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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,

Defendants.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

ALEX ANDREW CRUCE

DATE: November 22, 2022

TIME: 10:03 a.m. to 3:49 p.m. CDT

LOCATION: Witness location

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

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A P P E A R A N C E S

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A P P E A R A N C E S (Cont'd)

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Plaintiffs:

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A P P E A R A N C E S (Cont'd)

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A P P E A R A N C E S (Cont'd)

Also Present:

Bryan Tyson

Kevin Skoglund

Susan Greenhalgh

Duncan Buell

Philip B. Stark

Videographer: Akil Wade

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C O N T E N T S

EXAMINATION BY:	PAGE
Counsel for Coalition Plaintiffs	8
Counsel for Curling Plaintiffs	133
Counsel for State Defendants	157
Counsel for Coalition Plaintiffs	190

CRUCE DEPOSITION EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit 1	Subpoena	47
Exhibit 2	E-mail with Slogs from Misty, dated January 7, 2021	47
Exhibit 3	Color photographs	75
Exhibit 4	Binnall Maggio Engagement Letter	87
Exhibit 5	Washington Post Inquiry	103
Exhibit 6	Recording transcript	103
Exhibit 7	OCR Additional Docs Cruce	131

*(Exhibits attached to transcript.)

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P R O C E E D I N G S

* * * * *

VIDEOGRAPHER: Today's date is
November 22nd, 2022, and the time is 10:03 a.m.
This will be the videotaped deposition of Alexander
Andrew Cruce.

Would Counsel please identify
themselves for the record, after which the court
reporter will swear in the witness remotely.

MR. BROWN: Bruce Brown for the
Coalition Plaintiffs.

MS. KRAMER: Courtney Kramer,
attorney for Alex Cruce, the witness.

MS. LAROSS: Diane LaRoss for the
State Defendants.

MR. LOWMAN: David Lowman for the
Fulton County Defendants.

MR. JACOUTOT: Bryan Jacoutot for the
State Defendants.

MR. BROWN: Okay. I think that's it.

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Whereupon,

ALEX ANDREW CRUCE

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR COALITION PLAINTIFFS

BY MR. BROWN:

Q Good morning, Mr. Cruce. My name is Bruce Brown, and I represent the Coalition Plaintiffs in this case.

I'm going to be asking you some questions. The court reporter needs to take down my question and your answer, so it's important that I don't interrupt you and you don't interrupt me.

If you ever need any breaks at all, just raise your hand or -- or say so and we'll take a break. That will be fine.

Please state your full name for the record.

A Alexander Cruce.

Q And where are you now physically?

A I'm in Jacksonville at my home.

1 Q And do you work in Jacksonville?

2 A Yes, sir.

3 Q Where do you work?

4 A Anheuser-Busch.

5 Q What is your job at Anheuser-Busch?

6 A Continuous improvement engineer.

7 Q Can you just tell us quickly about
8 your educational background?

9 A I have a physics degree from Georgia
10 Southern University, a Ph.D. in physical chemistry
11 from the University of Alabama.

12 Q And when did you get your doctorate?

13 A 2015.

14 Q How did you become involved in
15 analysis on the 2020 election?

16 A I just noticed some anomalies from
17 personal accounts and also from the media.

18 Q And prior to working at
19 Anheuser-Busch, could you take your employment back
20 just maybe three years -- or five -- five years?

21 A Five years.

22 So before Anheuser-Busch, I was doing

1 consulting work for a company that I call Custos,
2 LLC, where I was owner/operator, the only employee.
3 And before that, I worked at the Cheeley Law Group
4 in Alpharetta. And before that, I worked at OFS,
5 LLC. And I think that's five years, yes.

6 Q Okay. When did you work for Cheeley
7 Law Group, roughly?

8 A From July to the end of August.

9 Q What year?

10 A 2021.

11 Q And then when -- Custos, LLC was a
12 sole proprietorship?

13 A No, it was an LLC.

14 Q And it was just you. Is that right?

15 A Yes.

16 Q And when was that your primary work?
17 What years?

18 A October 2021 until June 2022.

19 Q And then some time after June 2022,
20 you went to work for Anheuser-Busch?

21 A Yes.

22 Q Okay. What did you do immediately

1 before working for the Cheeley Law Group?

2 A I was a research engineer -- research
3 and development engineer for OFS, LLC.

4 Q And -- and what does that company do?

5 A They manufacture optical fiber.

6 Q And how long were you with that
7 organization?

8 A It was close to four years.

9 Q And did you own that or were you an
10 owner of it?

11 A No, sir.

12 Q Was that full-time work when you
13 worked there?

14 A Yes.

15 Q And that would have been, say,
16 2018/2019 through the time that you were employed
17 by the Cheeley Law Group?

18 A So October of 2017, was my start date
19 at OFS, if I recall, and my last day of work there
20 was middle of June.

21 Q Of '21?

22 A Yes.

1 Q And what does that -- you may have
2 said, and I apologize, but what does OFS, LLC do?
3 What type of business is it?

4 A So it's the third largest
5 manufacturer of optical fiber in the world.

6 Q And where were you located when you
7 were working for OFS?

8 A Norcross, Georgia.

9 Q Okay. So you became interested about
10 the 2020 election while you were working for OFS,
11 LLC, correct?

12 A That is correct.

13 Q Okay. And then what was the nature
14 of your work for the Cheeley Law Group from July to
15 August 2021?

16 A So two things; working Fulton
17 ballots -- a Fulton County ballots case and also a
18 research consultant for the cases that they had --
19 the ballot cases they had going on.

20 Q Were you an independent contractor or
21 an employee of -- or were you an employee of
22 Cheeley Law Group?

1 A I was an employee.

2 Q In the Fulton County ballots case, is
3 that the case brought by Garland Favorito?

4 A I'm not sure, but I think he might
5 have been one of the plaintiffs.

6 Q And then what were the other matters
7 with respect to which you were a research
8 consultant for Cheeley Law Group in July and August
9 of 2021?

10 MS. KRAMER: I'm going to object
11 to -- the work he did for the Cheeley Law Group is
12 privileged information.

13 MR. BROWN: Okay.

14 BY MR. BROWN:

15 Q Okay. But you were only there for
16 two months. Is that right?

17 A Yes.

18 Q Why did you leave?

19 A Lack of work.

20 MR. JOSEPH: I'm sorry I have to
21 interrupt. I need to state my appearance. I'm
22 Oluwasegun Joseph with Morrison & Foerster for the

1 Curling Plaintiffs.

2 MR. BROWN: Thank you.

3 BY MR. BROWN:

4 Q Who did you report to at the Cheeley
5 organization?

6 A Bob Cheeley.

7 Q And when you went to work for -- or
8 when you formed, I guess, Custos, LLC, did you
9 continue -- was that the same work that you would
10 eventually do for Cheeley Law Group or is that
11 different?

12 A It's different.

13 Q And what was the nature of the work
14 of Custos, LLC?

15 A Just analysis of elections.

16 Q And who did you work for -- or who
17 did Custos, LLC work for?

18 A I'm not sure I understand that
19 question.

20 Q Well, was it -- were you -- was the
21 organization paid by anybody to do any work or did
22 it just work on its own?

1 A No. So I did work for the Mary
2 Norwood campaign. But I would like to clarify, it
3 was not directly for Mary Norwood. It was -- I
4 don't recall the lady who was running for mayor at
5 the time.

6 Q Okay. So it was involved with
7 consulting with political organizations or
8 candidates?

9 A Yes.

10 Q All right. Let me turn back to your
11 focus on the 2020 election.

12 A Uh-huh.

13 Q After you became interested in the
14 2020 election, what were some of the activities
15 that you engaged in relating to that interest,
16 starting in November of 2020?

17 A Well, my background in data
18 analytics, big data analytics, I was interested
19 right away in public data from the Georgia
20 Secretary of State website. So I was downloading
21 periodically voter history file and also the
22 statewide absentee file, along with buying the

1 voter registration list from the Secretary of State
2 statewide, so . . .

3 Q And who did -- did you work with
4 other individuals with respect to that information?

5 A At times, yes.

6 Q And when did you first meet or speak
7 with Scott Hall?

8 A November 4th.

9 Q 2020?

10 A Yes.

11 Q And how did you communicate with
12 Mr. Hall?

13 What was the occasion for
14 communicating with him?

15 A I was connected with him regarding
16 just elections and his interest in the election
17 itself.

18 Q Who put you into contact with
19 Mr. Hall?

20 A It's a lady named Amber Conner.

21 Q And who is she?

22 A Just a neighbor in Buckhead.

1 Q And what was her connection to Scott
2 Hall, if you know?

3 A I don't know.

4 Q But she found out that you were
5 interested in the election and were -- had some
6 expertise in data analytics and got you connected
7 with Scott Hall?

8 A Yes.

9 Q And then what did you and Scott Hall
10 talk about the first time you spoke with him?

11 A I don't -- I don't really recall. It
12 was a long time ago.

13 Q Well, did that lead to further
14 communications about elections?

15 A Yes.

16 Q Tell me about those.

17 A What -- what would you really -- what
18 do you really want to know? I'm not sure.

19 Q Okay. Between November 4th, 2020,
20 and the time period in which you took a private
21 plane with him to Coffee County, describe for me
22 your communications with him and your relationship

1 with him.

2 I can do it day by day or you can
3 tell me generally and I can come back and ask you
4 specifics, but can you just tell me generally?

5 A Generally, you know, we were meeting,
6 discussing some of the things that I had found
7 through the data analytics. He would send me, you
8 know, different articles and things like that
9 concerning the election. And that's -- that's
10 about it.

11 Q And then did you meet him in person
12 at any time before going to Coffee County?

13 A Yes.

14 Q About how many times?

15 A I'm not sure.

16 Q Ten or 11? Two or three?

17 A Two or three --

18 Q And did you meet --

19 A -- at the most.

20 Q Did you meet with him by yourselves
21 or were there other people in those meetings?

22 A I believe there were other people --

1 Q Do you recall --

2 A -- in the meetings. We did have -- I
3 had dinner with him and Bob Cheeley and Charles
4 Bundren.

5 Q And when was that?

6 A I don't recall.

7 Q And was Scott Hall a client of the
8 Cheeley firm at that time?

9 A I don't know.

10 Q What was discussed at that meeting
11 with Bob Cheeley, Scott Hall, and Mr. Bundren?

12 MS. KRAMER: I'm going to object to
13 privilege.

14 MR. BROWN: He just said that he
15 didn't know if Scott Hall was a client of Bob
16 Cheeley. There's no foundation for a privilege.

17 BY MR. BROWN:

18 Q Go ahead, Mr. Cruce.

19 A There was some smalltalk of the
20 election, but it was more Scott just wanted to
21 introduce me to these two.

22 Q And what did you understand -- and

1 I'm sorry, Mr. Cruce, yeah, I think you told me,
2 but when -- when was this dinner?

3 A I'm not sure. I can't really
4 remember.

5 Q Would it have been in the
6 November/December time frame?

7 A I'm not sure.

8 Q But obviously, it was after you had
9 first been introduced to Mr. Hall and before you
10 went to Coffee County, right?

11 A I'm not sure.

12 Q Okay. Well, it couldn't have been --
13 could it have been you were talking about your trip
14 to Coffee County in that meeting?

15 A No.

16 Q Okay. So it was probably before that
17 meeting?

18 A I'm not really sure.

19 Q Okay. Smalltalk about the election.
20 Did you have an understanding of who
21 Scott Hall -- what Scott Hall's role was with
22 respect to the election, if all -- if anything?

1 A Not really, no.

2 Q What about Mr. Bundren, do you know
3 what -- what his role was?

4 A No.

5 Q Do you know who his clients were?

6 A No.

7 Q Was he ever your attorney?

8 A No.

9 Q Was -- this was while you were
10 working at -- at OFS, LLC, right?

11 A Yes.

12 Q And did they -- at that meeting, were
13 you asked to do anything or is this just a
14 discussion, or what?

15 A No, just a discussion.

16 Q Were there any action plans that were
17 laid out in that meeting by the group?

18 A No.

19 Q Where was the dinner?

20 A I don't remember.

21 Q In Atlanta?

22 A It was around Atlanta. I'm not sure

1 if it was in Atlanta.

2 Q And did you send e-mails or other
3 communications setting up the dinner or accepting
4 an invitation to the dinner?

5 A No.

6 Q Do you recall in your review of the
7 documents in response to the subpoena seeing any
8 documents relating to that dinner in any way?

9 A No.

10 Q Okay. You mentioned maybe two or
11 three meetings with Scott Hall. Do you recall any
12 other meetings with Scott Hall?

13 A I do. We met -- we met by video on a
14 Zoom call --

15 Q Okay.

16 A -- multiple times.

17 Q And what -- and who else were on
18 these video calls?

19 A It -- there was a range of
20 different -- different people, data analytics.
21 Just people with different, you know, backgrounds,
22 expertises.

1 Q And do you recall just the time frame
2 in which you would have been having these video
3 calls with Scott Hall and others?

4 A We had video calls up until probably
5 May, May of this year, 2022.

6 Q And you said "we." Was there sort of
7 a name for this group of people who had -- who
8 would have had video calls up until May of 2022,
9 this year?

10 A I'm sorry, would you repeat that?

11 Q You said "We would have calls." Was
12 there a group, either formal or informal, that
13 would have these video calls?

14 A It was never really the same people.

15 Q Who would organize the calls?

16 A Scott would. Sometimes I would.

17 Q And what was the purpose of the
18 calls?

19 A Just stuff that I found doing data
20 analytics.

21 Q And is there a documentary record,
22 say, through e-mails or Zoom e-mails or Windows

1 Teams, that would show when these videos -- these
2 video communications were made or who was on it?

3 A I'm sorry, could you explain the
4 question a little better?

5 Q Sure.

6 A week from now I'll be able to go
7 back through my e-mails and tell you every Zoom
8 call I've had in this last year. It's simple.
9 Microsoft Teams or text messages, all of that
10 information leaves a trace obviously.

11 What I want to know is what trace did
12 these video meetings leave in the records that you
13 have?

14 A Well, the e-mail.

15 Q Okay. You set them up by e-mail,
16 probably?

17 A I'm sure.

18 Q And who would -- who would -- I know
19 that there was a different group of people with
20 each meeting, but if you could just list for me
21 the -- the range of people who would have been on
22 either one or another of those meetings.

1 And let me back up a second.

2 These calls started when?

3 A Shortly after the 2020 election.

4 Q Okay. And then tell me the people
5 who were on these calls, to the best of your
6 recollection.

7 And I understand you're saying that
8 they weren't on all of them, but anybody who was on
9 some of them.

10 A David Cross, Garland, John Wable.

11 Q Can you spell that last name, please?

12 A W-A-B-L-E. He was on just a few. He
13 worked for Scott Hall.

14 Q Okay. Who else?

15 A Let's see, I don't remember their
16 last names, but Benny.

17 Q And who did Benny work for?

18 A I'm not real sure. I don't know.

19 Q Who else?

20 A Let's see. Kevin Moncla. I -- I'm
21 sorry, I'm drawing a blank.

22 Q Okay.

1 A I can't remember.

2 Q I'll come back to some of the names.

3 Did anybody take minutes or notes of
4 these meetings, to your knowledge?

5 A No, I didn't.

6 Q And then why did you stop having
7 these video meetings in May of 2022? It just sort
8 of petered out?

9 A Yeah.

10 Q I'm going to ask you, just since
11 we're on the topic of different people involved,
12 about a number of different names. With each --
13 with respect to each of these, I want to know if
14 you've met or communicated with them in any way,
15 that includes e-mail, video, anything at all. And
16 then we can -- a lot of these people may be an easy
17 no and then some of them I may come back to and
18 drill down a little bit.

19 Have you met or communicated with
20 Sidney Powell?

21 A No.

22 Q In video chat or anything?

1 A No.

2 Q How about Michael Flynn?

3 A No.

4 Q Have you met or communicated with
5 Rudy Giuliani?

6 A No.

7 Q How about Jenna Ellis, have you met
8 or communicated with Jenna Ellis?

9 A I'm not sure.

10 Q Do you know who she is?

11 A Not really. The names, I just -- I
12 don't really have a -- I don't really remember
13 names that well, but I don't want to say it's
14 impossible that I haven't met her.

15 Q Fair enough.

16 What about Phil Waldron, have you met
17 or communicated with Phil Waldron?

18 A No.

19 Q How about Doug Logan, have you met or
20 communicated with Doug Logan?

21 A No, I don't believe. I just don't
22 know these names, but . . .

1 Q How about Jeffrey Lenberg, did you
2 meet or communicate with Jeffrey Lenberg?

3 A No.

4 Q Okay. Going back to Doug Logan.
5 Doug Logan's company is Cyber Ninjas. Does that
6 refresh your recollection?

7 A That's -- that's where I've heard of
8 that name. It's possible in passing I might have
9 communicated with him or somebody that worked with
10 him but nothing memorable.

11 Q And Jeff Lenberg, and just so you
12 know, Lenberg and Logan went to Coffee County the
13 week after you were there.

14 A Uh-huh.

15 Q Did you meet or communicate with
16 Jeffrey Lenberg?

17 A No.

18 Q Did you -- have you met or
19 communicated with Patrick Burn?

20 A No.

21 Q Do you know who he is?

22 A I've heard the name.

1 Q Do you know what his relationship is
2 with Scott Hall?

3 A I don't.

4 Q Did you ever hear or understand that
5 he was providing funding of -- of operations in
6 Georgia?

7 A No.

8 Q Have you ever met or communicated
9 with Lin Wood?

10 A No.

11 Q Do you know who he is?

12 A Yes.

13 Q And did you --

14 A Well, I don't know who he is, but
15 I've heard of his name.

16 Q Okay. And do you recall the -- that
17 he had a group of analysts and lawyers at his
18 plantation in, I think, South Carolina in November
19 and December of 2020?

20 Did you ever hear about that?

21 A No.

22 Q How about Dave Hancock, have you met

1 or communicated with Dave Hancock?

