. From this picture, I can't tell who that is.

25 Q. This is the location that you put yourself while the

1 Capitol was being stormed?

2 A. There is -- I'm sorry?

3 Q. This is the location where you put yourself while the  
4 Capitol was being stormed?

5 A. That's where I went and sat, yes.

6 MR. MULROE: Move to admit 1610A.

7 THE COURT: It will be admitted. Permission to  
8 publish.

9 BY MR. MULROE:

10 Q. Let's play the video, please.

11 (Video played.)

12 Pause there.

13 You don't remember a guy dressed like that, with that  
14 mask and sunglasses and that vest, Mr. Alonzo?

15 A. I don't remember what everybody was wearing, no. It might  
16 be somebody I know. From the voices, it sounds like somebody  
17 that was in our group, yes. But I don't know if it's him or  
18 not. I don't remember. I don't recall.

19 Q. Who does it sound like?

20 A. Huh?

21 Q. Who does it sound like?

22 A. A guy named Bucky, his call name.

23 Q. Where is he from?

24 A. West Palm Beach.

25 Q. Sorry?

1 A. West Palm Beach. If that's him, that's who it would be.

2 Q. Let's play the rest of the video.

3 (Video played.)

4 And at some point Gilbert Fonticoba came and linked up  
5 with you, correct?

6 A. Yes.

7 Q. And he had been inside the building?

8 A. Yes, he had.

9 Q. And he had brought back a bottle of water that he got from  
10 inside the Capitol?

11 A. Yes, he did.

12 Q. And you thought that was pretty funny, didn't you?

13 MR. METCALF: Objection as to relevance, beyond the  
14 scope.

15 THE COURT: Sustained.

16 MR. MULROE: May I go to the phone, Your Honor?

17 THE COURT: Yes.

18 (Bench discussion:)

19 MR. MULROE: Again, there was a categorical and  
20 emphatic statement on direct that he would be disgusted by the  
21 Proud Boys using force to obstruct the certification. And I  
22 think it's very relevant that one of his close colleagues in  
23 this group came out of the building and told him he'd been  
24 inside, and he celebrated and enjoyed this. I think that  
25 rebuts the direct testimony.

1 THE COURT: What's the message?

2 MR. MULROE: So it's a video clip and there's an  
3 exchange where Gilbert Fonticoba has a water bottle and he's  
4 holding it up, he says, I got this from inside and I'm going to  
5 frame this water bottle. And Mr. Alonzo is laughing at that.  
6 I forget if he makes a comment about it or not. But it's  
7 certainly a lighthearted and celebratory mood.

8 THE COURT: I think that's fair, given his direct.  
9 You may proceed.

10 MR. MULROE: Your Honor, I wanted just to flag  
11 something, as long as we're on the phones. These videos were  
12 taken from an online source, open source social media, and they  
13 have text on the screen that's just sort of like a summary of  
14 what's going on. I don't think it's prejudicial, but I do just  
15 want to flag it.

16 MR. JAUREGUI: Judge, we do object. The text is  
17 hearsay, it's inadmissible and it's prejudicial.

18 THE COURT: What does it say? I didn't see what it  
19 was.

20 MR. MULROE: We'll get it on the screen.

21 THE COURT: We had -- this isn't the first time in  
22 this trial we've had --

23 (Video played.)

24

25 THE COURT: Oh, man.

1 MS. HERNANDEZ: This is not an accurate depiction of  
2 a video, if it has all this writing on it, Your Honor.

3 MR. JAUREGUI: Judge, these videos are created by  
4 basically, you know, Capitol hunter people. So they put their  
5 text there, which is very, very subjective. It's not accurate  
6 and it's not fair.

7 THE COURT: I mean, I think --

8 MR. MULROE: Your Honor, I'll suggest that I think we  
9 can do it with just the sound.

10 THE COURT: All right. Let's try that.

11 (Open court:)

12 BY MR. MULROE:

13 Q. Mr. Alonzo, did you have a chance to see what was on the  
14 screen there?

15 A. Yes.

16 Q. This is you, right?

17 A. I'm sorry?

18 Q. This is you on the left side of the screen?

19 A. Yes, it is.

20 Q. And that's your radio on your chest that Mr. Jauregui asked  
21 you about?

22 A. Yes, it is.

23 Q. Ms. Rohde, if we could, just for the witness, play a few  
24 seconds, and if you could pause it when somebody with a red  
25 bill cap comes on the left side of the screen.

1 (Video played.)

2 And that is Gilbert Fonticoba, correct?

3 A. Correct.

4 MR. MULROE: We would move to admit just the sound  
5 portion of 1610B.

6 THE COURT: All right. It will be admitted and  
7 permission to publish the sound.

8 MR. MULROE: So without publishing the screen to the  
9 jury, Ms. Rohde, I would ask you to play 1610B with the volume on.

10 (Audio played.)

11 BY MR. MULROE:

12 Q. You heard Mr. Fonticoba talk about how he wanted to frame  
13 that water bottle he got from the Capitol?

14 A. Yeah.

15 Q. And you saw and heard yourself laughing at that comment?

16 A. Yeah. I thought it was funny.

17 Q. You weren't disgusted by the idea that he went in that  
18 Capitol, were you?

19 MR. METCALF: Objection.

20 THE COURT: Overruled.

21 A. No. I thought it was funny that he got a bottle -- I  
22 thought it was stupidly funny.

23 BY MR. MULROE:

24 Q. You weren't insulted by the idea that he got in the  
25 Capitol, were you?

1 A. Did I think he should have gone in? No. But I thought it  
2 was funny that he got a bottle of water.

3 Q. Mr. Alonzo, while you were hanging out on that lawn back  
4 there, your focus was still 100 percent on whether or not the  
5 election was going to be certified, isn't that true?

6 MR. METCALF: Objection. Relevance, speculation.

7 THE COURT: Overruled.

8 A. I wasn't 100 percent focused on -- was I aware of it? Of  
9 course. I was 100 percent focused that I was freezing my ass  
10 off, that's what my focus was on, and if we were going to go  
11 home soon or not.

12 BY MR. MULROE:

13 Q. You knew the Capitol had been stormed, right?

14 A. Of course I knew, it's in front of our eyes.

15 Q. Yes or no, you knew that people had been inside the  
16 building?

17 A. I knew people had been inside the building, of course.

18 Q. You knew that Gilbert Fonticoba, one of your Proud Boys  
19 colleagues, had been inside the building?

20 A. I knew that he went in, yes, because he came out and said  
21 he went in.

22 Q. And the question on your mind, having learned all that, was  
23 are they going to certify the election? That was still  
24 priority number 1 for you, wasn't it?

25 A. No, the question in mind is, he went in, what a dumb ass;



1 he got a bottle of water.

2 Q. There was a point when someone standing near you shared  
3 news that rioters had entered the Senate chamber itself?

4 A. That what?

5 Q. The rioters had entered the Senate chamber itself?

6 A. They might have, yes. I don't recall everything that  
7 happened that day.

8 MR. METCALF: Objection.

9 THE COURT: Overruled as to the objection.

10 BY MR. MULROE:

11 Q. You don't recall whether or not you heard that?

12 A. Ha?

13 Q. You don't recall whether or not you heard it?

14 A. It's not that I don't recall, I don't remember everything  
15 minute by minute. Did somebody share that with me? I'm sure  
16 they did.