2 A No. I don't recognize the name.

3 Q How about Mike Lindell, also known as
4 the My Pillow Guy, did you ever meet or communicate
5 with Mike Lindell?

6 A I met Mike Lindell at CPAC, shook his
7 hand and that was it.

8 Q And when was that?

9 A I'm not sure. It was this year,
10 maybe March.

11 Q And did you speak with him in any --
12 on any substantive level?

13 A No.

14 Q Any other meetings or communications
15 with Mike Lindell?

16 A No.

17 Q How about Kurt Olsen, O-L-S-E-N, have
18 you met or communicated with Kurt Olsen?

19 A No.

20 Q He's the lawyer -- he's one of the
21 lawyers for Mike Lindell. Does that refresh your
22 recollection?

1 A It's possible I've been on e-mail
2 chains or something, but it's -- it just doesn't
3 strike.

4 Q Have you done any work for
5 Mr. Lindell or anyone associated with Mr. Lindell?

6 A Yes, I have.

7 Q And when did you do that?

8 A That was in 20- -- late 2021, in
9 October, November maybe, late 2021.

10 Q What did you do for him or his
11 organization?

12 A So I consulted on the data in -- for
13 Georgia, so Georgia Secretary of State website.

14 Q And what was your -- what election
15 were you looking at?

16 A We weren't looking at any election.

17 Q What data on the Secretary of State's
18 website were you looking at?

19 A The voter history file, the statewide
20 absentee file, and also the statewide voter
21 registration.

22 Q And was there a -- for lack of a

1 better expression, a deliverable that you had for
2 that work that you did for Mike Lindell's
3 organization?

4 A Yes. It was just a timeline of data.
5 So the Secretary of State, I believe, the voter
6 history file goes back to 2012, so the data is a
7 little tricky, where you have to -- you have to
8 find the right delimiters. So it's just showing
9 them how to understand what the Secretary of State
10 was -- what their data was.

11 Q And who -- who at Mr. Lindell's
12 organization was your point of contact?

13 A I think one name that stuck out, I
14 think, was Jay Valentine. I think that was his
15 name.

16 Q And your understanding is he works
17 for Mr. Lindell?

18 A I believe so.

19 Q But is he like in-house or like a
20 lawyer for him or what?

21 A I'm not --

22 MS. KRAMER: Bruce, I'm -- Bruce, I

1 just have one question. I just kind of want to
2 know where this line of inquiry is going, just
3 given the case. This is Curling v. Raffensperger.
4 What -- what these people have to do with the case
5 at hand and why Alex is here today.

6 MR. BROWN: Good question. Mike
7 Lindell was in Coffee County two weeks or three
8 weeks after Mr. Cruce was, and when we asked the
9 Coffee County election supervisor why he was there,
10 she pled the Fifth, so I'm going to ask about
11 Mr. Lindell. Thanks.

12 BY MR. BROWN:

13 Q And then I think I was asking you Jay
14 Valentine, was he a lawyer for Mr. Lindell's
15 organization or in-house, or do you know?

16 A I don't recall.

17 Q And then that work stopped
18 October/November '21. Is that right?

19 A Yeah, about that time.

20 Q Did you do any other work for
21 Mr. Lindell's organization?

22 A No.

1 Q And how were you -- do you know how
2 you were introduced to Lindell's organization or
3 who got you that work?

4 A I don't recall, yeah.

5 Q Were you doing -- were you paid for
6 that work?

7 A Yes.

8 Q And was this through your -- your
9 LLC?

10 A Yes.

11 Q Okay. Then Ben Cotton, have you met
12 or communicated with Ben Cotton?

13 A Ben Cotton? I don't recall. I
14 don't --

15 Q It doesn't ring a bell?

16 A I don't recall.

17 Q Okay. Are you familiar with the
18 SullivanStrickler firm?

19 A What do you mean "familiar"?

20 Q Well, you've heard of them, right?

21 Well, let me back up. Let me back
22 up. That was a bad question.

1 Apart from being with them on
2 January 7th, 2021, have you had other occasions to
3 meet with or communicate with the SullivanStrickler
4 firm or any of its employees?

5 A No.

6 Q Have you met or communicated with
7 Russ Ramsland?

8 A No.

9 Q Other than the dinner in Atlanta,
10 have you met or communicated with Charles Bundren?

11 A Sorry. Repeat that one more time.

12 Q Other than your dinner in Atlanta,
13 have you met or communicated with Charles Bundren?

14 A Yes.

15 Q What was the occasion or reason for
16 meeting or communicating with him?

17 A At the Cheeley Law Firm.

18 Q Was that in connection with the work
19 that you were doing for the Cheeley Law Firm?

20 MS. KRAMER: Objection.

21 THE WITNESS: Yes.

22

1 BY MR. BROWN:

2 Q Have you met with Mr. Bundren with
3 respect to work that you weren't doing for the
4 Cheeley Law Firm, if that makes --

5 A No.

6 Q -- any sense?

7 A No.

8 Q How about Preston Haliburton, have
9 you met or communicated with Preston Haliburton?

10 MS. KRAMER: Objection.

11 Alex, I'm going to instruct you
12 that when you're around legal communication
13 between any of these lawyers and their clients,
14 and if you were working for them, that's
15 privileged information.

16 MR. BROWN: The fact that he was
17 working for them is not.

18 BY MR. BROWN:

19 Q Have you met or communicated with
20 Preston Haliburton?

21 A Yes.

22 Q Was that in connection with his legal

1 work?

2 A No.

3 Q Tell me about your meetings or
4 communications with Mr. Haliburton.

5 A He was also at the Cheeley Law Firm.

6 Q And what was he doing at the Cheeley
7 Law Firm?

8 A I don't -- I don't recall.

9 Q Who was the client?

10 A I'm not certain. I don't know.

11 Q What do you -- what do you remember
12 about meeting Preston Haliburton?

13 A Nice guy.

14 Q And what was he -- what was he doing
15 there?

16 A I'm not real sure. I don't know.

17 Q Who was he -- who was he meeting
18 with?

19 A I'm not sure. I would assume Bob
20 Cheeley. That's an assumption though.

21 Q Other than meeting with him -- was
22 that in Atlanta that you met with him or in D.C.?

1 I'm sorry, let me --

2 A Atlanta.

3 Q Atlanta. Okay.

4 Other than in Atlanta in connection
5 with the Cheeley firm, did you have any meetings or
6 communications with Preston Haliburton?

7 A No.

8 Q How about Georgia Senator Bill Ligon,
9 L-I-G-O-N, have you meet or communicated with Bill
10 Ligon?

11 A No, not to my recollection.

12 Q How about Stephanie Lambert, have you
13 met or communicated with Stephanie Lambert?

14 A I don't recall.

15 Q How about Jim Penrose, have you met
16 or communicated with Jim Penrose?

17 A I don't think so, no.

18 Q Heard of the name?

19 A Not really. Not really.

20 Q And I believe you testified that you
21 worked on a matter related to Garland Favorito,
22 right, or that he was a party?

1 A It was the Fulton ballots case, just
2 whoever the plaintiffs were in that.

3 Q And you -- you've had, I guess, a
4 number of communications with Mr. Favorito. Is
5 that right?

6 A I wouldn't say a number. I mean,
7 what is a number? How much does a number mean?

8 Q More than half a dozen.

9 A Communicating in what regards?

10 Q Well, what were you communicating
11 with Mr. Favorito about?

12 A I mean, election --

13 MS. KRAMER: I'm going to object that
14 if any of these conversations had to do with the
15 Fulton ballots case, Alex, that you do not answer
16 it because that is attorney-client privilege.

17 BY MR. BROWN:

18 Q Okay. What about Robert Sinners,
19 have you met or communicated with Robert Sinners?

20 A It's not standing out. I don't
21 recall.

22 Q How about Harry MacDougald, have you

1 met or communicated with Harry MacDougald?

2 A I'm not sure. It's possible through
3 certain e-mail chains I could have. I'm not sure
4 though. I --

5 Q Okay.

6 A -- never directly carried on a long
7 conversation or anything.

8 Q What about Kurt Hilbert?

9 A I have met Kurt Hilbert at CPAC as
10 well. I had dinner with Kurt.

11 Q And was that this last year?

12 A Yes.

13 Q Any other occasions?

14 A No.

15 Q How about Shawn Still, do you know
16 Shawn Still?

17 A It sounds familiar, but I did not --
18 I don't know. I don't --

19 Q Did you -- let me back up a second.

20 At your dinner with Mr. Hilbert, did
21 you speak to him with respect to Coffee County?

22 A No.

1 Q How about David Shafer, have you met
2 or communicated with David Shafer?

3 A I have communicated with David
4 Shafer.

5 Q When and what about?

6 A This past primary, I was working on
7 the primary election and analyzed the GOP database
8 that was given to a -- the lady I was working for
9 at the time who was running, and I was pointing out
10 some of the issues that I was seeing in that
11 database compared to databases that I have
12 compiled.

13 Q And then apart -- this was the 2022
14 primary?

15 A Yes.

16 Q Okay. Have you had any
17 communications or meetings with David Shafer
18 outside of your work for him related to the 2022
19 primary?

20 A No.

21 Q How about Todd Sanders, or Saunders,
22 have you ever met or communicated with Todd

1 Saunders?

2 A It's not ringing a bell.

3 Q How about Conan Hayes, have you met
4 or communicated with Conan Hayes?

5 MS. KRAMER: Bruce, I just have one
6 point of clarification. When you are asking these
7 people, can you please identify what their -- how
8 they're relevant to the case at hand and to what
9 Alex is testifying?

10 MR. BROWN: Yeah. Conan Hayes --

11 MS. KRAMER: Just to clarify.

12 MR. BROWN: Yeah. Conan Hayes and
13 Todd Saunders, we have information that they made
14 trips to Georgia counties also and -- to make
15 forensic copies of election equipment. And so
16 that's why I'm asking him.

17 MS. KRAMER: Thank you.

18 BY MR. BROWN:

19 Q Do you -- did either -- did you meet
20 or communicate at any time with Todd Saunders or
21 Conan Hayes?

22 A No.

1 Q Okay. And I believe you already
2 testified with respect to SullivanStrickler
3 generally, but Paul Maggio is an employee of -- of
4 SullivanStrickler. Outside of your meeting him on
5 January 7th, 2021, have you met or communicated
6 with Paul Maggio?

7 A No.

8 Q Have you met or communicated with Ed
9 Voyles?

10 And for context, Ed Voyles is one of
11 the people who is shown in the video on January 7th
12 in Coffee County.

13 A I may have had contact with him, but
14 I don't know -- I don't know the guy.

15 Q Apart from contact with him that day,
16 do you recall any meetings or communications with
17 Mr. Voyles?

18 A No.

19 Q What about Eric Chaney?

20 And just for context, Mr. Chaney also
21 was shown in those videos. Have you had any
22 communications or meetings with Eric Chaney apart

1 from on January 7th?

2 A No.

3 Q Who is Will P. at Defending the
4 Republic? Do you know him?

5 A I'm sorry. Could you repeat that?

6 Q Are you familiar with a person who
7 identifies himself as Will, and then the initial P,
8 at Defending the Republic?

9 A I don't know him.

10 Q It doesn't ring a bell?

11 A No.

12 Q But you know the organization
13 Defending the Republic, correct?

14 A I'm not real big into the media. I
15 don't really know.

16 Q Okay. But are you familiar -- did
17 you know that that was Sidney Powell's
18 organization?

19 A Not until now.

20 Q And I believe you testified that
21 David Cross of Georgia would meet with you and
22 others via video. Did you ever communicate with

1 David Cross about Coffee County?

2 A Yes.

3 Q And tell me about that; when, where,
4 and what about.

5 A He wanted -- he wanted the log file
6 from Coffee County.

7 Q And when did he want that?

8 A Sometime this year.

9 Q And is he a lawyer or what -- what --
10 what did he want it for, if you know?

11 It's a compound question, but do you
12 know what he wanted it for?

13 A I don't know.

14 Q Was he just sort of poking around or
15 was he going to use it for some lawsuit or
16 something?

17 A I'm not sure.

18 Q Did you give him the log file?

19 A I don't recall if I did or not.

20 Q But that would be reflected in
21 e-mails, I guess, probably?

22 A It should be, but I'm not sure.

1 Q And when did he make this request?

2 And when might you have given him the log files?

3 A I'm not sure.

4 Q Do you know what the log files were
5 from? Like what device or computer?

6 A No. They were sent to me by Scott
7 Hall.

8 Q So Scott Hall sent you the log files
9 and then you sent the log files on to David Cross?

10 A I'm not sure if I did that or not.

11 Q And who did you -- do you recall
12 sending the log files to anyone else?

13 A I don't recall.

14 Q Do you know how -- how Scott Hall got
15 the log files?

16 A From e-mail with Misty.

17 MR. BROWN: Let me mark for
18 exhibit -- well, just for the record, if we could
19 mark as Exhibit 1, Tab 1, which is the subpoena for
20 documents. And then I'm going to mark as
21 Exhibit 2, Tab 6.

22

1 (Cruce Deposition Exhibit Numbers 1 & 2
2 marked for identification.)

3 BY MR. BROWN:

4 Q Do you have your Exhibit Share up,
5 Mr. Cruce?

6 A No.

7 MR. BROWN: Okay. Let's take a
8 break. And why don't you go ahead and log into the
9 Exhibit Share, because that's how we show you the
10 exhibits.

11 VIDEOGRAPHER: The time is 10:54 a.m.
12 We are now off the record.

13 (Recess from 10:54 a.m. to 11:11 a.m.)

14 VIDEOGRAPHER: The time is 11:11 a.m.
15 And we are back on the record.

16 BY MR. BROWN:

17 Q Mr. Cruce, we're back on the record.
18 And where we left off was we were discussing your
19 communications with various people. And we made it
20 to David Cross of Georgia. And you indicated that
21 he was on the video meetings with you and the
22 others, but that you had also e-mailed to him the

1 logs.

2 Do you recall that?

3 A I said I wasn't sure. I don't recall
4 if I --

5 Q Okay.

6 A -- e-mailed him that or not.

7 Q The -- and just for the record,
8 Exhibit 1 is your subpoena. I want to get that in
9 the record.

10 Let me show you Exhibit 2, which is
11 January 7th. Do you have that in front of you?

12 A Exhibit 2, yes.

13 Q And Exhibit 2 should be a January
14 7th, 2021 e-mail from Scott Hall.

15 A Uh-huh.

16 Q Do you see that?

17 A Uh-huh. Yes.

18 Q And that's to you, right?

19 A Correct.

20 Q And that's your --

21 MS. LAROSS: I just want to -- excuse
22 me, it's Diane LaRoss. I just wanted to ask you,

1 what folder in the Exhibit Share are the marked
2 exhibits for today's deposition? Because I'm not
3 seeing a folder for today. I just have a folder
4 for November 9th, 2022, and the marked exhibit
5 folder is empty.

6 MR. BROWN: And, yeah, let's
7 straighten that out for you, Diane. Hang on a
8 second.

9 MS. MARKS: Bruce, you might want to
10 go off the record because she's not the only one
11 with that problem. I have that same issue. Some
12 of us are not seeing today's folder.

13 MR. BROWN: Okay. Let's go off the
14 record and get this fixed. Thanks.

15 VIDEOGRAPHER: The time is 11:13 a.m.
16 We are now off the record.

17 (Recess from 11:13 a.m. to 11:28 a.m.)

18 VIDEOGRAPHER: The time is 11:28 a.m.
19 And we're back on the record.

20 MR. BROWN: Thank you. And thank you
21 to all of those helping to get the exhibits loaded.
22 This is difficult. We got the documents yesterday

1 afternoon and we're doing the best we can.

2 BY MR. BROWN:

3 Q Do you see Exhibit 1, that's your
4 subpoena, Mr. Cruce?

5 A Exhibit 1 or is it Exhibit 2?

6 Q Exhibit 1 is your subpoena, right?

7 A Is this the same subpoena that you
8 issued at my place of work --

9 Q Yes.

10 A -- on Friday, October 28th? Nothing
11 has changed since then?

12 Q No, sir.

13 A I didn't notice the proof of service
14 document in my subpoena, but it's -- it appears to
15 be it.

16 Q Okay. You don't need to authenticate
17 the proof of service. That's something that we get
18 from the process server. You may not have seen
19 that before.

20 But you -- together with your
21 counsel, you collected documents responsive to that
22 subpoena. Is that right?

1 A Yes.

2 Q Okay. I'll come back to that in a
3 second. Let's look at Exhibit 2.

4 A Okay.

5 Q And is Exhibit 2 a January 7 e-mail
6 from Scott Hall to you?

7 A Yes.

8 Q And he's forwarding an e-mail from
9 Misty Martin, correct?

10 A Correct.

11 Q And she's also known as Misty
12 Hampton. Is that your understanding?

13 A I don't know.

14 Q She's the elections director of --
15 she was the election director in Coffee County,
16 right?

17 A I believe so, yes.

18 Q And what are the files that she sent
19 to Scott Hall and that Scott Hall sent to you?

20 A Well, the ICC log and SLOG. I
21 downloaded them into a notepad, so a bunch of
22 numbers and dates, sequences.

1 Q Is it --

2 A I'm not sure where she actually
3 downloaded it from.

4 Q Did you have an understanding when
5 you got this what those files were or what they
6 were for?

7 A Not really, no.

8 Q Well, you know what the ICC -- what
9 the ICC is, right?

10 A I do know that, yes.

11 Q And what is it?

12 A Let's see --

13 Q It's the big scanner?

14 A I'm trying to remember the acronym,
15 but I -- I believe it's scanner for absentee by
16 mail ballots.

17 Q Is it -- it's the large scanner in
18 the computer that's in the election office,
19 correct?

20 A I'm not certain of that.

21 Q And then what -- do you know what log
22 it was from that device?

1 A Not really.

2 Q What about the SLOG, does that
3 typically -- what does that stand for in your line
4 of work?

5 A In my line of work?

6 Q Yeah. In -- what does that mean?

7 A What does my line of work mean?

8 Q No, what does SLOG mean.

9 A I'm not sure.

10 Q You don't know?

11 A Not really, no.

12 Q But then you -- without knowing what
13 these documents were, you sent them to David Cross?

14 A I'm not sure that I sent them to
15 David Cross.

16 Q Okay. He asked you for them. Is
17 that correct?

18 A Yes.

19 Q And you don't recall whether you sent
20 them to him or not. Is that fair to say?

21 A Yes.

22 Q And do you know the purpose of these

1 logs or what they do or what they show?

2 A Just by looking at them, it looks
3 like a history of what the machines did during the
4 election as far as when they scan the votes. I'm
5 not certain of that but just a description.

6 Q So it's a computer-generated log of
7 what the computer did during the election?

8 A I guess. I don't know.

9 Q And then we were -- the topic was
10 your communications with David Cross. And we
11 talked about the logs and we talked about the
12 videos, the video meetings. What other
13 communications or meetings did you have with David
14 Cross?

15 A As far as meeting in person or like
16 video meetings?

17 Q Well, yeah, meetings in person, we'll
18 start with that.

19 A So I know he works in money
20 management, and when I left the Cheeley Law Firm, I
21 rolled my IRA into an account with him. Strictly
22 business. So we met with that. I never met with

1 him in person, I don't believe. I don't recall if
2 we met in person.

3 Q Okay. And did you have other
4 communications with David Cross about elections,
5 not about your -- your 401(k) or your IRA?

6 A Yes.

7 Q And tell me about those.

8 A Well, in 2020, there was a lot of
9 hype around the anomaly from the Edison data, it's
10 like a feed to The New York Times. And he was --
11 he was -- he was all about that and I was not, so I
12 was in meetings where they talked about this, but I
13 wasn't very attentive.

14 Q Okay. Other than the Edison data,
15 what other communications did you have with David
16 Cross, if you recall?

17 A Is my video frozen?

18 Q It is.

19 Can you hear me?

20 A I can hear you.

21 Can you hear me?

22 Q Yeah, but let's just wait until your

1 video catches up here.

2 VIDEOGRAPHER: Do you want to go off
3 the record?

4 MR. BROWN: Yeah, let's go off the
5 record.

6 VIDEOGRAPHER: The time is 11:36 a.m.
7 We are now off the record.

8 (Recess from 11:36 a.m. to 11:38 a.m.)

9 VIDEOGRAPHER: The time is 11:38 a.m.
10 And we're back on the record.

11 BY MR. BROWN:

12 Q All right. Mr. Cruce, we were
13 talking about Mr. Cross of Georgia. And other than
14 the subject matter of the Edison data, what other
15 communications did you have with Mr. Cross about
16 elections, just generally?

17 A So he was also working with -- so
18 there was a case after Fulton ballots, I think -- I
19 believe with David Perdue. He was trying to raise
20 up anomalies -- actually, I don't believe it was
21 actually affiliated with David Perdue, but they
22 were sending mail to, I think, the governor or

1 somebody affiliated with the governor about
2 anomalies in the election.

3 And he had seen the work that I had
4 done with, you know, ballot IDs and just analysis
5 on the Secretary of State data, so we talked about
6 that a lot, me sending -- he was wanting the data
7 from me, and I did not comply with that. And that
8 was that. And then I was on maybe one or two
9 meetings this year with him. And at that point in
10 one of those meeting, I believe, he brought up this
11 ICC log and SLOG file.

12 Q From Coffee County?

13 A Yes.

14 Q And did he tell you why he was
15 interested in it?

16 A No. Well, this is what I remember
17 from it, is that there is a version of, I believe
18 it was the Dominion software, that supposedly
19 wasn't verified with the election commission, VAC,
20 and the version is on that -- on that log file or
21 SLOG. I can't remember which one. But at the
22 point where we were meeting, I had already really

1 checked out. I mean, I wasn't really following too
2 much of what he was saying.

3 Q But he apparently knew that you
4 and/or Scott Hall had the system log information
5 from Coffee County?

6 A I'm not sure what he knew.

7 Q When was this discussion?

8 A Earlier this year.

9 Q Like -- like when?

10 A Over three months ago.

11 Q Over six months ago?

12 A No. It would be over -- today is --
13 I started Anheuser-Busch in July, so yeah, around
14 six months, at least six months.

15 Q Okay. And tell me everything you can
16 about this conversation in which he asked for the
17 system logs from Coffee County.

18 A I'm sorry. Can you define that a
19 little better?

20 Q Yeah.

21 You -- you -- you brought up the idea
22 that he asked for the system logs and that you

1 can't remember whether you gave it to him or not, I
2 think was what you said.

3 A Scott or David?

4 Q David. David Cross. I may have
5 misspoken.

6 A All right. So will you please
7 rephrase the question again?

8 Q Sure.

9 At some point in time, David Cross of
10 Georgia asked to obtain the system logs from Coffee
11 County, right?

12 A Right.

13 Q And --

14 A Actually, I don't think it was
15 specific to Coffee County. He was searching for
16 log files in general, I believe.

17 Q Log files --

18 A Again, I'm not -- I'm not certain
19 actually. I --

20 Q But it was --

21 A He was asking about log files. I'm
22 not sure it was just about Coffee. I think it was

1 in general.

2 Q But it was Dominion log files,
3 correct?

4 A I don't remember the exact phrasing,
5 but sure.

6 Q But, I mean, you were trying to find
7 out what version -- or he was trying to find out
8 what version Georgia had, correct?

9 A I think that was a piece of it. I
10 don't really know everything they were trying to
11 find.

12 Q And what was the purpose of their
13 inquiry as they explained it to you or as you
14 understood?

15 A I believe they heard that I had had
16 this file and they wanted it.

17 Q What did they say that led you to
18 believe that they had heard you had that file?

19 A Probably through conversation with
20 Scott Hall.

21 Q And did you hear Scott Hall tell them
22 that you had that file or that he had that file?

1 A Hear? No. No.

2 Q Did you read him -- did you read
3 something that he had said that indicated that?

4 A I'm not sure.

5 Q You don't remember one way or the
6 other?

7 A I'm -- I don't really understand what
8 you're saying.

9 Q Well, I'm trying to figure out how
10 they knew you or Scott Hall had these files. Okay?
11 And that's what I'm trying to get at.

12 And did you tell him you had those
13 files?

14 A I'm not sure how he found out.

15 Q Do you recall any communications
16 reflecting what he did with the files if he got
17 them?

18 A No. It cut off from there.

19 Q Okay. I'm going to go back to some
20 of your communications with these people.

21 Now, I asked you if you had met or
22 had communications with Sidney Powell. Do you

1 recall that?

2 A Yes.

3 Q Have you -- have you met or had
4 communications with anybody who was working for or
5 with Sidney Powell?

6 A Yes.

7 Q Who?

8 A So leading up to January 6th or 7th,
9 I was -- I did a full audit of all of the
10 databases, so the Secretary of State, just
11 comparing the voter history files and state
12 absentee to -- along with the recount, some of the
13 batch files. And I was sending it to, I believe,
14 somebody that represented her. It was through a
15 person named Jack Magan, M-A-G-A-N.

16 Q And so you sent that data to Jack
17 Magan. And you had the understanding that he
18 worked for or with Sidney Powell. Is that right?

19 A With the people that represented her.

20 Q And who were those people?

21 A I don't recall. I'm pretty sure it
22 was one of the males, but I don't remember any of

1 their names.

2 Q And what other communications did you
3 have with Sidney Powell or her organization or
4 people who worked with her prior to going to Coffee
5 County?

6 A I don't -- I don't recall any.

7 Q How about after you went to Coffee
8 County?

9 A I don't recall anybody with Sidney
10 Powell.

11 Q When you were -- when you had these
12 video meetings with the group that we discussed,
13 how did you share documents with the group?

14 A E-mail.

15 Q Would you -- did you use Slack?

16 A Slack?

17 Q Yeah. It's a type of communication
18 program application.

19 A Not -- I didn't use it.

20 Q Do you recall meeting or
21 communicating with a man named Greg Freemyer?

22 A Greg Freemyer? That doesn't ring a

1 bell.

2 Q Mr. Freemyer is with
3 SullivanStrickler. Does that help you remember one
4 way or the other?

5 A And who is SullivanStrickler again?

6 Q Greg Freemyer, he works for
7 SullivanStrickler.

8 A SullivanStrickler is?

9 Q SullivanStrickler is the company that
10 hired the people, Maggio and others, to go down to
11 Coffee County the day you were there.

12 A Oh, okay.

13 Q Freemyer -- Freemyer, we don't think
14 Freemyer was there, so I don't want to mislead you
15 on that, but he does appear on communications
16 relating to Coffee County. And what I wanted to
17 know is whether you recall having any meetings or
18 communications with Greg Freemyer.

19 A No.

20 Q What about Cathy Latham, did you ever
21 meet or have communications with Cathy Latham?

22 A So I met her down in Coffee County.

1 That was the first time I met her. And soon
2 thereafter, because I was looking for a GOP
3 database, voter information, and she said that she
4 could -- she could try to work something out. And
5 that never came to fruition, and that's the only
6 thing that I had ever talked to her about.

7 Q So the two occasions were actually --
8 and I'll come back to this, but actually in person
9 in Coffee County, right --

10 A Yes.

11 Q -- on January 7th?

12 And then thereafter, you reached out
13 to her to get a GOP database, but that never panned
14 out.

15 A No.

16 Q Fair to say?

17 A Huh-uh.

18 Q Anything else with Cathy Latham?

19 A No.

20 Q In your -- prior to going to Coffee
21 County, do you recall discussions with anyone about
22 the need or desire to obtain a forensic copy of

1 Georgia's election equipment?

2 A I guess -- so are you -- like, the
3 need or the desire, what do you mean?

4 Q Any -- let me make it broader. Any
5 discussion about obtaining a forensic copy or a
6 copy of Georgia's election software?

7 A I think it was known that that would
8 be the only way to understand if the election, you
9 know, was valid or not, but as far as setting up
10 something to do that, no.

11 Q So who said or how was it discussed
12 that obtaining a copy of the election software was
13 the only way to figure out if the election was
14 correct or not?

15 A That was a broad discussion around
16 websites, people talking in meetings. It's -- it
17 would be the only way to ever know.

18 Q To ever know --

19 A Just a general -- it's a general
20 thought.

21 Q Right.

22 In other words, to determine if the

1 vote totals were correct, you needed to get a
2 forensic copy of Georgia's election software?

3 A I -- I wouldn't state it like that.

4 It was --

5 Q How would you --

6 A It wasn't ever --

7 Q How would you state it?

8 A I didn't really -- I didn't really
9 know the innards, I don't think anybody really did,
10 of how the system was set up. I was just saying
11 that, you know, to be a fair election, that there's
12 machines involved, and that's it. And other people
13 agreed. And there was no promotion of that, no --
14 no.

15 Q But the thinking was to determine
16 whether this past election was fair or not, we need
17 to look closer at the machines. Fair enough?

18 A That's -- yeah, a broad, you know,
19 media driven, everybody was saying this, yeah.

20 Q Okay. And then at some point, were
21 there any specific plans to obtain a copy of
22 Georgia's election software arising out of this

1 need to determine whether the election was fair?

2 A A plan for me or a plan -- what do
3 you mean?

4 Q I'll get to you, but a plan for
5 anybody.

6 A Anybody that I know?

7 Q Yeah.

8 A No.

9 Q Okay. What about -- are you -- were
10 you aware of --

11 A I wasn't -- I wasn't aware of it, no.

12 Q I mean, did you hear discussion about
13 it?

14 A No.

15 Q Okay. So before you went down to
16 Coffee County, you did not hear of any discussion
17 or any communications about the need to obtain a
18 copy of Georgia's election software so that you
19 could determine if it was a fair election?

20 A I don't recall, no.

21 Q Okay. Tell me about going to Coffee
22 County on January 7.

1 I take it that you already knew Scott
2 Hall, right?

3 A Correct.

4 Q And he knew that -- that you were --
5 you had a lot of expertise in data analytics,
6 correct?

7 A Correct.

8 Q And tell me -- so he called you to go
9 down there?

10 A If I recall correctly, yes.

11 Q And then that was the day before or a
12 couple of days before?

13 A It might have been late the night
14 before or early that morning. It was a very abrupt
15 invitation.

16 Q And -- and what did he say to you
17 when he -- I take it he asked if you would join
18 him. Is that right?

19 A I believe so. I can't remember -- I
20 can't remember if I -- yeah, I believe it was if I
21 would like to go.

22 Q And did you -- before you spoke with

1 Scott Hall on the evening before or the morning of
2 going to Coffee County, had you heard from anybody
3 that he was going down there or that anybody was
4 going down there to look at the election equipment?

5 A No.

6 Q So the first you heard of it was when
7 Mr. Hall called you?

8 A Yes.

9 Q And he -- to the best of your -- and
10 this is not hugely important, but just tell me what
11 was said on that -- on that telephone conversation.

12 A Just saying he's going down to Coffee
13 County and that -- it's hard to recall exactly what
14 was said. I don't want to misspeak, but it was in
15 the order of, you know, "Do you want to go with me?
16 Let's fly down there."

17 It was to the extent that they had
18 access to, I guess, an elections office and we were
19 going to go down there and meet people there.

20 Q And he asked you to go with him or if
21 you wanted to go with him?

22 A Yes.

1 Q And did he indicate to you in that
2 telephone conversation what he wanted you to do
3 other than accompany him?

4 A We talked about the fact that there
5 were things that -- a lot of things that I didn't
6 really know about the election system, not
7 necessarily the system, but the processes of an
8 election. So the idea was to go down and talk with
9 Misty and understand what her role is and what she
10 does on election night and how data is being
11 reported, because, again, I was focused mainly on
12 the data.

13 Q And at that time, did you know who
14 Misty Hampton was?

15 A Yes, I did.

16 Q How did you know who she was?

17 A Scott showed me videos of her prior
18 to that, kind of, you know, causing a scene. Yes,
19 I think at some point she was -- went semi viral or
20 viral or something with the system. She was very
21 outspoken, so . . .

22 Q And Mr. Hall had shown that to you or

1 you had at least seen it before you went down to
2 Coffee County. Is that right?

3 A I'm sorry. Could you repeat that?

4 Q So you -- when he called you, you
5 already knew about Misty Hampton and -- and Coffee
6 County, right?

7 A Yes.

8 Q Because you had seen the video and
9 the video had gone viral, right?

10 A Sure.

11 Q Okay. And then any -- did he rent a
12 plane or was it his own private plane or what?

13 A I'm not sure if it was his own or
14 not, but it was a -- it was a jet.

15 Q And was it just you -- was it just
16 you two and the pilots?

17 A Yes.

18 Q And where did you leave from, if you
19 recall?

20 A I can't remember the airport name,
21 but it's close -- it's a private airport in
22 Atlanta. I think it's Peachtree Dunwoody or

1 something maybe. Is that what it's called?

2 Q Sure. Off Clairmont?

3 A I believe so.

4 Q Okay. And then you -- so it's just
5 the two of you flew down to Douglas, Georgia,
6 right?

7 A Yes. If that's in Coffee County,
8 yes.

9 Q Then who -- who picked you up at the
10 airport, if anybody?

11 A Nobody picked us up.

12 Q How did you get to the election
13 office?

14 A We drove a van from there. I believe
15 it was a van.

16 Q Did you rent it?

17 A I didn't. I mean --

18 Q I mean, do you recall, did Scott rent
19 it?

20 A I hope so. We didn't steal it.

21 Q And then did Mr. Hall tell you or did
22 you discuss what his role had been in setting up

1 the meeting and work in Coffee County that day?

2 A They didn't really tell me a lot on
3 that end. At the time, I felt like he was very
4 involved and knew, but no, I don't -- I don't know
5 what he knew of what was going on because he didn't
6 really discuss that with me.

7 Q Did -- did there come a time where
8 your understanding of his involvement changed?

9 A Yes.

10 Q And how so?

11 A Because he spoke about actually
12 obtaining the data that this group got in Coffee
13 County. And he's told me multiple times that he's
14 never seen that data.

15 Q So he wanted the data, never got it,
16 and that led you to conclude that he might not have
17 been as involved as he represented?

18 A Sure.

19 Q Okay. So you took the plane, then a
20 van. And then you got to the Coffee County
21 elections office. And who greeted you there?

22 A I don't -- I don't remember off the

1 top of my head.

2 Q Who all was there when you got there?

3 A I don't really -- I can't really put
4 faces with names that long ago, but there were a
5 few people there, I think, that worked with Coffee
6 County Elections. When we got there, Misty was
7 there. I can't remember if Cathy was there yet or
8 not. I don't -- it's kind of hard to go back that
9 far. I'm not sure.

10 Q Well, let me -- let me do this, let
11 me mark as Exhibit 3 some of the still photos that
12 we have collected as Tab 5. It's going to be
13 Exhibit 3.

14 (Cruce Deposition Exhibit Number 3 marked
15 for identification.)

16 BY MR. BROWN:

17 Q Those may take a minute to load, but
18 if we could do that.

19 A All right. I have it up.

20 Q All right. Do you see Exhibit 3, the
21 first page? Do you see that?

22 A Yes.

1 Q And I believe all of these are going
2 to be dated January 7, 2021. Do you see the date
3 stamp on this photo?

4 A Yes.

5 Q And can you identify who is in this
6 photo?

7 A I can identify two of them.

8 Q Go ahead.

9 A One of them is myself.

10 Q Holding the water bottle in the right
11 hand, correct?

12 A Yes.

13 Q And then who is --

14 A And --

15 Q Go ahead. I'm sorry.

16 A The other is, I believe, Scott.

17 Q Scott is the gentleman to the right
18 of the lady who's holding the door open, correct?

19 A Correct.

20 Q And do you know who the lady is?

21 A I -- I don't recall.

22 Q Okay. If you would scroll down to

1 the next photograph in Exhibit 3.