17 Q. And there was a time on that lawn when someone shared with  
18 you that a woman had been shot in the Capitol building?

19 MS. HERNANDEZ: Objection.

20 MR. JAUREGUI: Objection. Hearsay. 403, Judge.

21 THE COURT: Overruled.

22 BY MR. MULROE:

23 Q. Someone standing near you shared that a woman had been shot  
24 inside?

25 A. Somebody came out and said somebody had been shot, yes.

1 Q. When you heard that, all you wanted to know was whether,  
2 your words, whether Pence betrayed Trump?

3 MR. METCALF: Objection. Relevance, speculation,  
4 403.

5 MS. HERNANDEZ: Argumentative.

6 MR. JAUREGUI: And scope.

7 THE COURT: Overruled.

8 BY MR. MULROE:

9 Q. Mr. Alonzo, when you heard that someone got shot, all you  
10 wanted to know was whether or not Pence had betrayed Trump,  
11 isn't that right?

12 A. The way you're asking me, no. Was -- did I want to know --

13 Q. Did --

14 A. Excuse me. You're saying that my only focus was this.  
15 That's not my only focus. At the point -- at that time I'm  
16 thinking how my kids are. I'm sad, my mother passed away a  
17 year prior. I had many things in my head. To say that's my  
18 only focus, I'm sorry, you're wrong.

19 Now, was I aware of it? Of course. It wasn't my  
20 only 100 percent focus, no, it wasn't. Was I aware and -- yes.

21 Q. Let's talk about what you said. When you heard that a  
22 woman had been shot inside, all you said was whether Pence had  
23 betrayed Trump. Do you remember that?

24 A. I don't remember -- I mean, I'm sure I said it. I don't  
25 remember the exact moment and if that's all I said.

1 Q. And what you said also was that you wanted to know whether  
2 they had certified the vote, correct?

3 A. I had asked them, yeah. I'm sure I asked if it had already  
4 been certified or not. And I'm sure I asked about the girl  
5 that was murdered inside the Capitol building, as well.

6 Q. Let's have 1610C, please, just for the witness.

7 This is same scene at the back of the lawn that we had  
8 seen in the prior two videos?

9 A. That is a scene.

10 Q. This location --

11 A. That's where I was, yes.

12 MR. MULROE: Move to admit 1610C, just the sound.

13 THE COURT: Just the sound, it will be admitted, and  
14 permission to publish the sound.

15 BY MR. MULROE:

16 Q. Let's play the sound, Ms. Rohde.

17 (Audio played.)

18 "They didn't saying anything, if Pence betrayed  
19 Trump? They didn't say if they certified?" Those were your  
20 words, weren't they?

21 A. Yes. And I'm sure afterwards I asked about Ashli Babbitt,  
22 that was her name.

23 Q. Because whether Pence betrayed Trump and whether the  
24 election was certified were the most important questions for  
25 you that day, weren't they?

1 A. It was a question.

2 Q. On your direct testimony you said you were insulted by the  
3 suggestion that the Proud Boys would try to obstruct the  
4 certification, correct?

5 A. I was insulted for somebody alluding to the fact that  
6 somebody would even think that we were going to overtake the  
7 government by any means possible.

8 Q. I didn't ask you about overtaking the government. I asked  
9 you about obstructing the certification of the election. You  
10 were insulted by the idea that the Proud Boys --

11 A. That our plan was to go in and do something like that,  
12 yeah.

13 Q. You understand, Mr. Alonzo, though, that the certification  
14 proceedings were obstructed?

15 MS. HERNANDEZ: Objection.

16 MR. METCALF: Objection. Calls for a legal  
17 conclusion.

18 MR. MULROE: I'll rephrase.

19 THE COURT: Sustained.

20 BY MR. MULROE:

21 Q. You understand that they had to stop in the middle of the  
22 debate and evacuate from the chamber?

23 MR. SMITH: Objection, testifying.

24 MR. JAUREGUI: Objection, testifying.

25 MS. HERNANDEZ: Objection. Your Honor, could we

1 have --

2 THE COURT: Overruled.

3 BY MR. MULROE:

4 Q. You understand --

5 THE COURT: I'm sorry, Mr. Mulroe. Hold on one  
6 second.

7 (Bench discussion:)

8 MS. HERNANDEZ: Statutory prohibition is against  
9 corruptly obstructing the proceedings. So if they had -- if  
10 the proceedings were delayed or suspended or whatever, that  
11 doesn't prove anything and I think it's misleading and confuse  
12 the jury.

13 THE COURT: That objection is overruled.

14 (Open court:)

15 BY MR. MULROE:

16 Q. Mr. Alonzo, you understand that the certification  
17 proceedings had to go into recess in the middle of things?

18 A. May I answer the question in the two parts that you asked  
19 it? You asked it in two parts.

20 Q. Answer it however you think you need to.

21 A. You first asked of me being aware that we were going to go,  
22 the Proud Boys, to stop the certification. The second question  
23 is, was I aware that it happened? It wasn't done by the Proud  
24 Boys, that's my understanding, that it was -- was I aware that  
25 it happened? Yeah. We heard about it, yeah. They recessed.

1 Doesn't mean the Proud Boys did it.

2 Q. So the answer is yes to the question whether you were aware  
3 that the legislators went into recess?

4 A. We were aware that they went on recess, yes.

5 Q. You were aware that the vice president was evacuated by  
6 Secret Service?

7 A. I was aware that they recessed. Schematics of who went  
8 with who, whatever --

9 Q. You were aware that both chambers of Congress were  
10 evacuated?

11 A. I was aware that they would take a recess. Again, the  
12 schematics of a chamber, two chambers, three chambers, Secret  
13 Service, or whatever.

14 MR. METCALF: Your Honor, relevance.

15 THE COURT: Overruled.

16 BY MR. MULROE:

17 Q. And you were aware that a whole lot of those Proud Boys you  
18 marched with went inside that building?

19 MR. METCALF: Objection.

20 THE COURT: Sir, you can -- you can re-ask the  
21 question, Mr. Mulroe.

22 BY MR. MULROE:

23 Q. You were aware, Mr. Alonzo, that a whole lot of the Proud  
24 Boys who you had marched with went in that building?

25 A. No, I was not aware that a lot of the Proud Boys went

1 inside the building. Did I know some went in. But "a lot,"  
2 what number? There was hundreds of thousands of people there,  
3 not all of them were Proud Boys, so --

4 BY MR. MULROE:

5 Q. Ms. Rohde, let's have 510-51, which is in evidence.

6 And zoom in to the top three messages, please.

7 MR. JAUREGUI: Objection, Judge. Scope.

8 (Bench discusison:)

9 THE COURT: Mr. Mulroe, why isn't -- well, apart from  
10 the scope, what are you going to do here?

11 MR. MULROE: It's very simple, Your Honor. He  
12 testified he was insulted by the idea that this type of  
13 behavior would be something that the group would purposely do.  
14 And so I would like to ask him, when Enrique Tarrío said he was  
15 proud of you all the next day, whether this insulted him or  
16 disgusted him.

17 THE COURT: Just like the other ones, I think it's up  
18 for just the witness and you should ask him whether he  
19 remembers this. If he remembers it, then you can proceed. If  
20 he doesn't, then I think, you know -- you know, again, this is  
21 not -- you're trying to impeach him. He either remembers these  
22 things or he does not. And if he doesn't remember them, then  
23 it really doesn't have any impeachment value in the same way it  
24 did in your direct case.