2 A Okay.

3 Q This is the same day. The time is
4 11:51.

5 A Uh-huh.

6 Q And you are shaking someone's hand.
7 Do you see who -- do you know who that is? Whose
8 hand you're shaking?

9 A No, I don't recall.

10 Q And what about the lady here that's
11 in front of you, is that Cathy Latham?

12 A I don't -- I don't know.

13 Q And do you know --

14 A I don't know who that is.

15 Q Do you recall that the gentleman
16 whose hand you're shaking is Ed Voyles? Did you
17 know that?

18 A No.

19 Q And then to your left, the gentleman
20 in the jacket who's shaking somebody's hand, who is
21 the gentleman?

22 A It looks like Scott.

1 Q And that's Misty Hampton whose hand
2 he is shaking?

3 A I'm not certain of that.

4 Q Okay. Let's go to the next photo,
5 which is at 3:53. Do you see that?

6 A Yes.

7 Q And you're sitting at the desk at the
8 bottom of the photograph, correct?

9 A Yes.

10 Q And to your left, is that one of the
11 people from the SullivanStrickler team, as far as
12 you can tell?

13 A I'm not certain.

14 Q Can you identify other people in that
15 still photograph?

16 I'm sorry, that still of the video, I
17 should say. And, again, we're on -- just for the
18 record, we're still on Exhibit 3. And this is the
19 photo at 3:53.

20 A I don't remember any of their names
21 and faces.

22 Q And there's a man with a cup in his

1 left hand in a baseball cap sitting at the table
2 with you to your right. Do you know who that is?

3 I can't hear you, Mr. Cruce. I don't
4 know if anyone else can.

5 A I'm thinking, just a second.

6 Q Okay.

7 A I don't recall his name.

8 Q Do you recall any of the people
9 representing to you that they were on the Board of
10 Elections?

11 A The Board of Elections? I don't -- I
12 don't recall them saying they were on the Board of
13 Elections, no.

14 Q Well, let me ask it this way, and let
15 you sort of tell your own story on this. You
16 understood -- did you understand that you had
17 permission to be in that office?

18 A Yeah, they opened the door.

19 Q Right.

20 And one of them was Misty Hampton,
21 was the elections director, right?

22 A She's the elections director.

1 Q And do you recall meeting anyone else
2 associated with Coffee County Elections who was
3 there?

4 A I believe so. I think there was more
5 people from Coffee County there.

6 Q And do you recall who they were, what
7 their position was, or what their name was?

8 A I don't remember their names.

9 Q Did you meet Eric Chaney? Does that
10 name ring a bell?

11 A I don't -- I believe -- I believe I
12 did. I'm not -- I'm not certain that I can recall
13 back that far, remembering their names.

14 Q Looking at this photograph -- looking
15 at the still of the video at 3:53, do you know who
16 the gentleman directly to your right is with the
17 baseball cap and shorts?

18 A I remember speaking to him briefly
19 about -- about the election and things of that
20 nature, but I don't remember his name.

21 Q Okay. Let's go to the next
22 photograph.

1 A All right.

2 Q I'm going to come back and get you to
3 testify about what you were doing when you were
4 there. I'm just trying to get sort of the layout
5 here.

6 A Okay.

7 Q Do you -- do you know the person
8 right to your right was Mr. Maggio? Did you know
9 that?

10 A At the time, I didn't know what firm
11 or what -- I believe he introduced himself, but I
12 don't believe I ever got his last name. I just
13 don't remember names and things.

14 Q Well, let's go to the next slide,
15 which is at 12:19.

16 A Uh-huh.

17 Q And is that you in that photograph?

18 A Yes.

19 Q And what are you standing on -- what
20 piece of equipment are you standing over?

21 A I believe that is -- it is the ICP
22 scanner, I believe.

1 Q That's the precinct scanner?

2 A Yes.

3 Q If you would go to the next
4 photograph at 12:32, and that's -- that's you
5 speaking to a gentleman with the sweater. Is that
6 right?

7 A Yes.

8 Q And sitting here, you don't recall
9 his name, right?

10 A Yes, I understand you've pointed out
11 his name, but at the time I didn't remember. I
12 don't remember.

13 Q Fair enough.

14 And then the next photograph is at
15 12:44 --

16 A Uh-huh.

17 Q -- and to the best of your
18 recollection, that's Misty Hampton speaking with
19 you?

20 A Yeah, I believe that is Misty. Yes.

21 Q And then if you look at the next
22 slide at 1:49, and that's you showing Misty Hampton

1 something. Is that right?

2 A Yes.

3 Q And do you recall what you were
4 showing her or asking her?

5 A I don't -- I don't know. I don't
6 remember.

7 Q Skip down to the last page of these
8 photographs --

9 A Uh-huh.

10 Q -- do you see that -- does that
11 appear to be you leaving at 4:46?

12 A Yes.

13 Q And what did you take with you that
14 you had gotten from Coffee County when you left?

15 A I don't -- I don't remember if I took
16 anything from Coffee County.

17 Q Did you make copies of anything?

18 A Did I make copies of anything?

19 Q Right.

20 A No.

21 Q Were you given copies of anything
22 like on a thumb drive or a hard copy or anything

1 like that?

2 A I don't recall.

3 Q Do you recall Misty Hampton giving
4 you a thumb drive?

5 A Yes, I do believe she -- she did.

6 Q And do you recall what was on that
7 thumb drive?

8 A I'm sorry. I believe it was the ICC
9 and log and the SLOG file.

10 Q Anything else?

11 A I don't -- I don't think so, no.

12 Q And did you ask her for that data?

13 A I did not. I didn't understand what
14 the log files were.

15 Q And so she just gave that to you
16 without you asking for it?

17 A I'm not -- I'm not sure. She -- I
18 think she had the most information about it and she
19 wanted me to analyze it.

20 Q Okay. And did you analyze it?

21 A A little bit.

22 Q And those files are the files that

1 you produced to us, right, that are attached to
2 that e-mail from Scott?

3 A Yes. So e-mailed, and I believe that
4 the thumb drive, I believe, it was the same thing.
5 It was nothing -- I don't think -- I'm not sure
6 exactly.

7 Q Well, if you -- if you --

8 A The only thing that I have in my --
9 on my computer and belongings from -- from Coffee
10 County are this ICC and SLOG file, so . . .

11 Q And those are the ones that are
12 identified on Exhibit 2?

13 A Yes.

14 Q Okay. So it looks like before you
15 left, Scott Hall e-mailed those files to you. Is
16 that right? If you look --

17 A That's what it looks like, yeah.

18 Q And so could you have made a -- and
19 did you download those onto a thumb drive before
20 you left or what?

21 A I don't -- I don't remember. I don't
22 recall.

1 Q And do you have a copy of the
2 contents of that thumb drive that Misty gave you?

3 Or do you have the thumb drive still,
4 for that matter?

5 A I'm not -- I'm not sure.

6 Q Have you looked for it?

7 A I really had forgotten that I had
8 that. I could look for it.

9 Q If you would, that would be great.
10 We would appreciate it. We'll follow up on that.

11 Other than that thumb drive, did you
12 take anything else with you from Coffee County?

13 A I don't recall if I did.

14 Q Okay. Then you -- after leaving the
15 elections office, you came back to Atlanta. Is
16 that right?

17 A Yes.

18 Q And did you ever go back to the
19 Coffee County Elections -- did you ever go back to
20 Coffee County?

21 A No.

22 Q Okay.

1 MR. BROWN: Let me make as Exhibit 4
2 Tab 3.

3 (Cruce Deposition Exhibit Number 4 marked
4 for identification.)

5 BY MR. BROWN:

6 Q Have you seen tab -- Exhibit 4
7 before?

8 A No.

9 Q And just for the record, Exhibit 4 is
10 a 30 November 2020 Engagement Agreement Forensic
11 Analysis presented to Jesse Binnall. Do you see
12 that?

13 A Yes.

14 Q Were you aware that the Binnall Firm
15 had engaged Paul Maggio and SullivanStrickler?

16 A I did not know that.

17 Q You didn't know that the Binnall Firm
18 was involved in the Coffee County capture?

19 A No.

20 Q Let me direct your attention to
21 page 5 of Exhibit 4.

22 A Okay.

1 Q And do you see where it says, "State
2 of Georgia Work"? Do you see that?

3 A Yes.

4 Q And it goes through forensic
5 collection, computer hard drives, Windows or Linux,
6 et cetera. Do you see that?

7 A Yes, I see a list of prices and --
8 yeah.

9 Q But you -- you were not aware that
10 SullivanStrickler had been engaged by your law firm
11 to do this work?

12 A No.

13 Q Okay. Well, just backing up, did
14 you -- did you gain an understanding when you were
15 there what the purpose of making the forensic
16 copies of the election equipment was?

17 A Could you be a little more specific?

18 Q Why were they copying the equipment?

19 A Why were they copying the equipment?

20 Q Why were they making a forensic copy
21 of the -- of everything there?

22 A I don't know what they were thinking.

1 Q I understand that, but you were
2 sitting there throughout the entire day watching
3 them do it and speaking with them. Did you gain an
4 understanding of what they were doing?

5 A They looked like they were copying
6 something. I mean --

7 Q Do you know -- do you know why they
8 were copying it?

9 A I mean, that's sort of a loaded
10 question. I don't know why they were doing it.

11 Q Well, you were there, too. Okay?

12 A Right. Right.

13 Q And -- and so it's fair for me to ask
14 you what you thought they were doing, and it's not
15 credible for you to have no idea of what they were
16 doing or why. Okay?

17 So you need to tell me the whole
18 truth and what you thought they were doing and why
19 they were doing it. And if -- I mean, you know
20 they weren't doing it to put malware in there,
21 right --

22 A I honestly --

1 Q -- or do you?

2 A I have no clue what they were doing
3 there, honestly. I was told by Scott, "Well, they
4 were going to copy things or whatever", but I
5 personally don't know what they did there.

6 Q Were you curious?

7 A Of course.

8 Q Did you ask anybody what they were
9 going to do -- what they were wanting to do with
10 the forensic copy?

11 A Yes.

12 Q And what did they say?

13 A They didn't know. Scott didn't know.

14 Q So they had a client, I guess your
15 law firm, that engaged them to make a forensic copy
16 of the Coffee County Elections, and they didn't
17 know why they were asked to do it, for all you
18 know, right?

19 A I've already stated that I didn't
20 know Binnall was this involved with the people that
21 were there.

22 Q Okay. Now, the -- do you know -- did

1 you understand if they had somebody that they were
2 working for, if it wasn't -- the -- the law firm
3 might have engaged them, but was there an end user
4 that was identified who would be using the
5 information from Coffee County?

6 A I have no clue.

7 Q Okay. You don't know who the Binnall
8 Firm's client would have been. Is that right?

9 A No.

10 Q And did you understand that this was
11 being done for Sidney Powell's group?

12 A No.

13 Q Okay. Just take me through
14 throughout the day, the best that you can recall,
15 what you did -- what you personally did when you
16 were there.

17 A Well, I looked at the equipment,
18 never -- never touched or tried to work anything.
19 Asked a lot of questions from Misty and some of the
20 people that were there during the election night.
21 Spoke very briefly with -- with a few people at
22 lunch. I was asking questions, you know, of the

1 people that were there.

2 Q Okay.

3 A I was just curious and looking at
4 things.

5 Q Were there particular anomalies in
6 the performance of the equipment that you were
7 focused on or asked questions about?

8 A No. My -- my biggest thing there
9 was -- was to understand how data was being
10 uploaded. Also understand the -- all the processes
11 with the absentee-by-mail ballots. You know, who
12 sent them out, who -- you know, did the Secretary
13 of State send them out, and things of that nature.

14 Just had an opportunity with an
15 elections supervisor to learn more about the
16 process so I could kind of create a picture with
17 the data that I had been working on, not just, you
18 know, solely on the numbers.

19 Q Makes sense.

20 You said how the -- the data was
21 uploaded. What data and from where to where?

22 A On election night when they report

1 out their numbers.

2 Q How -- how they get their numbers
3 from the precinct and then how they are reported up
4 the line. That kind of information?

5 A Yeah.

6 Q Do you recall any discussion of any
7 issue of remote access to the equipment?

8 A Remote access for me or --

9 Q No. Anybody. Anybody.

10 A I -- I don't recall.

11 Q And the -- and in gaining an
12 understanding of the process of absentee ballots,
13 you're talking about sort of administratively how
14 that was done?

15 A Yes.

16 Q Do you recall any discussions or
17 attention to the -- any malfunctions of the
18 equipment?

19 A Yes. Misty told me that -- I believe
20 it was during the runoff, that they were having
21 failures and with the scanning it kept on shutting
22 off. And she said she made a call to, I guess,

1 somebody at the Secretary of State or it could have
2 been somebody with the system and said, "If y'all
3 don't fix this, then I'm going to get the news down
4 here."

5 And then she said it started working,
6 I think is what -- something to that manner, but
7 she was very adamant about something being wrong
8 with the system.

9 Q And did she explain what she
10 thought -- was it rejecting ballots?

11 A I believe so. That's not what I
12 recall exactly, but something was --

13 Q And what is --

14 A -- something was -- it was like a
15 hiccup or something. I'm not sure.

16 Q And did she -- was the thrust of what
17 she said that somehow sort of magically it was
18 fixed? Was that the sense of it?

19 A I mean, that's what she said. It
20 had -- something to that manner, how it didn't have
21 any more issues.

22 Q And was there a discussion about how

1 that could have happened?

2 A I don't -- I don't really recall.

3 Q Do you recall generally?

4 A I mean, there were a few conspiracy
5 theories, but I didn't really pay attention too
6 much. I'm sure they talked about it, but I -- I
7 don't remember listening very well.

8 Q Other than that anomaly, were there
9 other system malfunctions or anomalies that you
10 discussed?

11 A She brought up the fact that
12 somebody, if I recall correctly, maybe her daughter
13 was able to get on Netflix with one of the poll
14 pads or something. And that's -- that's what I --
15 I think it was Netflix or something. She was able
16 to get on to an app and use Wi-Fi or something on
17 it.

18 Q Anything else other than the scanner
19 and the poll pads and Netflix that you recall
20 discussing about the functioning or malfunctioning
21 of the equipment?

22 A No. That's -- I think that's all I

1 can really remember.

2 Q And did you assist in any way in the
3 copying of any of the software?

4 A No.

5 Q Did you operate -- did you sort of
6 learn how to operate the equipment in any way?

7 A No. I looked over Misty's shoulder
8 while she showed me how to report to election
9 night. So that was during the process of when I
10 was learning, but I never -- never learned any of
11 the machines or anything, how they worked.

12 Q And did she show you any other
13 processes while you were there?

14 A She told me how they received and
15 sent out absentee by mail. I don't really remember
16 the exact instructions, but she gave me an
17 overrun -- overview of how that happened, how that
18 works.

19 Q Did you have discussions while you
20 were there with Cathy Latham?

21 A I'm sure, but just mostly about data
22 that I was seeing.

1 Q Mostly about what? I just didn't
2 hear you. I'm sorry.

3 A About the data analysis and work that
4 I had done in the previous months.

5 Q And was she there most of the time
6 you were there?

7 A I don't -- I don't recall.

8 Q And do you recall what her role was
9 there?

10 I mean, was she like an official from
11 Coffee County?

12 A I -- I can't really remember what she
13 was there for. I knew she worked -- she was
14 affiliated with the GOP, so she had some sort of
15 stature, but I don't really know what she was
16 representing.

17 Q Do you recall anybody being there who
18 you understood to be a representative of the Coffee
19 County Board of Elections?

20 A It's just I'm trying to understand
21 the titles. There were multiple people there from
22 Coffee County that were involved in the elections,

1 so I -- probably.

2 Q But you don't recall specifically
3 their status or their title. Is that fair to say?

4 A Yeah.

5 Q To the best of your understanding,
6 was that the first visit that had been made to
7 Coffee County to -- to attempt to obtain forensic
8 copies of the software?

9 A I don't know -- I don't know if it
10 was the first or last or what.

11 Q Was there any question as to the
12 accuracy of the results from Coffee County?

13 A I think the 2020 election, Misty
14 brought up during the recount there was an issue, I
15 believe. And there was some sort of a ruckus
16 caused about that.

17 Q So I think that you said they had
18 some difficulty in the electronic recount
19 reconciling the numbers to the original election
20 results?

21 A I believe that's what it was, yeah.

22 Q But was there any -- that was the

1 electronic recount. Was there any discussion that
2 the actual results that were reported and certified
3 were inaccurate?

4 A I don't really recall.

5 Q You don't recall any discussion about
6 that?

7 A I mean, she was adamant about
8 something being wrong with the election and talked
9 about a lot of things.

10 Q But not specifically that the results
11 were wrong, right?

12 A I don't -- I don't remember.

13 Q Did you have any -- well, let me
14 strike that.

15 Did you do any work relating to
16 Coffee County after you went to Coffee County?

17 A No.

18 Q Who did you tell that you had gone to
19 Coffee County?

20 A Let's see, I believe I told my mom
21 and dad, my wife. I don't know, maybe a few people
22 here and there. I'm not -- it wasn't a lot of

1 people, mainly because I was still working at OFS
2 at that time, so . . .

3 Q Did you tell anybody that you had
4 gone and that the system had been copied while you
5 were there?

6 I mean, other than your mom and dad
7 and your wife.

8 A I don't know. I don't know.

9 Q Do you recall discussing your visit
10 at any time in 2021 -- well, let me -- let me back
11 up and make it better.

12 Do you recall at any time in 2021
13 discussing your trip to Coffee County with anyone
14 other than your mom and dad and your wife?

15 A So I spoke with Marilyn Marks a good
16 bit towards the end of the year 2021, and I believe
17 I spoke with her a little bit about Coffee County.

18 Q And did you disclose to her that you
19 had gone there?

20 A No, I don't -- I don't recall if I
21 ever did or not.

22 Q Did you speak with anyone other than

1 Marilyn Marks about Coffee County in 2021?

2 A I don't remember if I did. I didn't
3 really talk about it a lot.

4 Q Okay. Then in 2022, this year,
5 before the -- there was some news accounts of this
6 that came out. Do you recall those?

7 A Yes.

8 Q And before the news accounts came out
9 in 2022, do you recall speaking with anyone about
10 your traveling to Coffee County?

11 A Yes. So I had a Wall Street
12 journalist out of nowhere reach out to me and asked
13 me questions about it.

14 Q And who was that?

15 A I can't remember her name.

16 Q And how did she communicate with you?
17 By phone? By e-mail?

18 A Phone and e-mail.

19 Q And you produced those e-mails?

20 A I don't remember her name, but sure,
21 I can send them to you.

22 Q Okay. And who else did you speak

1 with?

2 A In 2022?

3 Q Yeah.

4 A Again, Marilyn. She asked me if I
5 knew the people that were there and -- yeah.

6 Q And then was -- was the name of The
7 Wall Street Journal reporter Alexa Corse?

8 A I don't -- I don't recall.

9 Q Do you recall seeing an article that
10 came out in The Wall Street Journal about this?

11 A Yes. Along with The New York Times,
12 The Washington Post, all of them, yeah.

13 Q And you were contacted by The New
14 York Times, right?

15 A I don't believe so, not The New York
16 Times.

17 Q How about The Washington Post?

18 A I believe they were the only one,
19 yeah.

20 Q And then let me go ahead and -- we're
21 going to break for lunch soon, but let me go ahead
22 and mark as Exhibit 5, Tab 7.

1 (Cruce Deposition Exhibit Number 5 marked
2 for identification.)

3 BY MR. BROWN:

4 Q Do you see that e-mail from Emma
5 Brown to you?

6 A Emma Brown, that's the name, yeah.

7 Q Okay. And is Emma -- were you
8 thinking about The Washington Post in addition to
9 The Wall Street Journal or was there -- is this
10 what you were thinking about?

11 A This is the only thing that I was
12 thinking about. That's the only outlet that
13 reached out to me.

14 Q Okay. And then take -- what I'd like
15 to do is to -- before we break for lunch is to mark
16 as Exhibit 6 Tab 4.

17 (Cruce Deposition Exhibit Number 6 marked
18 for identification.)

19 BY MR. BROWN:

20 Q And Exhibit 6 is a transcript of a
21 telephone conversation that is in the record in
22 this case. And it's a call between Scott Hall and

1 Marilyn Marks. And I'm going to have some
2 questions about it, so I'm just giving it to you
3 beforehand so you can take a look at it.

4 MR. BROWN: But if we could -- if we
5 could take a break until 1:45. Is that all right,
6 sir?

7 THE WITNESS: Sure.

8 MR. BROWN: Thank you very much. I
9 appreciate it.

10 VIDEOGRAPHER: We are off the
11 record --

12 MS. KRAMER: I just have a quick
13 question before we break. About how long after
14 lunch do you think we are going to be? I'm just
15 asking for just, like, timing purposes and so Alex
16 can just kind of gauge.

17 MR. BROWN: Of course. I think I
18 have about another hour after that and then there
19 might be other questions from other people.

20 MS. KRAMER: Okay. Thank you. I
21 appreciate that.

22 MR. BROWN: All right. Thank you.

1 VIDEOGRAPHER: The time is 12:42 p.m.
2 We are now off the record.

3 (Recess from 12:42 p.m to 1:48 p.m.)

4 VIDEOGRAPHER: The time is 1:48 p.m.
5 And we're back on the record.

6 BY MR. BROWN:

7 Q Good afternoon, Mr. Cruce. Let me
8 direct your attention to Exhibit 5. And is
9 Exhibit 5 an e-mail that you received from Emma
10 Brown of The Washington Post?

11 A Yep, it looks that way.

12 Q And did you speak with her?

13 A I believe I did talk to her on the
14 phone maybe once or twice.

15 Q And what you told her was truthful.
16 Is that right?

17 A I don't even remember what I told
18 her.

19 Q But it would have been truthful,
20 right?

21 A I'm not sure.

22 Q Did you see the articles that she

1 published about Coffee County?

2 A Yeah, I glazed over them.

3 Q Did you notice anything in them that
4 was inaccurate from your perspective or personal
5 knowledge?

6 A Nothing sticks out. I didn't really
7 analyze it too much.

8 Q Let me direct your attention to
9 Exhibit 6, which is the transcript that I referred
10 to before lunch.

11 A Uh-huh.

12 Q And have you had a chance to look at
13 that?

14 A Yes.

15 MR. BROWN: And for the record,
16 Exhibit 6 also appears in the docket in this case
17 at 136401.

18 BY MR. BROWN:

19 Q And the first exchange, Mr. Hall says
20 that he heard zero. And that's consistent with
21 what Mr. Hall told you, right, that he had not
22 received any of the data that they had captured in

1 Coffee County?

2 A Yes.

3 Q And did you observe the group
4 scanning every freaking ballot or something to that
5 effect?

6 A I don't remember seeing them scanning
7 ballots, but . . .

8 Q What did you see them actually
9 copying?

10 A Again, I don't know -- I don't know
11 for sure that they were copying anything. I just
12 don't want to -- that's them whenever they were
13 there, but I don't know that they were copying.

14 Q Okay. He says here, "And the
15 elections director and her assistant lost their
16 job."

17 Did you hear anything about Misty
18 Hampton and her assistant losing their job -- jobs?

19 A Yes, I believe so.

20 Q What did you hear about that?

21 A Let's see, it was a while ago. I
22 think she was just replaced or something. I

1 know -- I think it had something to do with this
2 January 7th visit.

3 Q And what's -- why do you think that?

4 A I think that's what the article --
5 what I heard. I'm just not sure, but . . .

6 Q Did you hear anybody from Coffee
7 County talk about why they were terminated?

8 A I don't think so.

9 Q Did you talk to Ms. Hampton or her
10 assistant about their termination?

11 A I don't believe so.

12 Q And did you know that -- did you know
13 that when you were in Coffee County, or at any
14 point in time, that the same group that was doing
15 the copying in Coffee County also had been
16 dispatched to Michigan to make forensic copies up
17 there?

18 A I don't remember if I knew that or
19 not. Afterwards, from reading the articles and
20 things, it kind of refreshed everything, but I'm
21 not sure if I knew that at the time.

22 Q He -- he -- Ms. Marks asked him, "How

1 in the world did you get permission to do that?"

2 Did you see that?

3 A Yes.

4 Q And he said, "We basically had the
5 entire elections committee there." I believe your
6 testimony was you thought there were some local
7 officials, but you did not know exactly who they
8 were or what their position was. Is that fair to
9 say?

10 A Yeah, I knew they were from Coffee
11 County and had something to do with elections, but
12 I didn't know their titles.

13 Q And he also recounts Misty saying
14 that the poll pads had internet access. And I
15 believe you testified to that as well?

16 A Yeah.

17 Hold on, I think I froze again. I'm
18 sorry.

19 Q If you look at the second page of
20 exhibit --

21 A One second. Bruce, can you -- can
22 you hear me?

1 Q Yeah, you're very focused and still.

2 A I'm not. It says Zoom is not
3 responding.

4 Q I appreciate your laser-like focus.
5 Do you want to try to log back in or something? I
6 don't know what the best thing to do is.

7 A Yes, let me -- I'll just get right
8 back on the Zoom. It should be okay. Sorry about
9 this.

10 Q It's all good.

11 VIDEOGRAPHER: The time is 1:55 p.m.
12 We are now off the record.

13 (Recess from 1:55 p.m. to 1:57 p.m.)

14 VIDEOGRAPHER: The time is 1:57 p.m.
15 And we are back on the record.

16 BY MR. BROWN:

17 Q Mr. Cruce, let me refer you to the
18 second page of Exhibit 6, where in the transcript
19 of the conversation Scott Hall says, "And then you
20 know as recently as I think yesterday, I'm getting
21 images from Fulton County. I've got people that
22 are still dumpster diving near the English Street

1 Warehouse. Yeah, they're throwing away poll pad
2 boxes."

3 Do you see that?

4 A Yes.

5 Q Do you know anything about getting
6 images from Fulton County?

7 A Images from Fulton County? I don't
8 know. Images? I don't know. Maybe photographs.
9 I'm not sure what "images" entails right there.

10 Q Did you ever hear about people
11 dumpster diving down there to get images or other
12 data?

13 A Yeah, I think on phone calls I've
14 heard something like that.

15 Q What was it?

16 A People were trying to see if they
17 were trying to throw away things that would cover
18 up a crime, I guess.

19 Q So they were dumpster diving to get
20 evidence of election malfeasance of some kind?

21 A I guess so.

22 Q Who was doing this or directing or

1 ordering this dumpster-diving effort?

2 A I don't -- I don't believe anybody
3 was directing anybody to do it. It was just folks
4 coming from different directions trying to help
5 and -- I don't know. I didn't really see the point
6 in it, but . . .

7 Q And you don't know the identity of
8 any of the individuals who were doing that?

9 A I don't -- don't recall.

10 Q Did you know at some time?

11 A It's possible. I don't know. I
12 would have to think about it.

13 Q And was Scott Hall behind that effort
14 or involved in that effort?

15 A I don't know how involved he was. I
16 don't -- he has never told me he has jumped in
17 dumpsters or anything.

18 Q Do you know if he was involved in
19 collecting information from Fulton County English
20 Street Warehouse?

21 A I don't -- I don't know if he -- what
22 he directed with that. I don't know.

1 Q Did you hear that he was flying
2 drones over the English Street Warehouse?

3 A I didn't hear that, no. That's the
4 first time I've heard that.

5 Q But did he make frequent trips to the
6 English Street Warehouse for one reason or another
7 that you're aware of?

8 A You know, I'm not -- not sure if he
9 did or not. I don't know.

10 Q Okay. Are -- are you paying your
11 lawyers at Binnall to represent you or is it pro
12 bono?

13 A Is that -- how does that pertain
14 to --

15 Q Well, I'm entitled to know if you're
16 paying the lawyers at Binnall. I don't need to
17 know details of it, but are you paying or is
18 someone paying for you?

19 MS. KRAMER: Alex, he can -- he can
20 ask that.

21 THE WITNESS: Okay. I'm paying
22 myself.

1 BY MR. BROWN:

2 Q Okay.

3 A A lot of -- a lot of money, yeah.

4 Q Okay. And who referred --

5 A So thank you, Bruce.

6 Q And who referred you to the Binnall
7 Firm?

8 A A guy named J.B. Davis.

9 Q And who is he?

10 A So he's a guy that I met while
11 helping Mary Norwood. I think he's worked with
12 campaigns in the past over in Atlanta.

13 Q Okay.

14 A And yeah, I didn't have a lot of
15 knowledge of lawyers or anything like that, so I --
16 you know, I asked for help and he put me onto
17 Courtney.

18 Q Okay. And then I had -- going back
19 to your meetings and communications with people, I
20 neglected to ask you, did you ever take any trips
21 to D.C. after November 2020?

22 A No.

1 Q I wasn't -- I don't think I asked
2 very good questions about David Shafer.

3 I recall you testified that you did
4 work for David Shafer relating to the 2022
5 midterms. Is that correct?

6 A I didn't do work for him, no.

7 Q But did you meet with him in
8 connection with some work that you were doing
9 relating to --

10 A Yeah, I talked on the phone with him,
11 I think once.

12 Q And apart from that, those
13 communications, had you had communications with
14 David Shafer before?

15 A Other than these humongous e-mail
16 chains that were sent out right after the election
17 and stuff, I think he might have showed up a few
18 times, but I never communicated with him directly.

19 Q And you never met with him?

20 A No.

21 Q Getting back to your trip to Coffee
22 County. Were you ever able to obtain any of the

1 data that was acquired at that trip?

2 A No. Wait. From -- from who?

3 Q From Coffee County.

4 A Oh, from --

5 Q From anybody.

6 A Well, Misty sent Scott that ICC log.

7 Q I should have -- I should have asked
8 more carefully.

9 Other than that thumb drive, did you
10 receive any data that was collected on January 7 in
11 Coffee County?

12 A I'm not certain that I actually got
13 any information from the thumb drive. I'd have to
14 do some research on that.

15 Q Okay.

16 A But other than that, no, I've never
17 seen anything from there.

18 Q And did you know that
19 SullivanStrickler had uploaded a copy of what they
20 captured in Coffee County to a ShareFile site on
21 the internet?

22 Did you know that?

1 A No.

2 Q And you may have answered this, but
3 just let me ask quickly. You were not -- were you
4 paid by anybody to go on that trip?

5 A No.

6 Q Were you -- did anybody reimburse
7 your expenses, if you had any, for that trip?

8 A No.

9 Q When you got to Coffee County to the
10 elections office, were you able to go immediately
11 into the office or did you have to wait outside for
12 a little bit?

13 A I don't -- I don't remember.

14 Q At the time you visited Coffee
15 County, do you believe that the Secretary of
16 State's office was aware of your visit?

17 A I don't know.

18 Q When -- based upon what you know when
19 would have been the first that the Secretary of
20 State learned that Coffee County's software had
21 been copied in January of 2021?

22 A I don't know.

1 Q Were -- was there any attorney for
2 Coffee County in the Coffee County offices when you
3 were down there that you know of?

4 A An attorney as far as?

5 Q Someone representing -- yeah, someone
6 representing Coffee County, like an attorney for
7 the County.

8 A I'm not -- I don't -- not that I know
9 of. I don't know if somebody was a lawyer there or
10 not.

11 Q Based upon the discussions that you
12 overheard, did it -- did the SullivanStrickler team
13 seem to be able to obtain all of the data that they
14 were looking for?

15 A I never heard a soul about the data
16 they got or if they got it or what about it really.
17 I mean, Scott was my connection to that, and I
18 never heard a word about it, so . . .

19 Q But Cathy Latham was there and was
20 talking with the people about what they were doing
21 when you were there?

22 A I mean, yeah, it was a pretty big

1 group of people. I mean, they were all talking. I
2 don't really know -- I didn't hear any business
3 dealings or anything like that, that I remember, or
4 anything of importance --

5 Q Did you hear any --

6 A -- about the election. I don't know.

7 Q Did you hear any concern expressed by
8 anyone when you were down in Coffee County that
9 accessing and copying the Dominion software might
10 be against the law?

11 A I -- I didn't hear -- I didn't hear
12 people talking about it.

13 Q Did you hear people --

14 A I guess --

15 Q -- talk about how it was authorized,
16 like, "We can do this because blank"?

17 A I don't -- I don't recall really what
18 was said, a lot of things that were said. It's
19 just been a while. I'm sorry.

20 Q I'm just going through my notes real
21 quick.

22 Did you make any notes or describe in

1 any document to anybody what you did in Coffee
2 County in January 2021?

3 A No, I don't think so.

4 Q Did you hear anything about any
5 efforts by the Trump Campaign to visit Coffee
6 County in December of 2020 to obtain information
7 for litigation relating to the election?

8 A No.

9 Q Did you hear anything to the effect
10 that the information that was being obtained or
11 copied while you were there was for any litigation,
12 whether it was election related or anything else?

13 A No.

14 Q Did Mr. Hall ever ask your assistance
15 in getting the data out of SullivanStrickler in any
16 way?

17 A No.

18 Q Did you ever communicate with Misty
19 Hampton after that January 7 visit?

20 A I don't -- I don't recall. It's
21 possible I asked her about certain processes or --
22 I believe I did get her to check a few names on a

1 voter roll from her end.

2 Q And why did you --

3 A And that would be --

4 Q Why did you need that information?

5 A I was just doing data and trying to
6 confirm whether people were actually people.

7 Q Whether they were genuine voters?

8 A Yes.

9 Q And who was that -- who were you
10 working for or with in that effort?

11 A It was just my own -- own research.

12 Q And when was that roughly?

13 A I can't remember. It was -- I
14 believe it was sometime after maybe February,
15 March, something like that.

16 Q This year?

17 A No. 2021.

18 Q Okay. Okay. I have some questions
19 about your -- your document production. Do you
20 still have responsive documents that you have not
21 had the time to produce?

22 A I've done as much due diligence as

1 possible. You brought up this notion of a -- of a
2 hard drive or a thumb drive, and I'm thinking I
3 need to look for that.

4 Q Okay.

5 A But other than that, I -- I've dumped
6 a lot of stuff in there for you, a lot of analysis
7 that I've done. Yeah, I have done my best.

8 Q Did you -- you used the Discord
9 platform to communicate, right?

10 A I did at one time, yes.

11 Q And did you search that application
12 for responsive documents?

13 A Yeah, I think --

14 THE WITNESS: Go ahead, Courtney.

15 MS. KRAMER: Yeah, I was going to
16 say, we talked about this this morning. And,
17 Bruce, thank you for bringing it up. I am still
18 trying to figure out how to get those off of there
19 for you to review.

20 MR. BROWN: Okay.

21 MS. KRAMER: It's not -- like, it's
22 not a platform where you can just go and download

1 it like an e-mail or anything like that.

2 MR. BROWN: Okay.

3 MS. KRAMER: And so I have my people
4 trying to figure out how to do that. So the second
5 we can or if there's -- like if you know how,
6 please tell me. I have no -- there's -- it's very
7 complicated.

8 MR. BROWN: No, I understand. What
9 other applications -- while we've got you on,
10 Courtney, what other applications are you doing
11 that with?

12 MS. KRAMER: I mean, I -- that's the
13 only other method of communication that we have
14 that I haven't been able to get. I mean, I've
15 looked at his e-mails and I typed in, you know,
16 your relevant keywords and your people that you put
17 in the subpoena into -- into his e-mail addresses,
18 but the other -- like the only thing is Discord.

19 MR. BROWN: Okay.

20 BY MR. BROWN:

21 Q And then you also used text messages,
22 Mr. Cruce, is that right, to communicate?

1 A Yes.

2 Q Have you --

3 A Yes.

4 Q Have you looked at your text messages
5 for responsive documents?

6 A Yeah. I thought that I had sent them
7 over.

8 MS. KRAMER: We have -- there's
9 one -- that's the only other thing is a thread, and
10 I think it was only with Scott Hall, that I was --
11 that he had it with, that I'm aware of. And I have
12 to -- I have to take out -- it's in one massive PDF
13 document, so I can't produce the whole thing for
14 obvious reasons, but I -- we're also trying to
15 extract certain things out. So it's just been --
16 like I said, I'm not trying to, like, hide
17 anything. It's just been very time consuming --

18 MR. BROWN: No, I understand.

19 MS. KRAMER: -- to try to go through
20 that. But, I mean, like, the second I can get all
21 of that done, I will send it over immediately.