25 (Open court:)

1 MR. MULROE: If we could take the exhibit down. Just  
2 for the witness, please.

3 BY MR. MULROE:

4 Q. Mr. Alonzo, the next day, on January 7th, do you remember  
5 Enrique Tarrío telling the Ministry of Self-Defense that he was  
6 proud of you all?

7 A. I mean, it's there that he wrote that, yes.

8 Q. You weren't insulted by that, were you?

9 A. Him saying, Okay, motherfuckers? Why would I be insulted?  
10 Okay what?

11 MR. MULROE: I would move to publish 510-51.

12 THE COURT: It's already in evidence. You may  
13 publish it.

14 BY MR. MULROE:

15 Q. Mr. Alonzo, I'm not asking you about the motherfuckers  
16 message. I'm asking you about "proud of you all." You weren't  
17 insulted by that message, were you?

18 MR. JAUREGUI: Objection, foundation. We don't even  
19 know if he saw that message.

20 THE COURT: Sustained as to foundation.

21 BY MR. MULROE:

22 Q. Do you feel insulted seeing that message here today?

23 MS. HERNANDEZ: Same objection.

24 THE COURT: Sustained.

25 BY MR. MULROE:



1 Q. You didn't quit the Proud Boys after January 6, did you?

2 MR. JAUREGUI: Relevance.

3 THE COURT: Overruled.

4 BY MR. MULROE:

5 Q. You didn't quit?

6 A. Did I quit the Proud Boys after January 6th? No, I didn't.

7 Q. You're wearing one of their shirts to court today, aren't  
8 you?

9 A. This is not one of their shirts.

10 MS. HERNANDEZ: Objection, Your Honor. May I be  
11 heard?

12 THE COURT: Overruled.

13 MS. HERNANDEZ: First Amendment.

14 THE COURT: Overruled.

15 BY MR. MULROE:

16 Q. Can we see that logo again?

17 A. This is a Fred Perry shirt. Ours is a black and yellow  
18 shirt.

19 Q. Just for the record, that's a yellow polo shirt?

20 MS. HERNANDEZ: Objection, Your Honor. Asked and  
21 answered.

22 THE COURT: Overruled.

23 BY MR. MULROE:

24 Q. Just so the record is clear, that's a yellow polo shirt  
25 you're wearing under your fleece?

1 A. Correct.

2 Q. And on the left breast there's a laurel insignia?

3 A. It's a Fred Perry shirt. I'm not allowed to wear a Fred  
4 Perry shirt? Is it illegal to wear a Fred Perry shirt?

5 Q. On the collar is kind of piping, or stripes on the collar?

6 A. This? (Indicating.)

7 Q. In the days following January 6, you came to understand  
8 that there was a lot of video of the group's movements on the  
9 march, correct?

10 A. Correct.

11 Q. And Mr. Jauregui showed you a bunch of that video here in  
12 court, correct?

13 A. Correct.

14 Q. And you recognize that video as being taken by a Proud Boy  
15 named Eddie Block?

16 A. Some of the video was taken --

17 MR. JAUREGUI: Objection, Judge. Scope. If we can  
18 go to the phones.

19 (Bench discussion:)

20 MR. JAUREGUI: Your Honor, I suspect now that the  
21 government is going to try to introduce a series of messages  
22 from January 9th and beyond where my client is angry at Eddie  
23 Block for having doxxed people with his videos. He makes some  
24 statements about Eddie Block, saying things to the effect, We  
25 should hang his scooter from a tree or something. I think none

1 of that is relevant. I think it's definitely outside the  
2 scope, 403, so on and so forth.

3 THE COURT: Mr. Mulroe?

4 MR. MULROE: Your Honor, the thrust of the direct  
5 testimony, very much of it was Mr. Jauregui walking through a  
6 series of videos and asking questions aimed at making the point  
7 of this was all innocuous, nothing at all suspicious going on,  
8 we're just wandering from place to place. I think that I'm  
9 entitled to rebut that by showing that this witness, in the  
10 weeks after the event, believed that footage was highly  
11 incriminatory and that he said that, in reference to Eddie  
12 Block, he said snitches get stitches. This goes to bias.

13 THE COURT: To be clear, that's not -- are we talking  
14 about the same thing?

15 MR. MULROE: So there's two messages. One of them he  
16 refers to the crip, or the cripple -- with apologies -- and he  
17 says snitches get stitches. And then the other one, making the  
18 same point, he says that, in retaliation, I think is the  
19 implication, that Eddie Block should be duct taped to the  
20 National Mall, or something of that nature.

21 MR. JAUREGUI: Your Honor, it's not relevant. 403,  
22 outside the scope. We're talking weeks after January 6. The  
23 conspiracy was over. This is only being introduced to make my  
24 guy look like a bad guy, making fun of a cripple. Just because  
25 I used the video doesn't open the door to this testimony.

1 THE COURT: Well, why is it within the scope,  
2 Mr. Mulroe?

3 MR. MULROE: Well, as Mr. Smith has pointed out, bias  
4 is always within the scope, and the fact that -- the fact that  
5 this witness took steps immediately, and nearly immediately  
6 after the event to try to prevent evidence from coming to  
7 light, to try to present the facts from becoming known, I think  
8 is something that this jury ought to be able to know about as  
9 it evaluates his credibility.

10 THE COURT: I'm sorry, but he says that -- it's a  
11 statement -- it's a statement by the witness or a statement by  
12 Mr. Tarrío?

13 MR. MULROE: It's a statement by the witness.

14 THE COURT: Oh, it's not by Mr. Tarrío?

15 MR. MULROE: No, it's by the witness.

16 THE COURT: And he, on two occasions afterward, says  
17 basically -- and he -- it's video of him saying this or --

18 MR. MULROE: No, it's a chat, a chat message.

19 THE COURT: A chat of him suggesting that Mr. Block  
20 was doing something improper by videoing them in some way?

21 MR. MULROE: And by releasing that video to the  
22 press, yes.

23 MR. JAUREGUI: Not by videoing them, but by selling  
24 the footage to HBO and that documentary. And I think this  
25 was -- if I'm not correct, it's weeks later, like on January

1 19th or something, he says -- Judge, it's completely, totally  
2 outside of the scope.

3 THE COURT: It's not, in terms of them evaluating his  
4 credibility, I don't think. I mean, I think it's fair. Is  
5 it -- is there -- and your client -- and Mr. Tarrío says  
6 something offensive in the middle of it?

7 MR. JAUREGUI: No, Tarrío is not involved in it at  
8 all.

9 THE COURT: It's this witness?

10 MR. JAUREGUI: It's this witness.

11 THE COURT: I think he gets to do this.

12 MR. JAUREGUI: But, Judge, how does this impeach his  
13 credibility at all?

14 THE COURT: Because he's here saying that this  
15 wasn't -- you know, that -- if there had been -- well, it  
16 certainly signals that he thinks that this -- this footage  
17 which leads up to that is somehow incriminating in some way,  
18 doesn't it?

19 MR. JAUREGUI: Judge, remember, I asked him about the  
20 other 18 reporters that were following him throughout the  
21 march. He makes no statements as to any other reporters, he's  
22 just talking about Eddie.