22 MR. BROWN: Okay. And we've got --

1 so from you, Courtney, we have the Discord --

2 MR. MILLER: Uh-huh.

3 MR. BROWN: -- we have the text
4 messages.

5 BY MR. BROWN:

6 Q And then what about Signal, do you
7 use Signal, Mr. Cruce?

8 A Yes.

9 Q And have you been able to review your
10 Signal messages for responsive documents?

11 A Yeah. I sent those over to -- to
12 Courtney as well.

13 Q Okay.

14 MR. BROWN: Okay. Courtney, have
15 you --

16 THE WITNESS: Did I or did I not?

17 MS. KRAMER: I -- I don't think I
18 have -- I don't think I have any. I haven't gotten
19 any.

20 MR. BROWN: Okay. We'll look forward
21 to those as well.

22

1 BY MR. BROWN:

2 Q Are there other communication
3 platforms that you use other than Signal, text
4 messages, Discord, and e-mails?

5 A I think that's -- I think that's it.

6 Q Okay. And have you -- and this may
7 be for Courtney, but have you withheld some
8 documents based upon -- that are responsive that
9 are based upon either a work product or an
10 attorney-client privilege?

11 MS. KRAMER: Yes, there are some
12 documents that are -- we would definitely classify
13 as attorney-client privilege.

14 MR. BROWN: Okay. If we could get a
15 log of those. And if -- if it's -- if it's more
16 sensible to log those by category --

17 MS. KRAMER: Okay.

18 MR. BROWN: -- then we can talk about
19 whether we need more detail. You know what I'm
20 saying?

21 MS. KRAMER: Yeah. Yeah, yeah, yeah.

22

1 BY MR. BROWN:

2 Q Okay. And, Mr. Cruce, what e-mail
3 addresses do you use?

4 A (Redacted.)

5 Is this going to be a public
6 document?

7 Q Well -- okay. Eventually it will, so
8 why not -- well, let me ask it this way, Mr. Cruce,
9 to avoid this and we can find out --

10 A Well, let me explain, Bruce. I --
11 personally, I don't mind giving any information
12 that you don't already have if I do, but I do not
13 want to be attacked and my family or anything by
14 people --

15 Q Okay.

16 A -- that know my information. That is
17 a scary thing for me.

18 Q Don't disclose anything you don't
19 feel comfortable disclosing.

20 A Can we strike through -- I'm going to
21 ask that you please strike through my e-mail that I
22 just gave.

1 Q Yes.

2 MR. BROWN: Unless there is an
3 objection by other counsel, will the court reporter
4 please strike that e-mail address from the record?

5 THE WITNESS: Thank you.

6 COURT REPORTER: Of course.

7 MR. BROWN: Is that taken care of,
8 Felicia?

9 COURT REPORTER: Yes.

10 MR. BROWN: Okay.

11 BY MR. BROWN:

12 Q No problem.

13 Okay. So how many e-mail addresses
14 do you have that you use?

15 A Two outside of work and one inside of
16 work at Anheuser-Busch.

17 Q And is one of them Gmail and one of
18 them Proton, the outside-of-work e-mails?

19 A Yes.

20 Q Okay. Other than the thumb drive
21 that we've talked about, do you have any other
22 storage devices that has data that might contain

1 responsive documents?

2 A I do have another store -- I do have
3 storage that I used as backup, but I can go through
4 them again and make sure.

5 Q And what were they backing up? What
6 was that storage backing up?

7 A Just my laptop.

8 Q Okay. And when -- and when -- what
9 would be the date that that storage was created?
10 What would it cover? What dates would it cover?

11 A I mean, I have data going back to
12 November 4th.

13 Q Okay. And what sort of data is in
14 there? Just documents and e-mails or whatever?

15 A It's not e-mails, but just data and
16 analysis documents.

17 Q Is it like a crash-plan type of
18 thing? Do you know what that is?

19 A It's like a backup?

20 Q Yeah.

21 A I can't remember if I had that set up
22 or not, but, you know, I did -- I did back up a lot

1 of my files, especially what I had saved,
2 because -- I don't know, the documents that I did
3 provide, you know, I don't know if you noticed that
4 I kept a timeline of all of the data from the
5 Secretary of State, so it was important that I had
6 that timestamp in my analysis.

7 MR. BROWN: Okay. Let me -- if I
8 could get marked Tab 12. And if we could take a
9 three-minute break or a five-minute break and then
10 I'm going to wind up. I need to get this document.
11 It's not coming up on my computer. So if we could
12 take a five-minute break, then I'm going to wind up
13 and then I'm going to hand it over to other
14 lawyers. Thanks.

15 VIDEOGRAPHER: The time is 2:22 p.m.
16 We are now off the record.

17 (Recess from 2:22 p.m. to 2:28 p.m.)

18 VIDEOGRAPHER: The time is 2:28 p.m.
19 We are back on the record.

20 BY MR. BROWN:

21 Q Mr. Cruce, if you could take a look
22 at Exhibit 7, that's a collection of your

1 documents. Is that correct?

2 A Yep.

3 (Cruce Deposition Exhibit Number 7 marked
4 for identification.)

5 BY MR. BROWN:

6 Q And if you look at page 2, do you see
7 an e-mail from kilowatt1776 to
8 WP@DefendingtheRepublic? Do you see that?

9 A Yes.

10 Q And who is WP?

11 A I don't know.

12 Q It's just somebody at Sidney Powell's
13 organization, but you don't know who it is?

14 A I don't know. Sometimes I didn't
15 read e-mails. And yeah, I don't -- a lot of things
16 that were sent to me, I just didn't really pay
17 attention to or -- I don't know. Wait. This is
18 July of 2021?

19 Q Yeah.

20 A I do remember being on a call with
21 that Ed Solomon guy who was explaining his work. I
22 do remember that.

1 Q And what was his work about?

2 A So he -- I don't know. A lot of
3 mathematical terms, but he used like a 7-degree
4 polynomial wheel to try to describe an algorithm in
5 the Georgia election and tough to follow.

6 Q Did it make any sense to you?

7 A I -- I just didn't really put a lot
8 of thought and time into it, because personally I
9 think writing an algorithm about an algorithm that
10 might not be there, might not be real is -- I don't
11 think it has much basis for anything. It's just a
12 personal view, and I didn't really look into it
13 after that.

14 Q Mr. Cruce, are you involved in doing
15 election work now or data collection or anything
16 related to elections now?

17 A No. I completely stopped July --
18 shoot, it was probably sometime around June to find
19 a real job, so . . .

20 Q And you've gotten one and two little
21 kids now?

22 A Yeah. Yeah.

1 MR. BROWN: Well, good luck to you.
2 I may have a few follow-up questions, but I'm going
3 to turn it over to counsel. Thank you.

4 THE WITNESS: All right. Thank you,
5 Bruce. Thank you for your patience by the way.
6 Thanks.

7 EXAMINATION BY COUNSEL FOR CURLING PLAINTIFFS
8 BY MR. JOSEPH:

9 Q Good afternoon, Mr. Cruce. My name
10 is Joseph. My first name is quite difficult to
11 pronounce, so I'll just stick with Joseph. I think
12 that's better and it helps you. So I represent the
13 Curling Plaintiffs. So I do have a few questions
14 to ask you.

15 A Joseph, I'm sorry, I can't really
16 understand you very well. It's a little bit
17 muffled.

18 MS. KRAMER: Joseph, who do you
19 represent again? I'm sorry, I didn't get that.

20 MR. JOSEPH: The Curling Plaintiffs.

21 MS. KRAMER: Say that again.

22 MR. JOSEPH: Hold on. Let me take

1 off my microphone. I think it's my microphone. I
2 don't know what's going on with it. Can you hear
3 me better now?

4 THE WITNESS: Yes, much better.

5 BY MR. JOSEPH:

6 Q All right. Thank you.

7 So I represent the Curling Plaintiff.

8 A The Curling Plaintiff?

9 Q Yes.

10 A Okay.

11 Q Is there a lag or can you hear me all
12 right, the video? Okay. So I just have a few
13 follow-up questions to ask you.

14 So earlier you said David Cross was
15 asking for the log files in general and not just
16 the Coffee County log files, correct?

17 A Yes.

18 Q And you also said you are not sure
19 how he found out that you had the files with you,
20 correct?

21 A I'm not certain of it. It could have
22 been Scott, it could have been a few people. I

1 don't know.

2 Q Okay. So did you ask him who might
3 have told him how he knew you had the files with
4 you?

5 A No. Honestly, I was trying to
6 just -- I was done about that time with all of
7 everything, of the elections.

8 Q Okay. And at the time, the only log
9 files you had with you were the Coffee County log
10 files, correct?

11 A Yeah.

12 Q Okay. So that was the only log files
13 you could have given him, even though he was asking
14 for log files in general, correct?

15 A From -- my understanding is that
16 election officials around the state of Georgia had
17 been handing over SLOG files. It was a lot that
18 actually were giving them to people. So I think he
19 was just trying to gather more from different
20 elections, so . . .

21 Q Okay. And the log files, you said
22 Scott sent you an e-mail containing, which is the

1 exhibits shown, the two log files, correct? The
2 SLOG and the other one, the ICC log, correct?

3 A Correct.

4 Q Okay. And did you open them? Did
5 you open the files?

6 A Yeah.

7 Q Okay. And did you know what was in
8 the files?

9 A Did I know what was in them?

10 Q Yes. When you opened the files, did
11 it -- it said -- it reads ICC log and SLOG. You
12 had to open it, correct, to know what was in the
13 files, correct?

14 A No. I mean, I didn't -- I just
15 opened them. I didn't really know what was already
16 in them. I didn't really know that until I opened
17 them.

18 Q Yes. So that was the question that I
19 was asking.

20 When you opened them, then you
21 realized what was in them, correct?

22 A Sure.

1 Q Okay. And what, if anything, did you
2 do with the log files that Scott gave you?

3 A So I -- I looked at them briefly,
4 maybe for a night. It was, you know, a text file
5 with a lot of different things. It was hard to
6 really sort and analyze it. A lot of numbers, a
7 lot of translation and things like that.

8 I felt like it was just a small piece
9 of the whole thing and I would need a lot more
10 information to make any kind of assumption on that
11 file, so I -- I left it very soon.

12 Q Okay. So you said you would have
13 needed more information on the files. And did you
14 ask anyone for more information in order to
15 accurately interpret the data?

16 A No. I -- I was basically -- I was
17 more on the data side in a public way. I really
18 was trying to understand the election system in
19 a -- I guess you could say a very legal way. So I
20 was analyzing all data that was accessible and
21 trying to understand exactly, you know, how the
22 voting system works, especially when they record

1 people's votes. Because in the very beginning I --
2 I noticed that there -- there was a way for you to
3 verify your vote outside of just typing in your
4 name, you know, on a certain website.

5 So, you know, through the absentee
6 file, I was able to really understand how to vote,
7 because the absentee file, you can actually sort
8 that file without manipulation and see
9 chronological vote in early voting.

10 So you can see when people, you know,
11 first voted, the very first person at an
12 election -- early voting center to the very last.
13 And I knew this because a husband and wife spoke
14 together, and you would see them with a serial
15 number back to back. So the fact that the
16 Secretary of State could actually know the order of
17 people and when they voted, early voting, scared me
18 because all you had to do was sort the ballots --

19 Q Okay.

20 A -- to know which ballot belonged to a
21 person.

22 Q All right. Thank you.

1 A And that's what Curling versus
2 Raffensperger -- that's what you all are trying to
3 get at, right?

4 Q Thank you for the answer.

5 And so the data, was that the same --
6 when you were -- okay. I'm going to go back.

7 You were at Coffee County on
8 January 7, correct?

9 A Correct.

10 Q And just jumping forward, when you
11 received -- Bruce asked you about a thumb drive,
12 which you received, and it contained the same log
13 files --

14 A I'm not -- I'm not sure I received
15 that, that thumb drive.

16 Q Okay. So could you have received it?

17 A I'm not going to go on speculation.

18 Q All right.

19 A I'm not sure.

20 Q Okay. So did you receive any of the
21 logs -- the same logs through Scott, did you
22 receive it through any other means?

1 A I'm not sure.

2 Q Okay. And when you were at the
3 Coffee County office, you met a lady called Cathy
4 Latham, right? Correct?

5 A Yes.

6 Q And did you speak with her?

7 A A little bit.

8 Q And what did you talk to her about
9 during your time at Coffee County?

10 A I don't know. I mean, it was
11 election stuff, but just kind of smalltalk.

12 Q The elections talk, could it have
13 been about the scanners? The ballots? The ICC?

14 A No, just the general election, what
15 happened, and what she had heard and things of that
16 nature. It was mostly -- it wasn't really about
17 machines.

18 Q And what did she tell you she --

19 A If I recall right. I mean, it was
20 such a long time ago. I mean, I don't remember
21 getting any substance where I would remember today,
22 so -- but it was just smalltalk.

1 Q So any discussion you might have had
2 with Cathy, you most likely don't remember. You
3 don't remember, is that what you're saying?

4 A I do remember talking to her, but,
5 you know, after that, I think that what came from
6 that discussion was that she had access to the GOP
7 database, and what she -- she was going to try to
8 get me access to that as well so I could just check
9 the voter rolls and she never did.

10 Q Okay. And did you speak with any
11 other person at the office -- at the Coffee County
12 office?

13 A Yeah. I spoke to close to probably
14 everybody there most likely. But, again, it was --
15 I had data that I had already done and I was
16 showing people. And, you know, it was a lot of
17 smalltalk, yeah, nothing -- nothing technical about
18 the machines other than descriptions.

19 Q So you did say Scott Hall invited you
20 over to the Coffee County, correct -- the office,
21 correct?

22 A Yeah.

1 MS. KRAMER: Joseph, before we keep
2 going, I just want to -- a lot of this -- these are
3 questions that Bruce has already asked and Alex has
4 already answered, like all this whole morning. Is
5 there a way we can limit the questions to things
6 that have not already been discussed?

7 MR. JOSEPH: Yeah, I'm trying to get
8 at things that have not been discussed. That's why
9 I'm asking the questions, because some of them I am
10 not sure if Bruce had asked him earlier, so I am
11 making sure that I'm actually asking the questions
12 that I need to ask.

13 MS. KRAMER: Okay.

14 BY MR. JOSEPH:

15 Q And you said you are a data analyst,
16 correct, not scientist, analyst?

17 A Well, I have a Ph.D. in physical
18 chemistry, so I'm a scientist, and data analytics
19 falls under that umbrella I guess.

20 Q Okay. So you are both?

21 A Sure.

22 Q All right. And you said earlier --

1 I'm sure Bruce asked these next -- you didn't know
2 why Scott invited you over to the Coffee County
3 office. Is that correct?

4 A I never said that.

5 Q No, I'm asking. Is that correct,
6 that you didn't know why or do you know why he
7 invited you over?

8 A I mean, I'd been working on the
9 election stuff a lot. I wanted to learn about the
10 processes for -- you know, for the elections
11 office, what they do on election night, and Scott
12 thought it would be a good -- a good way for me to
13 do it, you know, to see how everything is laid out
14 and what they did.

15 Q And did he tell you about from the --
16 what -- did he tell you there was going to be any
17 copying of any data from the machines? Did he tell
18 you anything about that?

19 A Yeah. I mean, I -- I don't recall
20 every conversation, but there was -- there was an
21 implication that people would be there to do
22 something, but I didn't really have a lot of

1 knowledge about who and why and who it's coming
2 from and all that.

3 Q Okay. So I'm going to turn to
4 Exhibit 3, Tab 5, which I believe are the pictures.
5 So going to timestamp 1:49, I believe it's the
6 eighth picture on the file, the eighth one.

7 A I am only seeing seven.

8 Q So there's a 1:49, the timestamp.
9 Can you see it?

10 A What exhibit is that again?

11 Q Exhibit 3, Tab 5. Those are just the
12 pictures.

13 A Oh, okay. Gotcha. Gotcha. Uh-huh.
14 Okay.

15 Q So there's a timestamp of 1:49,
16 27 seconds. So do you see the lemon-colored boxes
17 on the table and on the floor, on the ground? Gray
18 and lemon boxes, lots of boxes on the --

19 A You're talking about the second
20 picture down?

21 Q No. The eighth, number eight on the
22 list. If you count one to eight, the eighth

1 picture.

2 A Okay. Give me one second. Let me
3 count.

4 Q I believe you have a lady you
5 identified as Misty?

6 A Six, seven, eight.

7 Yes, it's Misty. Yeah.

8 Q Okay. So you see the boxes, the
9 lemon boxes over there, lemon, gray, the boxes,
10 multiples of them?

11 A Yes.

12 Q Do you know what these are?

13 A I believe they're poll pad boxes.

14 Q Poll pad boxes.

15 And you see there's -- one of them is
16 opened, it's clearly opened?

17 A Yeah, that's what it looks like.

18 Q Did you or anyone in the office have
19 access to the poll pad?

20 Did you check it out? Did you take
21 it? Did you turn it on?

22 A I didn't touch them. If I did, it

1 might have been to move it out of the way, but I
2 didn't touch any of that equipment.

3 Q Okay. So while you were at the
4 office, you never touched the ICC, the ICP,
5 nothing, none of the equipment?

6 A It's possible I might have grazed
7 something or -- you know, while I was looking at
8 it, but never operated, never -- never did anything
9 with intent to those machines.

10 Q Okay. So if you go back to the top
11 picture, one, two, three, the top picture on the
12 list with the timestamp of 3:53, the boxes are all
13 gone except for one. Do you see the picture, 3:53?

14 A Yes.

15 Q Do you know -- do you know who packed
16 the boxes? Do you know who moved them?

17 A I can't remember that. I don't -- I
18 don't know.

19 Q Do you know if they were ever
20 returned back to storage or if they were taken out?

21 A I don't know. I don't remember
22 anybody leaving with them --

1 Q Okay.

2 A -- out the door. I also don't
3 remember them actually being put back anywhere
4 either.

5 Q Okay.

6 A I just can't remember a lot.

7 Q Okay. So while you were there, in
8 most of the pictures, the same exhibits, you have
9 your computer open.

10 A Uh-huh.

11 Q Do you remember what you were doing
12 on your computer?

13 A Not really. I -- I don't -- I mean,
14 like I said, I was doing a lot of data analysis at
15 the time, and I was asking them questions, because,
16 you know, I was there and the election officials,
17 what they were saying overnight, because all the
18 data I was looking at, I was just looking for
19 anomalies. And I was noticing certain things, and
20 I would ask them just to see if it would fit.

21 Q Okay.

22 A That's it. I don't remember what

1 I --

2 Q And the data you're talking about,
3 are you talking about Coffee County data? Is that
4 the data you're talking about, you're analyzing?

5 A My data was more general, the whole
6 2020, like the whole state of Georgia.

7 Q Okay. So Coffee County could have
8 been there also, correct?

9 A They're part of the whole picture,
10 sure, because I did it on all of the counties, not
11 just one county.

12 Q Okay.

13 A Let me clarify. I did my own data
14 analysis on public data on all the counties.

15 Q What do you mean "public data"?
16 What do you mean by "public data," if
17 you don't mind explaining?

18 A So the Secretary of State has two
19 files that are readily available right now. We can
20 get the voter history file, which just gives you a
21 list of everybody who cast a vote, in the, say,
22 2020 election, but you can -- you can go all the

1 way up to this past gubernatorial race if you'd
2 like. It's all there, you can download it.

3 And also the absentee file, which is
4 in the same manner. But it's a -- it's a more
5 descriptive set of data that gives a person's name,
6 vote registration ID, date they -- date they
7 applied for the vote, the date that they actually
8 cast the vote, the type of absentee by mail they
9 used, whether it was electronic, absentee by mail,
10 early in person, because the district gives two
11 sets of numbers, ballot ID and a post number. And
12 those are like serial numbers given to a ballot
13 when they're actually -- when they are issued.

14 And yeah, so the whole election --
15 whoever voted absentee is on that list, and then
16 election day is on the voter history file. As soon
17 as the election uploads, everybody who voted on
18 election day and a couple of weeks after the
19 election day.

20 Q Okay. So -- and earlier you said --

21 A And also -- and also, the official
22 statewide voter registration list, you can buy from

1 the Secretary of State for \$250.

2 Q Okay. Thank you.

3 So also earlier you did say you were
4 there to learn how the process worked?

5 A Uh-huh.

6 Q And when you got to Coffee County,
7 did Scott ever talk to you about what he was there
8 to do at that time?

9 A I think it was known that people were
10 coming in to do whatever they were doing. I mean,
11 I -- you know, he said, "Do you want to come to
12 Coffee County? They're letting us in. You know,
13 people are going to be doing some work there."

14 So I don't really remember the exact
15 conversation, but all I knew is that the doors were
16 open, you know, nobody was breaking into anything.
17 It seemed quite welcoming. It's not like it was in
18 the dark and one person, you know, on the weekend
19 popped open the door or anything. It seemed very
20 inviting to me.

21 Q All right. So if you go to the same
22 exhibit, 3, Tab 5, I believe you have Cathy Latham

1 standing over you, timestamp 1:10. I believe
2 that's the picture. Let's see, 11, Number 11 on
3 the list, the picture.

4 A Is that one from the bottom or three
5 from the bottom?

6 Q If you count from the top down,
7 Number 11, Picture 11. I guess that's a better way
8 instead of using the timestamp. Number 11, Picture
9 11.

10 A Okay.

11 Q You have Cathy Latham.

12 A How many are there in all?

13 One, two, three, four, five, six,
14 seven, eight, nine, ten, eleven. Okay. I'm there.

15 Q So I believe that is Cathy, right,
16 correct, the lady in the -- with the white hair?

17 A I thought Cathy had blonde hair for
18 some reason, but if you say so, I guess. Hell, I
19 don't --

20 Q Oh, no, no. I'm asking you, is that
21 Cathy Latham?

22 A I don't really know for sure.

1 Q But would you recognize her if you
2 saw her today, would you?

3 A No. If I saw her on the street, I
4 wouldn't recognize her, no.

5 Q So if you go to Picture 1, the very
6 first picture, there's a lady you identified
7 earlier before --

8 A Yeah, I didn't -- I said I didn't
9 know. I'm not sure who it could be.

10 Q Okay.

11 A I don't know.

12 Q So either way, you are showing her
13 something on your computer, you're pointing at
14 something on your computer?

15 A Yeah.

16 Q And is that part of the Coffee County
17 data you were analyzing?

18 A Let me see if I can -- I don't
19 think --

20 Q It's Number 11 on the list.

21 A Number 11?

22 Q Yeah. If you count from the top

1 down, Picture 11.

2 A I don't -- I don't believe that
3 was -- I don't believe that was Coffee County. I
4 don't -- I'm not sure though, but I don't -- I
5 didn't really do any analysis on Coffee County. It
6 was more of all of Georgia.

7 Q So while you arrived at the Coffee
8 County office, all you came there to -- all you
9 were there to do is just to analyze data on your
10 computer?

11 A No. I was there just to learn, learn
12 about the processes. And to be honest with you, I
13 just thought it was kind of cool to drive a private
14 jet down there -- to ride in a private jet down
15 there. I mean, it's the truth. It was kind of
16 cool.

17 Q Okay. And so what did you learn
18 while you were there? What did you learn about the
19 process? Can you talk about that?

20 A So I remember the biggest thing that
21 I really wanted to understand is how an election
22 official uploaded the data to the Secretary of

1 State, because at the time I was just hearing so
2 much chatter about the Edison feed and hundreds of
3 thousands of votes being dumped all at once and
4 things like that. And, you know, I wanted to
5 understand how that would be possible, because at
6 the time the data and what people were bringing up,
7 they didn't necessarily understand significant
8 numbers.

9 Because there's 5 million people in
10 the state of Georgia that voted, they were all
11 looking at percentages and converting them to
12 actual numbers, but they were only going to -- to
13 two places, you know, 50.01 percent. But when you
14 have 5 million people, you need seven significant
15 numbers. And percentages, there's no such thing as
16 a percentage of a vote. So I was trying to get
17 people to focus on non-conspiracy-type things.

18 Q Okay.

19 A And -- yeah.

20 Q So going back to Exhibit 2, Tab 6,
21 which is the e-mail from Scott to x025, I believe
22 that's you, about the ICC log and the SLOG. And

1 the date on that is January 7, 2021, at 1:23 p.m.

2 You were at the Coffee County office
3 at the time you received the e-mail, correct?

4 A Yep.

5 Q And did you open it while you were at
6 the office?

7 A I can't remember if I did or not.

8 Q All right. And do you wonder why
9 Scott sent you the log?

10 A I mean, at that time, Scott would
11 send me everything he knew and understood about the
12 election. I think mainly because of my degree
13 and -- and things like that. He tried to
14 understand things he would send me. So, you know,
15 that, at times, did actually get quite frustrating
16 because I -- I wasn't as interested in the machines
17 as -- as he was and a lot of other people.

18 Q So just a few more questions.

19 So did you decide to leave at the
20 time you left? I believe that is exhibit --

21 A It's 4:00, almost 5:00, something
22 like that.

1 Q Yes, that's 4:46.

2 So when you left the Coffee County,
3 did you leave on your own or did you leave with
4 Scott?

5 Was Scott behind you or did other
6 people -- did you leave with anyone?

7 A No. I'm pretty sure we took the jet
8 back, yeah.

9 Q Oh, so you left together?

10 A Yep.

11 Q Okay. And did you disclose anything
12 that happened at the Coffee County office while you
13 were leaving or while you were in the jet?

14 A Did I disclose anything? What do you
15 mean?

16 Q Did you discuss anything that
17 happened at Coffee County? What you were there to
18 do? What you achieved? Whatever it was that could
19 have been? Did you --

20 A I'm sure we talked about -- about
21 that, yeah. I mean specifics, no.

22 Q So you don't remember anything, but

1 you remember speaking about the Coffee County
2 office?

3 A Yeah, I mean, sure, that's where we
4 just left from all day. I mean, it's possible.
5 I'm sure that something was brought up about that
6 day.

7 Q Okay.

8 A Actually, I guess that means I'm not
9 sure, but . . .

10 Q Okay.

11 MR. JOSEPH: All right. Thank you.
12 Those are all of the questions that I have for you.
13 And thank you for your time.

14 THE WITNESS: Thank you, Joseph.

15 EXAMINATION BY COUNSEL FOR STATE DEFENDANTS

16 BY MS. LAROSS:

17 Q Mr. Cruce, this is Diane LaRoss, and
18 I represent the State Defendants. I'm going to try
19 and get my camera on so you'll have a face to go
20 with the -- with my voice. Can you hear me okay?

21 A Yes.

22 Q Okay. Here I am. Let's just see if

1 we can get this a little -- okay. That will
2 probably be easier.

3 Okay. Mr. Cruce, thanks so much.
4 And I do want to check in with you. Do you need a
5 moment to take a break? I don't have a lot of
6 questions, but of course if you need to, that would
7 be entirely fine.

8 A No, I'm ready. We can go.

9 Q Okay. Great. Thanks so much. And
10 to your attorney's point, I will do my best not to
11 repeat questions that have already been asked, but
12 there may be times where I overlap in order --

13 A It's okay.

14 Q -- to -- if there's some follow-up,
15 then I'll be --

16 A It's okay.

17 Q So I'm not trying to confuse you or
18 anything like that.

19 A It's okay.

20 Q You spoke about the -- reviewing the
21 Secretary of State's data. I believe you said
22 there were three files, two files that you

1 downloaded from the Secretary of State website and
2 then the third that you obtained from the Secretary
3 of State's office directly. And I believe you
4 testified that that was in your analysis of the
5 2020 election.

6 Am I correct about that?

7 A So let me -- what I obtained directly
8 from the Secretary of State's office is you can
9 purchase the statewide voter registration list for
10 \$250.

11 Q Sure. Sure. Yeah, I'm -- I just
12 wanted to point to the three files that you talked
13 about that you analyzed.

14 A Yeah. Yeah. So yeah, all publicly
15 accessible data, right.

16 Q Sure.

17 And that -- and the reason that you
18 were looking at those files was to analyze the 2020
19 election. Is that correct?

20 A Incorrect. And I worked on other
21 elections, too, because I wanted to compare, you
22 know, the data in different elections as well, so

1 yeah.

2 Q Okay. And I think you said that you
3 started the analysis of the 2020 election in -- of
4 course in November of 2020. Do I have that
5 correct?

6 A Yeah, early. Just right after the
7 election, correct.

8 Q And what conclusions did you draw
9 from your analysis of the three reports that you
10 discussed that you reviewed?

11 A So -- so with my research that -- I
12 found that -- something called the GAVREO
13 Conference, I believe, which is held yearly, where
14 state officials, election officials from around the
15 state meet up. And they give presentations on
16 different aspects of the election, as far as
17 resources go, how things worked.

18 And I found -- I found a
19 presentation. I can't remember his name right now,
20 but somebody from the Secretary of State that
21 stated what a ballot ID was in the absentee file.

22 And from that file, what it's used

1 for is to allow election officials to look up
2 people if they call in and ask if their vote -- you
3 know, if they voted on a certain day or if their
4 vote had counted or not or if they're just
5 verifying.

6 And the way to look those people up
7 was to look up their combo number, which is a
8 number that's located on the ballot as well. And
9 it describes your ballot pretty much, you know,
10 what district you live in, state congress, state
11 senate, you know, wherever.

12 And with that and a ballot ID, would
13 let them know if they voted absentee by mail or
14 early. So not for election day, but this file was
15 used to verify that. So that means that that
16 should be a unique combination. And I found across
17 the state, through data analysis, that -- that
18 within counties that -- that it was duplicated, I
19 believe, somewhere around 35,000 times.

20 So now, to me, in conversations --
21 and I continuously -- I reached out to the
22 Secretary of State about this and things of that

1 nature, very hard to communicate, you know, nothing
2 bad or anything about that, because I'm sure they
3 were -- I wasn't the only person working on things
4 in 2020, but that was one thing.

5 Another thing that I found was that
6 when I sorted these ballot ID numbers, with the
7 early voting locations, I noticed that -- so for
8 instance, there is a vote center ID that's on the
9 absentee file, and that ID is specific to an early
10 voting center, right?

11 So, for example, State Farm Arena,
12 that's one of the really big voting centers in the
13 2020 election. I think it was denoted as 60843, I
14 think, and it was given a number combination. And
15 whenever I would sort the ballot ID within those
16 vote centers, I could tell -- I would look over and
17 see when they actually issued those ballots, and I
18 noticed that the dates were in chronological order.
19 So that told me that this number was given in
20 sequential order with the actual voter themselves.

21 So that means if you were the first
22 person to vote at State Farm Arena, your ballot ID

1 would be Number 1. The last person to vote
2 there -- I think there was somewhere around 38,000
3 people that voted in the State Farm Arena. That
4 last ballot ID should be 38,000. Okay?

5 So what I noticed with that is -- and
6 another thing to verify that as well is husband and
7 wives go vote together, and you can see this as
8 well, that their numbers are sequential or very
9 close back to back.

10 So knowing that, along with what's
11 called the post number in that absentee file -- let
12 me explain the post number, which is another column
13 that goes with the voter, what it does is no matter
14 what type of ballot, whether it's early, whether
15 it's absentee by mail, electronic, whatever, it's
16 just a all-encompassing serial number.

17 So the very first absentee-by-mail
18 ballot that was applied or that was issued would be
19 Number 1, and I think there was somewhere around
20 438,000 absentee by mail that were issued in the
21 2020 election. So it should be right around
22 438,000, would be your last post number.

1 Do you understand where I'm headed
2 with that?

3 So that means that if I actually
4 plotted this, the post number and the ballot ID, I
5 could actually see a trend of people voting with
6 the X axis being ballot ID. So from one to however
7 many, 38,000, you know, would be the most, State
8 Farm, I could plot all of these vote centers with
9 respect to the post number.

10 So the post number gave you an idea
11 of every ballot that was out, and the ballot ID
12 would give you an idea of where that ballot was as
13 far as what vote center it was at.

14 And what I noticed is that there were
15 natural trends and it should be a linear trend,
16 right? So over time you're going to have some
17 inflections because of rainy days, you know, the
18 last day to early vote, people are all going to
19 rush in at once. You'll see an uptick there.

20 But what I noticed halfway through,
21 three-quarters of the way through, that some early
22 voting centers would shut off completely just that

1 day, you know, whether it was a Tuesday or a
2 Wednesday, would not have anybody vote there, but
3 other voting centers would triple their average
4 rate.

5 So what it -- what it looked like to
6 me is that there was some sort of communication,
7 some sort of mechanistic intervention involving the
8 machines. And, you know, as far as being able to
9 verify that, you know, I -- I just don't have
10 enough information. But it was very rampant in
11 2020 in Fulton County. And then when I looked at
12 it in 2021, the same thing appeared, not as bad.

13 So I did the gubernatorial race as
14 well in 2020 -- no, I'm sorry, it was the City of
15 Atlanta mayoral race. I also looked at that as
16 well. And some very interesting things that came
17 from that is that I was able to predict the
18 election day total in the City of -- the mayoral
19 election, the total amount of election day votes
20 that -- Andre, I think his name is Dickens, he got
21 within, I think, five or six votes of what his
22 election day count would be on election day. So

1 five o'clock that day before the results were
2 reported.

3 And how I did that was I -- I took
4 the total ballot ID, and I subtracted all of the
5 missing ballot IDs, so that were supposed to be in
6 sequential order. And that's how I came up with
7 election-day votes.

8 And another assumption that I had was
9 because the same ballot, the same system, was used
10 on election day as it is in early voting. It's the
11 same ballots, so you wouldn't be able to tell
12 whether or not if it was an election-day ballot or
13 an early-voting ballot. So that's a few of the
14 things.

15 I also did a lot of work on the
16 statewide voter registration list over time. I
17 noticed there were huge chunks of people that were
18 taken off and put back on. I noticed an anomaly
19 that people that didn't have a date last voted
20 blank in those statewide voter registration lists.

21 I started with the January 2020 voter
22 list all the way up to the election, and the total

1 amount of people that had blank in their date last
2 voted, meaning they were added very, very recently,
3 it came to within, I think, 11 from Biden's totals.

4 So, you know, again, the basis on
5 that, it's just me playing a lot with numbers, but
6 it is pretty amazing to get within, you know,
7 two-million-something votes that -- that are
8 anomalies from the statewide voter registration
9 list.

10 So multiple things I looked at. But,
11 you know, 99 percent of my work came from reported
12 data and understanding, you know, what was going on
13 in the history leading up to it and even after.

14 Q So is there anything that you learned
15 or data that you obtained on January 7, 2021,
16 during your visit at Coffee County that informed
17 the findings that you've just kind of outlined for
18 us here?

19 A No. I -- I didn't -- I didn't see
20 anything there. You know, I think a lot of people
21 thought things and stuff like that. I refused to
22 take this -- making assumptions and -- which I made

1 a lot of assumptions, but it was just I didn't have
2 enough information. And I left it at that. I
3 never did any analysis on that and it never really
4 helped me in any way.

5 Q And you mentioned -- forgive me, I
6 may not repeat this correctly, but you mentioned
7 that some of your findings you thought would have
8 been connected to the voting machines themselves,
9 but you were unable to verify it because you didn't
10 have enough information.

11 Do I have that correctly?

12 A Right, I -- you know, I didn't -- I
13 didn't ever see the insides of those voting
14 machines, except I guess that's the closest that
15 I've been. Now, there has been groups of people
16 that have done ORRs, you know, for that election,
17 for other elections. There's data share, so I've
18 looked at a lot of their stuff that they shared,
19 but not anything like forensics. You know, I've
20 never looked at that.