23 THE COURT: It's the flip side of what you were doing  
24 by saying, Look, everyone -- I mean this isn't like new news.  
25 You are pointing out that, Look, this is -- that, Look, look at

1 all these people, how would we -- if we were doing something  
2 wrong, why would someone -- why would we let someone film us  
3 the whole time and let the press look at us? And this is  
4 something that suggests, well, actually, in retrospect, they  
5 were upset that, in fact, this had happened, or at least that  
6 the footage had been disseminated in this way.

7 MR. JAUREGUI: Judge, I never even brought up Eddie  
8 Block. I think I only asked about all the other reporters that  
9 were all around him.

10 THE COURT: I know, but it's fundamentally the same  
11 point, although made slightly differently.

12 MR. JAUREGUI: Judge, I just want to please point out  
13 to the Court that once again, the government is expanding the  
14 scope. Now we're moving weeks and weeks beyond January 6. I  
15 specifically kept my direct up to January 6. Now they've been  
16 allowed to go back to November, I doesn't ask about. And now  
17 they're moving into the future, to January 19th. Again, just  
18 to attack the witness. It's in a limited scope that they're  
19 already --

20 THE COURT: No, I think it's fair. I think it's fair.

21 Mr. Mulroe, you can proceed.

22 (Open court:)

23 BY MR. MULROE:

24 Q. Mr. Alonzo, Eddie Block followed around the Proud Boys that  
25 day and took a bunch of videos that day, right?

1 A. A whole bunch, yes.

2 Q. And safe to say that afterwards, you didn't think that this  
3 video was going to clear you all of any wrongdoing?

4 MR. SMITH: Objection. Relevance, 403. Can we be  
5 heard? Misstates the evidence.

6 (Bench discussion:)

7 MR. SMITH: Your Honor, we highlighted this for  
8 Mr. Mulroe and told him we would object, and he did not  
9 indicate that to the Court before he started in with this  
10 evidence. That's unfortunate. We understood the whole purpose  
11 of this exercise to be to give us an opportunity, before he  
12 starts asking --

13 THE COURT: Just to be clear, we just went through  
14 this at sidebar. Maybe you were not paying attention. But we  
15 literally just had a sidebar about this evidence.

16 MR. SMITH: This witness's opinion of Eddie Block's  
17 video has no relevance to this --

18 THE COURT: Mr. Smith, did you hear what I said?  
19 Were you missing when we had a sidebar?

20 MR. SMITH: I apologize, Your Honor, I did not hear.  
21 I'm objecting on the grounds of this being move insidious  
22 innuendo of the kind this has marked this entire proceeding.

23 THE COURT: Mr. Smith, you're in federal court here.  
24 Okay? So comport yourself accordingly. I mean, this is the  
25 last time I have to tell you. It's the last time. Comport

1       yourself properly, being in federal court.

2               MR. SMITH: We are objecting to evidence that should  
3 not be admitted. That's why we're objecting, and that is the  
4 only basis for our objection.

5               THE COURT: Your objection the first time -- the  
6 first time I heard it from Mr. Jauregui I overruled it and I'm  
7 overruling it now.

8               MR. MULROE: Your Honor, I would just ask, through  
9 the Court, that Mr. Smith join the sidebars so that he doesn't  
10 have to make the same objection twice.

11              THE COURT: I think that would be helpful.

12              You may proceed.

13              (Open court:)

14 BY MR. MULROE:

15 Q. Fair to say, Mr. Alonzo, that after the fact you did not  
16 believe that all of Eddie Block's video was going to clear you  
17 all of wrongdoing, correct?

18              MR. METCALF: Objection as to form and basis of that  
19 conclusion.

20              THE COURT: Overruled.

21 A. Your question, sir, is you're assuming that I know that  
22 this video is in the hands of the government, I guess.

23 BY MR. MULROE:

24 Q. Well, Mr. Alonzo, I'm going to ask that you not try to  
25 interpret my questions, but that you try to answer the



1 questions.

2 A. So you're interpreting what I'm thinking, so I need to --  
3 you're telling me, did I think that about it? When he was  
4 taking the video, did I think -- I mean, I thought it was  
5 stupid that he's taking videos because he's doxxing all of us.  
6 Now you're asking me a specific question, if I thought it was  
7 going to clear us. Clear us of what? You're assuming that I  
8 know that this video was with the government, and I didn't know  
9 that. When I found out this video was on the news, it's --  
10 obviously, is not going to help anybody because he's, you know,  
11 doxxing everybody --

12 Q. And you expressed --

13 A. -- and me particularly.

14 Q. Finished?

15 A. Yes.

16 Q. You expressed some very negative views towards Eddie Block  
17 because of his releasing that footage, correct?

18 A. Of course.

19 Q. Let's have, just for the witness, 1605A.

20 MR. ROOTS: Objection. Improper impeachment.

21 MR. MULROE:: It's not offered for --

22 THE COURT: The objection is overruled.

23 BY MR. MULROE:

24 Q. Do you recall sending this message on January 15th?

25 A. Yes.

1 MR. MULROE: Move to admit 1605A.

2 THE COURT: It will be admitted, and permission to  
3 publish.

4 BY MR. MULROE:

5 Q. And your words, Mr. Alonzo, were: Crip or not, snitches  
6 get stitches, right?

7 A. Yes. He was a snitch. To me, he was a snitch.

8 Q. Snitches get stitches?

9 A. Yes.

10 Q. What does the "stitches" part of that mean?

11 A. It's a saying, snitches get stitches. Just a saying.

12 Q. And "crip" there is Eddie Block?

13 A. Ha?

14 Q. "Crip" there is referring to Eddie Block, isn't it?

15 A. Yes.

16 Q. Just for the witness, let's have 1605B, please.

17 If we could zoom in a bit.

18 Do you remember sending this message on January 14th?

19 A. Yes.

20 MR. MULROE: Move to admit 1605B.

21 THE COURT: It will be admitted and permission to  
22 publish.

23 MS. HERNANDEZ: Objection.

24 THE COURT: Objection is overruled.

25 BY MR. MULROE:

1 Q. Your words on January 14th, 2021, Mr. Alonzo, were: That  
2 fuck needs to be duct taped to the National Mall, his scooter  
3 placed at the top of it, right?

4 A. Yes.

5 Q. That's referring to Eddie Block, right?

6 A. That's referring to Eddie Block, yes.

7 MS. HERNANDEZ: Objection, Your Honor. Rule 403.

8 THE COURT: Overruled.

9 BY MR. MULROE:

10 Q. That message about duct taping him to the Mall and putting  
11 his scooter at the top of it is referring to Eddie Block, correct?

12 A. Yes. Needs to be, as opposed to doing it; that's two  
13 different things.

14 Q. I asked you, that's referring to Eddie Block?

15 A. Yes.

16 Q. The reason is because he released that footage, some of  
17 which Mr. Jauregui showed you during your direct examination,  
18 correct?

19 A. Correct.

20 MR. MULROE: No further questions.

21 THE COURT: All right. Redirect examination?

22 REDIRECT EXAMINATION

23 BY MR. JAUREGUI:

24 Q. Mr. Alonzo, how do you feel about being attacked by the  
25 government for your speech?

1 MR. MULROE: Objection.

2 THE COURT: Sustained.

3 And, Mr. Jauregui, can I see counsel at sidebar just  
4 for one moment?

5 (Bench discussion:)

6 THE COURT: Mr. Jauregui, I don't know if it will  
7 make a difference, I just want you to know, for your planning  
8 purposes, we can go to about 5:15 today. Again, I don't know  
9 how much you have, but just so you know.

10 MR. JAUREGUI: I think that will be more than enough,  
11 Your Honor.

12 THE COURT: Okay.

13 (Open court:)

14 BY MR. JAUREGUI:

15 Q. Sorry about that, Mr. Alonzo.

16 How do you feel about being attacked by what you wear?

17 MR. MULROE: Objection.

18 THE COURT: Sustained.

19 BY MR. JAUREGUI:

20 Q. How do you feel about being attacked with the people you  
21 associate with?

22 MR. MULROE: Objection.

23 THE COURT: Sustained.

24 BY MR. JAUREGUI:

25 Q. Are you still a Proud Boy?

1 A. Yes, I am.

2 Q. Why are you a Proud Boys?

3 A. Because I'm proud of being a Proud Boy. I'm proud of what  
4 we stand for and what we do, which is not what's portrayed. At  
5 no point has anybody ever talked about the charity work that we  
6 do, the things that -- you know, the good stuff we do.

7 We had a hurricane not long ago in Florida and all  
8 the Florida chapters united to go help people out. We --

9 MR. MULROE: Object as nonresponsive. And objection  
10 relevance. Move to strike.

11 THE COURT: No. Witness may complete -- complete the  
12 answer.

13 BY MR. JAUREGUI:

14 Q. Continue, please.

15 A. You're asking me why I'm still --

16 Q. Tell us about the charity work you were just talking about.

17 A. There was a hurricane in Texas, Enrique got a whole bunch  
18 of people from the Proud Boys to go there and help out. We do  
19 Toys for Tots at Christmas, and Easter right now. All --  
20 throughout the year we do a lot of charity and we also -- you  
21 know, we help a lot of our brothers out that are in trouble,  
22 when they've had mishaps, you know, they've had bad situations,  
23 that they lost their job or their house or whatever. That's  
24 what -- why I joined the club, that's why I'm part of it.

25 That's why I'm proud to be a Proud Boy. You can do a lot of

1 stuff that -- we help build people up.

2 Q. And do you continue to do that work today?

3 A. Of course.

4 Q. Did you engage in any violence in the November rally?

5 A. I wasn't in the November rally.

6 Q. Did you engage in any violence in the December rally?

7 A. No, because there was hardly any violence in the December  
8 rally, other than the gentleman that was stabbed.

9 Q. Okay. Did you know if Enrique engaged in any violence in  
10 December?

11 A. No.

12 Q. Did you ever use the term "coptifa"?

13 A. I heard the term.

14 Q. Did you ever use it?

15 A. I used it, yeah.

16 Q. And when you would use it, what did it mean to you?

17 A. To me, it meant the cops that were -- you know, again, a  
18 lot of the times when things were happening that antifa was  
19 attacking people, personally I saw cops just standing there  
20 like this (indicating), just watching, not doing anything. Not  
21 doing anything. As a matter of fact, I remember one time, Are  
22 you watching what's happening?

23 So, to us, those type of cops were -- you know, they  
24 were part of not doing anything to antifa. You know, antifa  
25 did a lot of things and I don't see any trials for them. I

1 mean --

2 MR. MULROE: Objection, relevance. And move to  
3 strike that last portion.

4 THE COURT: Sustained.

5 MR. PATTIS: Objection. Can we be heard?

6 (Bench discussion:)

7 THE COURT: Mr. Pattis, your objection?

8 MR. PATTIS: Yeah, to move to the motion to strike.

9 I mean, you know, this has been a broad scale assault on the  
10 Proud Boys; their beliefs, their associations, their views,  
11 whether they were intrinsically violent. The government has  
12 spared no effort to undermine the group, the notion that they  
13 had other concerns. I think his motivation has been blown wide  
14 open by the cross-examination and I object to the Court's  
15 granting the motion to strike.

16 THE COURT: I'm going to strike the -- just the  
17 reference to antifa and whether there were any trials for them.

18 MR. PATTIS: I mean, I believe that's -- I would ask  
19 you to reconsider. But I also understand you've got the gavel  
20 and the robe and I don't.

21 THE COURT: All right. Very well.

22 (Open court:)

23 THE COURT: We'll strike the testimony about -- the  
24 last sentence the witness -- the last sentence of his  
25 testimony. You may proceed.

1 MR. JAUREGUI: Thank you, Your Honor.

2 BY MR. JAUREGUI:

3 Q. Did Enrique ever use the term "coptifa," to your knowledge?

4 A. He might have. I mean, I can't say yes or no.

5 Q. Okay. When did you and I meet for the first time face to  
6 face?

7 A. Last night.

8 Q. What did you say?

9 A. Last night.

10 Q. At what time did we meet last night?

11 A. Closer to 1 o'clock in the morning.

12 Q. Why did we meet at 1 o'clock in the morning last night?

13 A. Because I got in at 10:30 at night and you had to go pick  
14 up Mr. Hassan at the airport at midnight.

15 MR. JAUREGUI: Judge, may I approach the witness?

16 THE COURT: You may, sir.

17 MR. MULROE: I would ask to see what you're going to  
18 show him.

19 (Pause.)

20 MR. JAUREGUI: May I approach, Judge?

21 THE COURT: Yes, sir.

22 BY MR. JAUREGUI:

23 Q. Just hold that and scroll up.

24 A. Um-hum. Um-hum.

25 Q. I've handed you my cell phone, Mr. Alonzo?



1 A. Yes, sir.

2 Q. Do you see text messages between you and me yesterday?

3 A. Yes, sir.

4 Q. Could you please tell the members of the jury the first  
5 message you sent me?

6 A. "I'm at the hotel. OC Marriott" -- which is AC Marriott --  
7 and the address.

8 Q. What do I respond?

9 A. "Okay. I'm going to go pick up Nayib at the airport, then  
10 pass by. I'll send you a message when I'm on my way."

11 Q. Then you say?

12 A. "Okay."

13 Q. And then I say?

14 A. "Thanks."

15 Q. Okay. Is that the end of the messages?

16 A. "Five minutes away."

17 Q. And then?

18 A. "Good morning. Are you in the courthouse yet? I'm in the  
19 cafeteria, first floor."

20 Q. Okay. Were those messages this morning?

21 A. This morning.

22 Q. Are these the only messages that are between you and I?

23 A. Brief conversation last night and you telling me this  
24 morning. And I didn't even see your message, honestly.

25 MR. JAUREGUI: Okay. May I -- Judge, may I approach?

1 THE COURT: Yes, sir.

2 MR. JAUREGUI: Thank you.

3 BY MR. JAUREGUI:

4 Q. Have you ever been to the FBI Academy, Mr. Alonzo?

5 A. To the?

6 Q. Have you ever been to the FBI Academy?

7 A. Have I been to the FBI Academy?

8 Q. Yeah.

9 A. Never, sir.

10 Q. Quantico?

11 A. Ha?

12 Q. Quantico. Have you ever been there?

13 A. I don't think so.

14 Q. Have you ever taken any moot court classes to learn how to  
15 testify in court?

16 A. No.

17 Q. Have you ever played testifying in court?

18 A. No.

19 Q. When I went to meet you last night about 1 in the morning,  
20 did I show up with some armed FBI agents to interview you?

21 A. No.

22 Q. Okay. Did I at any point knock down the door to your house  
23 and conduct a search warrant at your house?

24 MR. MULROE: Object to relevance and scope.

25 THE COURT: Sustained.

1 BY MR. JAUREGUI:

2 Q. I ever threaten you with gun charges based on your  
3 testimony?

4 MR. MULROE: Objection.

5 A. I never talked to you until yesterday.

6 THE COURT: Sir, sir, you have to give me a chance to  
7 rule on the objection.

8 THE WITNESS: I'm sorry?

9 THE COURT: You have to give me a chance to rule.

10 THE WITNESS: I'm sorry.

11 THE COURT: That's okay. That's all right.

12 And the objection is sustained.

13 BY MR. JAUREGUI:

14 Q. Did I ever meet with you 10 or 12 times to get you to say  
15 what I wanted?

16 MR. MULROE: Same objection.

17 THE COURT: Sustained.

18 BY MR. JAUREGUI:

19 Q. Did I ever lie to you to get you to say what I wanted?

20 MR. MULROE: Same objection.

21 THE COURT: Sustained.

22 BY MR. JAUREGUI:

23 Q. What is a -- I think Mr. Mulroe calls it a croqueta. What  
24 is a croqueta?

25 A. It's a Cuban pastry.

1 Q. When you call it croqueta wars, is that a joke?

2 A. It's a satire because -- can I explain it?

3 Q. Sure.

4 A. So a lot of the guys that were Vice City, they love to go  
5 to this restaurant in Miami called La Mulata. And they would  
6 go there to have Cuban coffee and croquetas. So we always made  
7 fun of that because every time we took a picture there for our  
8 chat, there was croquetas in the picture. So we made this,  
9 like, satire chat with the croqueta warriors, or whatever. We  
10 even had a little fun with a croqueta and, like, a little tank  
11 with grease on it. It was guys being guys. It was stupid. I  
12 mean, it was --

13 Q. Do you have the same phone number and the same account from  
14 when January 6 happened?

15 A. I've had the same number since 2010, I think.

16 Q. Okay. Has the FBI ever come and spoken to you and asked  
17 you for access to your phone to get the correct messages from  
18 you?

19 A. Never.

20 MR. MULROE: Object to scope.

21 THE COURT: Overruled.

22 A. Never. They have not.

23 BY MR. JAUREGUI:

24 Q. Okay. So they never tried to find out the truth from you?

25 A. Have they ever --

1 Q. Have the FBI ever tried to find out the truth from you?

2 A. I never spoke to an FBI agent in my life.

3 Q. On January 6, were you your own man that day?

4 A. Up until everything got out of hand, it was everybody for  
5 themselves, yes.

6 Q. Okay. The other people that were around you, the men and  
7 women around you, were they making their own decisions that  
8 day?

9 MR. MULROE: Object to foundation.

10 THE COURT: Sustained.

11 BY MR. JAUREGUI:

12 Q. Okay. Are you aware of any kind of mass hysteria where  
13 people didn't have independent control of their minds on  
14 January 6?

15 A. I wasn't aware of that.

16 Q. Okay. Are you sure you weren't just a tool to be moved and  
17 manipulated at whim?

18 A. Am I sure that I wasn't manipulated on January 6?

19 Q. You weren't just a tool to be manipulated?

20 A. No.

21 Q. Okay. Why didn't you go inside the Capitol on January 6?

22 A. Because of the things that I started seeing once -- when I  
23 got to the part where I said to go back, where I wanted to go  
24 back, there was too many things that I saw that didn't make  
25 sense to me, that were not normal, that I said there's -- this

1        isn't -- you know, there's something is screwy going on here,  
2        let's go back.

3                And, first of all, you know, nobody should -- you  
4        know, don't go in there. But, you know, and once that I'm  
5        watching police point a gun at me and then when I looked over  
6        at about 50 yards away I'm watching police going like this to  
7        people (indicating), and then I see -- you know, we were  
8        supposedly in the first lines to go in, and I'm looking at the  
9        building and I see on the high floors windows open and people  
10       with flags waiving them already, and I'm thinking how the heck  
11       did they get there so quickly?

12               Just things didn't add up and didn't make sense. And  
13       I -- this is a bad, bad idea to be here. We need to leave.

14       Q. And did you immediately get back in your car and drive  
15       home?

16       A. No, we went to the -- I mean, a lot of us were tired. It  
17       was very cold outside already and my -- the -- like, the  
18       clothes that I had brought was in the hotel room with some of  
19       the guys that were not around us anymore, so I had to wait for  
20       them to come, you know, wherever they were, to find us so I  
21       could go get my things. Once we did that, we left.

22       Q. Okay.

23       A. We left while it was still daylight outside, by the way.

24       Q. Okay. When you were hanging back and you are hearing  
25       things that were happening, did you know at the time that

1 police officers had been hurt? Or did you find that out much  
2 later?

3 A. There was a lot of chatter going around. But, you know,  
4 that outside, watching what was going on outside, you know, the  
5 police were throwing those stun bombs and gas, but on the other  
6 side they were, you know, moving things so that people could go  
7 in. I didn't -- me, myself, I didn't see any police officer  
8 get hurt, myself. Did I -- did we hear stuff happen? Yes, we  
9 heard.

10 Q. Do you think that police officers working on January 6  
11 deserve to be hurt by the so-called patriots?

12 A. Nobody deserved to be hurt.

13 Q. Okay. Mr. Alonzo, did you tell the truth and nothing but  
14 the truth here today?

15 MR. MULROE: Objection.

16 THE COURT: Overruled.

17 A. Yes, sir.

18 BY MR. JAUREGUI:

19 Q. What's your answer, sir? What did you say?

20 A. I'm sorry?

21 Q. What's your answer?

22 A. Yes, sir.

23 MR. JAUREGUI: I have no further questions, Judge.

24 Thank you.

25 THE COURT: All right. Very well. Sir, you may step

1 down. Thank you for your testimony.

2 Let me have counsel at sidebar.

3 (Bench discussion:)

4 THE COURT: All right. What is Mr. -- Mr. Smith,  
5 what's your preference now? We probably have another -- we  
6 could go 20 minutes today. Would you rather -- what's your  
7 preference?

8 MR. SMITH: Your Honor, we would like to go start  
9 tomorrow because -- and the reason is that the lawyer for the  
10 witness would like to come in and address the Court either in a  
11 sealed proceeding or on the attorney lines.

12 THE COURT: All right. Let me -- I saw your -- the  
13 email you sent. So let me just do this first, discuss this all  
14 with you. I'm going to place our discussion here under seal,  
15 considering the *Hubbard* factors that the circuit has set out  
16 and given that we're about to discuss a CHS and issues  
17 surrounding that CHS and his safety, I'm going to place this  
18 under seal but order that it be unsealed for the limited  
19 purposes of providing to the parties after today.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



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[REDACTED]

(Open court:)

THE COURT: Ladies and gentlemen, it's eight minutes short of five. We'll dismiss you all today, but we'll begin back tomorrow at nine. So, as always, please do not look at media coverage of January 6 generally or this case. Don't discuss the evidence with anyone and, of course, no independent investigation. We'll see you tomorrow.

(Whereupon the jurors leave the courtroom.)

THE COURT: We'll just wait for Ms. Harris to return. All right. Let me -- let's pick up the phones again. (Bench.)

THE COURT: All right. And for all the same reasons, let me just -- I'll just pause a moment here.

For all the same reasons that I placed the prior discussion under seal, I'll place this under seal as well.

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A horizontal bar chart titled 'Percentage of respondents who believe that the current administration is responsible for the current state of the world'. The chart is divided into two main sections: 'By Age' and 'By Gender'. Each section contains bars for 'Total', 'Dem/Lean Dem', and 'Rep/Lean Rep'. The 'By Age' section is further divided into '18-29', '30-49', '50-69', and '70+'. The 'By Gender' section is divided into 'Male' and 'Female'. The x-axis represents the percentage, ranging from 0 to 100. The y-axis lists the categories. The bars are colored in shades of blue and green. The data shows that younger age groups and females are more likely to believe the current administration is responsible for the current state of the world, while older age groups and males are less likely to do so.

Category	Sub-category	Total (%)	Dem/Lean Dem (%)	Rep/Lean Rep (%)	
By Age	18-29	Total	85	95	75
		Dem/Lean Dem	95	100	90
		Rep/Lean Rep	75	90	60
	30-49	Total	75	85	65
50-69	Total	65	75	55	
	Dem/Lean Dem	85	95	75	
	Rep/Lean Rep	55	75	45	
70+	Total	55	65	45	
	Dem/Lean Dem	65	75	55	
	Rep/Lean Rep	45	55	35	
By Gender	Male	65	75	55	
	Female	75	85	65	

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All right. Anything further before we break for the

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day? Mr. McCullough, I think you said you had something.

22

MR. McCULLOUGH: I just have one thing. And I think,

23

Your Honor -- sorry. I have two things. One of them is purely

24

administrative. When we ender seal the second time, I just

25

want to make sure that you -- I'd move to have that released to

1 the parties as well, the second sealed portion of that.

2 THE COURT: Correct. That is so ordered.

3 MR. McCULLOUGH: And then, asking through the Court,  
4 Your Honor, if we could -- and I think we have it, but I would  
5 like representation from the parties as to the witnesses that  
6 we can anticipate both tomorrow and on Wednesday. I do  
7 understand, Your Honor, that the 36-hour notice for Wednesday  
8 would be upon us at 9 p.m. tonight. But, Your Honor, I will --  
9 I would just like to make sure that that gets done.

10 I think the parties are in a position to do it right  
11 now. I just want to make sure that we hear it, we're all on  
12 the same page, and we know what we're doing.

13 MS. HERNANDEZ: I have no idea what Mr. Mulroe is  
14 talking about. He's got my witnesses. The problem is, we're  
15 on Friday's witness so -- if he wants me to repeat the same  
16 names, I will.

17 The other thing is, Your Honor, we -- we can wait  
18 until tomorrow morning, if you like. We'll -- we'll exchange  
19 our proposed curative instructions, both on the First Amendment  
20 and on the video, and get something to the Court overnight.

21 Your Honor, let me say, there are questions about  
22 whether he's still a Proud Boy or not. The First Amendment  
23 protects the associational rights of everyone in the  
24 United States to be members of the Proud Boys or any other  
25 organization. The Proud Boys is not an outlaw organization and

1 I believe that line of questioning was improper. I objected,  
2 the Court rejected it. And the questions about the shirt and  
3 all of that, again, it is against -- it is a violation of the  
4 First Amendment to hold against a person --

5 THE COURT: Ms. Hernandez, I don't mean to cut you  
6 off, but you objected, I overruled the objection, and I over --  
7 and you may think I'm wrong, and that's final.

8 MS. HERNANDEZ: It's just that I don't think I was  
9 allowed to make -- it's a First Amendment argument, it violates  
10 the First Amendment to suggest to the jury that being a member  
11 of the Proud Boys is a bad thing.

12 THE COURT: I understood your argument, I understood  
13 it being based on the First Amendment. I believe it was  
14 impeaching of him to underscore that he remains a member,  
15 despite the fact that things happened that he seemed to suggest  
16 oh, if I had known about, that I wouldn't -- I would have  
17 disassociated myself with it. So I think it was -- I think it  
18 was within bounds, I overruled the objection, and we don't need  
19 to spend any more time talking about it.

20 MS. HERNANDEZ: I will look at the transcript and I  
21 will raise it by email tonight, Your Honor. But I don't  
22 believe that was the context.

23 THE COURT: Okay. But if you think -- as I said, if  
24 you think -- discuss with the government an instruction, if you  
25 think one is warranted on that or the other point Mr. Pattis

1 had raised, which is First Amendment also.

2 MR. McCULLOUGH: Your Honor, I am a slow learner. So  
3 if we can, even at the risk of Ms. Hernandez repeating herself,  
4 if we can just have the witnesses that are anticipated.

5 THE COURT: Yes. Ms. Hernandez, would you repeat --

6 MS. HERNANDEZ: I have -- I told him at lunchtime, I  
7 hold him again, I sent an e-mail to Mr. Kenerson with the  
8 witnesses and exhibits that type of thing.

9 I must say, Your Honor, let me -- with respect to the  
10 cross-examination materials, we received from Mr. Mulroe at  
11 2 p.m., which was 15 minutes after we entered the courtroom,  
12 through USAfx the exhibits that he used on cross-examination.  
13 USAfx means we have to download it off -- we have to download  
14 it and the internet system in the courtroom is not very good.  
15 So it's just not proper, in my opinion, to do it that way. We  
16 didn't have access to it until some later time.

17 So I would ask the Court that -- again, I believe  
18 they should let us know in advance, but at a minimum that we  
19 get them in a format and in a manner that can be -- that is  
20 usable before the witness gets cross-examined.

21 THE COURT: They can't -- and they can't give you any  
22 materials unless they know who the witnesses are going to be.

23 MS. HERNANDEZ: They know, Your Honor. I have told  
24 them.

25 THE COURT: Would you please just say who they are.

1 I mean, is that --

2 MS. HERNANDEZ: I have sent -- I have given them a  
3 list. A member of the United States Capitol Police, a sergeant  
4 that they made available to me. Mr. Finley, who has been  
5 waiting -- that would be -- first of all, that's after the  
6 witness --

7 THE COURT: Ms. Hernandez, just state who the  
8 witnesses are.

9 MS. HERNANDEZ: Can you read the witnesses,  
10 Mr. Kenerson?

11 THE COURT: Ms. Hernandez, I've asked you to read  
12 them.

13 MS. HERNANDEZ: I just said -- so for tomorrow,  
14 correct?

15 THE COURT: Tomorrow and Wednesday.

16 MS. HERNANDEZ: Mr. Finley, Mr. -- the sergeant from  
17 the United States Capitol Police, Mrs. Rehl, Demetrius -- I  
18 don't have the name in front of me. And -- thank you. I mean,  
19 I don't understand. I sent it at 3:34 p.m. Demetrius Robbins,  
20 Anthony Guiffre. I believe those are the witnesses that I --  
21 that are on board.

22 THE COURT: All right.

23 MR. McCULLOUGH: We're anticipating that order?

24 MS. HERNANDEZ: Your Honor, depends on how things  
25 develop. As the Court knows and as the government did when



1       they were doing it, they would switch the order depending on  
2       what time people are available, are they here, did somebody  
3       have to go -- something like that.

4               THE COURT: I think --

5               MS. HERNANDEZ: They've had the name of those  
6       witnesses, just for the Court, since last week.

7               THE COURT: All right. Ms. Hernandez, I think what  
8       the order contemplates and I think what the government did was  
9       give a tentative order. I understand that in good faith you  
10      may need to reshuffle. And the government, I'm confident,  
11      needed to reshuffle at some times too. So I think what would  
12      be helpful to them is at least a preliminary -- I mean, I don't  
13      know why this is --

14              MS. HERNANDEZ: I've given them --

15              THE COURT: I don't know why this is so difficult.

16              MS. HERNANDEZ: I've given that list, Your Honor, in  
17      the order I believe they're being put on. I don't understand  
18      what they want.

19              THE COURT: There you go.

20              MS. HERNANDEZ: And let me say, the government many  
21      times changed the order on us --

22              THE COURT: Ms. Hernandez, if you were listening to  
23      me, I said in good faith either party can change it. You said  
24      you've provided it to them in the order you expect. So we're  
25      done talking about it.

1 MS. HERNANDEZ: I have given that same list for the  
2 last three days.

3 THE COURT: Ms. Hernandez, we're done. We're done,  
4 Ms. Hernandez. We're done. We're done. Okay? It would have  
5 been very easy for you to say here are the witnesses, they're  
6 in the presumptive order. And I would have said, you know,  
7 what --

8 MS. HERNANDEZ: I have spoken to --

9 THE COURT: Ms. Hernandez, I'm talking. Sit down.

10 MS. HERNANDEZ: Your Honor, I've spoken to --

11 THE COURT: Sit down, please. Sit down.

12 It would have been very easy if you just said here  
13 are the witnesses, one, two, three, four, five; they're in the  
14 presumptive order, but I reserve the right to change them  
15 around. And I would have said absolutely. In fact that's what  
16 my order contemplates. I'm sure the government took advantage  
17 of that as well.

18 MS. HERNANDEZ: Ive --

19 THE COURT: Ms. Hernandez.

20 MS. HERNANDEZ: Your Honor --

21 THE COURT: I really -- I don't -- I'm amazed that  
22 people think this is the way to comport yourself in court. I'm  
23 flabbergasted at it. So, good, we've lined up the witnesses.

24 Are there any other things anyone wants to raise?

25 Mr. Hull?

1 MR. HULL: Your Honor, Dan Hull for Mr. Biggs. Can  
2 we review, on witnesses -- we're probably in the enviable  
3 position of having way more witnesses who can go on tomorrow in  
4 three different cases. So I assume that first Mr. Smith goes  
5 on, that may take probably most of the morning. Then am I  
6 gathering -- I'm not sure what Mr. Rehl just said. We have  
7 four witnesses, possibly, from her. We have two, but they need  
8 to be transported from a fairly long distance.

9 THE COURT: Well, I think -- doesn't it make sense  
10 for you to speak with Ms. Hernandez? You know where -- you  
11 know how much -- she's just indicated her witnesses, if you're  
12 going to follow hers, I --

13 MR. HULL: I understand that. I kind of like to go  
14 on the record, who's going to be here, not here tomorrow, so  
15 we'll have less confusion, more time to actually do some work.

16 THE COURT: So, fair enough. I think it's something  
17 for you to -- again, I've indicated if you came forward and  
18 said, I have a witness and he can't go on -- he's got to go on  
19 tomorrow, we've worked around those things. My suggestion is  
20 you talk to --

21 MR. HULL: I'll speak more with Ms. Hernandez, Your  
22 Honor.

23 THE COURT: All right. Ms. Hernandez.

24 MS. HERNANDEZ: Your Honor, I would like to correct  
25 the record, because this morning I spoke to Ms. Valentine, she

1 asked me about a witness. I said, you know what? I'm talking  
2 them out so you don't have to, you know -- and it was -- we're  
3 working collegially. I spoke to Mr. Mulroe, I told him who the  
4 witnesses were. Mr. Kenerson sent me an email. I sent him a  
5 response, which is what I was reading from. And he gets up  
6 again and asks me for -- I've been giving them the list of my  
7 witnesses since last -- since last week and I don't understand  
8 why he needs to get up and make these arguments that are just  
9 not accurate. I have been giving them the list of my  
10 witnesses.

11 THE COURT: I don't think he made an argument and I  
12 don't think anything --

13 MS. HERNANDEZ: He's misrepresenting to the Court,  
14 then, that I didn't give him the list.

15 THE COURT: All he asked was that you indicate it on  
16 the record right now. That's all he did. And You may think  
17 that's inappropriate, but that's

18 MS. HERNANDEZ: Yes, it is inappropriate because of  
19 the multiple conversations that I've had with him both online  
20 and directly. I spoke to Ms. Valentine this morning, she asked  
21 me. I didn't have to tell her I was taking somebody off the  
22 list that wasn't scheduled for this week, but I did, because  
23 I'm not playing games. But on the other hand, Mr. McCullough  
24 loves to get up and do this type of thing and get the Court  
25 riled up at the defense. That's my viewpoint, Your Honor.

1 That's my viewpoint. Because spoke to him today more than once  
2 about the list of witnesses. Mr. Kenerson asked, I gave him  
3 the list of witnesses. I do not understand why another lawyer  
4 has to do it that way. It makes no sense to me. It's  
5 unprofessional.

6 THE COURT: Mr. -- I didn't take Mr. McCullough as  
7 being accusatory or anything like that. We've now spent at  
8 least ten more minutes on this than we would have needed to.  
9 But I didn't take what he -- I didn't see myself as getting  
10 riled up at the defense. I simply asked you to put that on the  
11 record.

12 Mr. Pattis.

13 MR. PATTIS: Scheduling matter. What time will we  
14 adjourn tomorrow?

15 THE COURT: Tomorrow is one of the days where it's a  
16 5 o'clock hard stop.

17 MR. PATTIS: Thank you.

18 THE COURT: Mr. Jauregui?

19 MR. JAUREGUI: Thank you, Your Honor. How about  
20 Friday? Do we have a full day on Friday?

21 THE COURT: I thought I had -- I thought we had  
22 talked about this last week. We have a half day. Half day on  
23 Friday.

24 MR. JAUREGUI: Thank you, Your Honor.

25 THE COURT: All right. Mr. Roots.

1           MR. ROOTS: I would like to just put on the record  
2           the fact that Mr. Pattis and his lawyers have no idea what  
3           happened during that 25-minute sidebar. There are not enough  
4           phones to go around. There was one of the phones that had to  
5           be given to the witness's lawyer. So it does violate  
6           Mr. Pezzola's rights. And there are not enough phones. We do  
7           need a transcript of whatever was said. And I think we have a  
8           right to listen in on that. There were not enough phones. And  
9           I want to put that on the record.

10          THE COURT: Very well. If I had known, we could have  
11          tried to make some adjustment. But you will get a transcript  
12          promptly.

13          We will see everyone tomorrow at 9 o'clock.

14                   \*   \*   \*

CERTIFICATE OF OFFICIAL COURT REPORTER

I, JANICE DICKMAN, do hereby certify that the above and foregoing constitutes a true and accurate transcript of my stenographic notes and is a full, true and complete transcript of the proceedings to the best of my ability.

Dated this 28th day of march, 2023

---

Janice E. Dickman, CRR, CMR, CCR  
Official court reporter  
Room 6523  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

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