21 Q Okay. So -- again, so you didn't
22 look at any of the forensics of the election

1 equipment in Georgia, correct?

2 A No. I -- I don't -- it's not really
3 my expertise. I don't really know where to --
4 really where to begin in that stuff.

5 Q And the findings that you've outlined
6 for us today, did you reduce those to a report, a
7 written report?

8 A Yep. There's a few. At times -- at
9 times, there were -- I had a lot of stuff that
10 really weren't finished as well. And I was working
11 full-time and I was doing this at night, so I
12 was -- I wasn't getting a lot of sleep.

13 It caused a lot of -- you know, it
14 was just really trying to understand, you know, if
15 it was right or not. You know, I -- it wasn't
16 necessarily political for me. It was more trying
17 to solve a puzzle that I don't think is possible to
18 solve.

19 Q And I think you mentioned that the
20 puzzle that you were trying to solve, that was
21 something that was really for your own information,
22 correct?

1 A Yeah, I -- you know -- you know, I
2 was looking at The New York Times November 3rd, and
3 I saw that Trump had a 75 percent chance of
4 winning. And then he lost, and that -- you know,
5 just his numbers. And also next door around me
6 where I lived in Buckhead, there were just a
7 numerous amount of people that were saying that
8 their vote was not counted.

9 And, you know, for example -- I don't
10 know if -- probably with the research you all have
11 done on me, you've seen the video, but there was a
12 lady that I knew who was 94 years old. That ate me
13 up, so I -- it -- I wanted to find out if it was --
14 if it had any validity or not.

15 Q You mentioned that you did a full
16 audit of the Secretary of State files, and sent
17 the -- sent a report to someone who represented or
18 were connected with Sidney Powell.

19 Do I have that correct?

20 Can you hear me?

21 A Yes. I'm sorry, my headphones went
22 out.

1 Q Okay. Okay. Let me ask that again
2 then.

3 I believe you mentioned in your
4 earlier testimony that you did a full audit of the
5 Secretary of State files and sent a report to
6 someone connected with Sidney Powell. Do I have
7 that correct?

8 A Yeah. I -- it's just what people
9 said, you know? At the time, you have to picture
10 me, I'm in a -- I'm in an attic, like I haven't
11 slept in a while, things like that. I was sending
12 out reports to whoever would take them who had any
13 kind of connection.

14 You know, I don't know for -- you
15 know, in all seriousness, if they were connected or
16 if they even got it to her or not. It was -- I was
17 doing some, I believed, important work and it
18 needed to be looked at.

19 And it was -- it was just -- it was
20 work -- it was an audit, you know? It was with
21 public -- public data and their system. There was
22 no -- I wasn't making any assumptions. I was just

1 comparing databases, kind of like the IRS does an
2 audit on a company. That's -- that's what I did.

3 Q So the -- that audit or the -- is --
4 the other audits that you have identified, were any
5 of those at the direction of someone who hired you
6 to perform the audit? Or I guess -- as I
7 understand your testimony, that it was really done
8 just in your own personal interest, but I want to
9 make sure I'm accurate about that.

10 A Yeah. Audits and -- yeah, that was
11 all -- all me with the -- with an angry wife at
12 home, yeah.

13 Q Okay. And those audits were like --
14 when you talk about the audits, were they reduced
15 to a writing in an e-mail? In a report? How
16 did --

17 A So I finally --

18 Q -- you compile them?

19 A -- I finally finished it and put them
20 all together. And I actually sent it in an ORR
21 request to the Secretary of State. Because what I
22 did is -- because I downloaded the voter history

1 file, kind of the record of the uploads of casted
2 votes starting, I think it was, November 8th,
3 November -- yeah, November 8th, which did not have
4 election-day votes yet, and then the 15th.

5 And I think the -- which it also
6 didn't have election-day votes, and then the 28th
7 and then December, and then -- so I monitored, you
8 know, votes as they were being put on. And what I
9 found is that they -- they took -- they took off
10 close to 5,000 people. I believe it was 5,000
11 people around November 8th to the 10th, and then
12 there were over 11,000 that were added after
13 January 26th, 2021.

14 So yeah, I mean, you know, the margin
15 of victory was 11,700 something. And, you know,
16 again, I'm just told, "Well, you know, these are
17 just -- it's not official. These are just rolls,"
18 and things like that. But I mean, it's supposed to
19 be a direct download from UNET, which is the -- the
20 program that they use to keep track of all cast
21 votes in Georgia. So nobody really cared though,
22 so . . .

1 Q So the audits that you talked about,
2 did you produce them in the documents that you
3 provided to Mr. Brown?

4 A I think I tried. I believe -- I
5 don't know if Courtney held that out or not.

6 MS. KRAMER: Well, I'm -- so we've
7 been -- it's been very time-consuming, and so
8 there -- if it wasn't in one of these batches, it's
9 going to be in the next batch that Bruce and I kind
10 of talked about. It's just -- like I said, it's
11 been very time-consuming to go through everything
12 and making sure that we are being compliant with --
13 with the subpoena. So if it's not in one of those
14 two batches, then it's going to be in the next one
15 or two.

16 MS. LAROSS: Okay. And, Courtney,
17 would it be all right with you if I put my e-mail
18 address in the chat, so whatever you produce to
19 Mr. Brown, you could copy me on? Would that be all
20 right with you?

21 MS. KRAMER: Absolutely.

22 MS. LAROSS: Okay. Great. Thanks

1 very much.

2 MS. KRAMER: Of course.

3 BY MS. LAROSS:

4 Q Okay. Getting back, Mr. Cruce, to
5 your visit to Coffee County on January 7th, 2021.
6 Did you download any data from any of the Coffee
7 County equipment or any equipment at the Coffee
8 County Elections office onto either your laptop or
9 any other device that you brought with you that
10 day?

11 A No, I did not.

12 And just to -- just to make sure what
13 you're saying is that I didn't -- you're saying I
14 didn't physically do that. I -- I'm trying to
15 remember if Misty gave me a thumb drive or not, and
16 it's -- I have to -- I have to see if that -- if I
17 have that. I'm not sure.

18 Q Sure.

19 A I would -- I'm not sure.

20 Q But you're going to take a look for
21 that. And that's fine.

22 A But the thing is, though, is that

1 there was nothing of any significance. I -- if
2 anything, it might have been that ICC log and
3 things like that, but it was nothing, nothing from
4 what these people -- these other folks were doing.

5 Q Okay. Yeah, because I had just in my
6 notes, and I may be incorrect, when looking at the
7 downloads, the ICC log and then the SLOG, I had a
8 note that you downloaded that onto a notepad.

9 Do I have that correct?

10 A I might have said that it opens up on
11 a notepad. It's like a text file. It's just
12 really hard to do any analysis. So I tried to
13 transport it into Excel at one point. I think it
14 was at night or right around that time, and it was
15 just such a mess. I didn't really understand any
16 of it, so . . .

17 Q Okay. So that would have been on the
18 notepad on your laptop that you opened those log
19 files that you got at Coffee County. Is that
20 correct?

21 A I don't remember if I did it -- I did
22 it there or that night or the next day. I don't

1 know, but it was very brief.

2 Q You mentioned that when you were at
3 Coffee County on January 7, 2021, that there were a
4 few things that you did. I believe you said you
5 looked at the equipment. And you said you did not
6 touch any of it unless you just nudged it walking
7 by or --

8 A Yeah.

9 Q -- something like that --

10 A Yeah.

11 Q -- but you didn't go into it or open
12 up any of the equipment?

13 A No.

14 Q And then you asked questions of
15 Misty. And then also discussed some questions
16 briefly over lunch with some of the other folks.

17 A Yes.

18 Q Is there anything else you did that
19 day that you recall?

20 A That I did that day?

21 Q Yes, sir.

22 A I -- I looked at -- I looked at some

1 of the ballots they were using. I think that's
2 about it. It was just seeing the process mostly,
3 you know, what kind of envelopes they used and
4 where they came from, along with, you know, the
5 process that she took when she reported out the
6 results.

7 Q And you went through some -- so other
8 than what you've described to us, is there anything
9 else that you did at Coffee County on January 7,
10 2021?

11 A I don't know.

12 Q Okay. You will need to answer
13 verbally for the court reporter.

14 A So anything else regarding what?

15 Q Just anything else while you were in
16 the Coffee County Election office on January 7,
17 2021, other than what you've already described for
18 us.

19 A No.

20 Q And you mentioned that you asked some
21 questions of -- of Misty. And I think you said she
22 showed you how to report an election on election

1 night. Is that correct?

2 A Yeah. So I looked over her shoulder
3 and she showed me where she would drag data in and
4 then report it out on -- on the website. Pretty
5 much what all of the election supervisors do. You
6 know, just a basic process, which I already -- I
7 already read about that anyways, so -- but I just
8 wanted to see if there was any difference that she
9 did.

10 Q Okay. Yeah.

11 So what did you learn, if anything,
12 from her showing you the report, how -- how data is
13 reported on election night?

14 A I didn't really learn too much. I --
15 it was three, four, just copying files from the
16 machine over to the computer and then uploaded it
17 on to -- I think it was Scytl, or something like
18 that, the election night reporting, I believe is
19 what it was. I mean, you read instructions and
20 then, you know, that's what they did, so . . .

21 Q Anything else that you recall that
22 you learned from Misty during your visit in Coffee

1 County on January 7th, 2021, other than what you've
2 already described for us?

3 A I noticed that the system said GEMS
4 on it, the GEMS room. And I asked her do they
5 still use that program and she said, no, that was
6 from the old election system. Because -- the
7 reason why I was interested was because Benny was a
8 guy who worked on elections in Kentucky, and he had
9 a video out showing Fraction Magic or something
10 like that, and it involved the GEMS program from
11 ES&S.

12 Q Okay. So you mentioned the GEMS
13 program. Did Misty mention to you what she
14 referred to in -- or discussions with her the GEMS
15 room at the Coffee County Election office?

16 A I'm sorry, do what? I'm sorry. So
17 can you repeat that?

18 Q Sure.

19 Let me ask it this way: Have you
20 ever heard of something called the GEMS room at an
21 election office -- at the Coffee County Election
22 office?

1 A That's what she described it as,
2 because I saw it on the door. You know, it said
3 "GEMS," and I asked about it. And she said that's
4 where they upload the election data.

5 Q Okay. So -- sorry, excuse me. I
6 didn't mean to cut you off.

7 A It's okay.

8 Q Okay. So did you go in the GEMS room
9 at any time during your visit at Coffee County on
10 January 7th?

11 A Yeah, I -- I did briefly to watch --
12 watch her show me how she would report out the
13 election night data. I believe that was the GEMS
14 room.

15 Q So she -- please, I'm sorry, excuse
16 me.

17 A I -- I -- I believe that was the GEMS
18 room. She showed me that. I'm not certain, but --
19 yes, it was the GEMS room. Yes.

20 Q Okay. And while you were in the GEMS
21 room, was Misty there with you at all times?

22 A Yes. Yep.

1 Q And why you were in the GEMS room, I
2 think you said she demonstrated uploading election
3 data and how she does it on election night. Is
4 that correct?

5 A Yeah, just the process. It was kind
6 of a mock -- you know, she didn't actually do
7 anything. She just kind of showed me how she would
8 take it over to the other computer.

9 Q All right. And then I think -- I
10 know you had testified that you didn't open up any
11 of the election equipment or look inside any of it.

12 At any point, did you connect your
13 laptop or any other devices you had with you to any
14 of the election equipment at Coffee County?

15 A No.

16 Q And while you were there on
17 January 7, 2021, did you overhear or come to
18 understand that anyone else had inserted or
19 uploaded data into any of the election equipment?

20 A Inserted data into it?

21 Q Sorry. Say that again.

22 A You said inserted data into the

1 machines?

2 Q Yeah. Yeah. Or uploaded anything
3 into the machines.

4 A I mean, there were people there
5 working on them. I'm not exactly sure what they
6 did, but there were people around those machines.
7 Personally, I cannot remember if -- I do remember
8 poll pads being out and there being work done on
9 those, but other than -- just because I was sitting
10 there most of the time, but other things were -- I
11 didn't see other instruments or other equipment. I
12 didn't see.

13 I'm just -- I'm sorry, I'm trying to
14 remember. No. They were definitely working close
15 to machines, but am I certain that they were
16 putting data into it? I would assume they were,
17 but I'm not -- I can't remember exactly.

18 Q Sure.

19 And I was also wondering if there was
20 anything folks mentioned that you overheard that
21 left you with that impression?

22 And maybe not, the answer may be no

1 on that one.

2 A Well, you know, Scott -- Scott's
3 phone call, you know, I heard that on the media,
4 you know, with everybody else. You know, he was
5 interested in the data at the time, I remember, and
6 I thought -- I thought he was actually going to get
7 the data.

8 And looking back, I don't know that
9 he played as much of a role as -- as -- as I
10 thought. So he never -- because I asked him a few
11 times after that, you know, "Did you ever hear
12 anything about that?"

13 And he said, "No."

14 So I . . .

15 Q Okay. Also you testified -- I'm
16 going to go to a little bit of a different topic.

17 You mentioned that you spoke with
18 Marilyn Marks towards the end of 2021 about the
19 Coffee County Board of Election or the Coffee
20 County office. Do I have that correct?

21 A Yes.

22 Q And what all did you discuss with her

1 concerning Coffee County?

2 A I'm not sure because we spoke a lot
3 after that, so it could have been after late 2021,
4 but, you know, at the time she was -- she was
5 actually trying to -- to help me find a job because
6 I had left Cheeley Law Group, and, you know, she
7 was very -- very -- very nice, trying to help
8 things out on that end. And just she had a lot of
9 knowledge as well, you know, with the voting system
10 and the different machines. But I do remember
11 talking to her about Coffee County.

12 I know recently I've talked to her
13 about it. Probably around July, I sent her a text
14 complaining that she wasn't looking at 2000 votes
15 that weren't counted in DeKalb County on the
16 machines and she was more interested, you know, in
17 Coffee County. And so here we are.

18 Q How did you first meet Ms. Marks?

19 A How did I meet Marilyn? I don't
20 know. It could have been Scott, because I do
21 remember -- you know what, I was doing a lot of
22 research, so I was reading actually a lot of the --

1 these court documents from 2018 with the same case,
2 and -- and Scott said he knew her at one point
3 before all of this, but I'm not exactly sure how I
4 got in touch with her.

5 Q Do you know when you first got in
6 touch with her?

7 A I think it was late 2021. It was
8 after -- after I left Cheeley and was working on
9 Mary Norwood's race -- well, not Mary Norwood's
10 race, but the lady that was running as a Democrat
11 for the mayor of Atlanta, Felicia -- Felicia Moore,
12 I think is her name. Is that right? Yeah, so
13 sometime after November, I believe.

14 Q And did you contact her first or did
15 she contact you first?

16 A I don't remember.

17 Q Okay. And I asked you a lot of
18 questions about Misty. I -- and forgive me if you
19 testified to this, but before January 7th, 2021,
20 had you ever met Misty or had any contact with her?

21 A I don't -- I don't know. It's -- for
22 some reason I want to say yes, but it had to be

1 brief, because I think after the YouTube video and
2 things -- Scott was good about, you know, reaching
3 out to people that had these problems to try to
4 understand, you know, what was wrong with the
5 election, and I think that's how she might have
6 been on a -- might have been on a phone call or
7 something, but I don't remember. It could have
8 been us just watching her video or something. I
9 don't -- I'm not certain.

10 Q Okay. Could you go ahead -- do you
11 still have the exhibits up on the Exhibit Share?

12 If you could please go to
13 Exhibit Number 3. And those are the still shots.
14 And I -- once you get there, I'd ask you to go to
15 page 14, if you would. And let me know when you're
16 there.

17 A Yeah.

18 Q And what is this -- what -- is that
19 you in the frame on page 14 --

20 A Yes.

21 Q -- of the exhibit?

22 And what are you reviewing --

1 A It looks --

2 Q -- in that photo?

3 A I don't remember doing this, but it
4 looks like a ballot. I'm not sure though. Yeah,
5 I'm not sure what that is or where it's -- where
6 it's from though.

7 Q Do you remember how you obtained it
8 or who gave it to you or --

9 A No.

10 Q -- anything like that?

11 A No.

12 Q Okay. And before January 7th, 2021,
13 had you ever visited the Coffee County Election
14 office?

15 A No.

16 Q I'm going to quickly look through my
17 notes, Mr. Cruce, which will not take me long, and
18 then I may be finished.

19 I think you mentioned that Misty had
20 wanted you to analyze files or particular files on
21 January 7th, 2021. Do I -- am I correct that you
22 stated that earlier?

1 A I'm not sure what she wanted, but she
2 sent it to Scott and Scott sent it to me.

3 Q Did you analyze the data that Misty
4 sent?

5 A So the ICC log and the other SLOG
6 file, yeah. So I mentioned earlier, I pulled it up
7 briefly, but I couldn't really sort it. It was a
8 text file. You could tell it was like a log of,
9 you know, the machines, but there's just a lot of
10 numbers and things, like that that's just a piece
11 of the pie. I needed more information and I wrote
12 it off real fast. It wasn't very useful for me.

13 Q Okay. Yeah, I just wanted to
14 understand if she wanted you to look at any other
15 files other than the -- you know, the log file or
16 the SLOG file. I think you've answered that.

17 A Yeah, I don't know what she wanted,
18 but that's the only thing that I -- I looked at
19 from Coffee County, was those log files.

20 MS. LAROSS: Okay. Those are all my
21 questions, Mr. Cruce. Thanks so very much. I know
22 it's been a long day and we -- we appreciate your

1 time.

2 THE WITNESS: That's okay. Thank
3 you.

4 MR. BROWN: Courtney, do you have any
5 questions?

6 MS. KRAMER: No, not really. Just if
7 we could also get a copy of the transcript whenever
8 you guys get it, that would be awesome.

9 MR. BROWN: Yeah, I have just two
10 more questions, 60 seconds.

11 MS. KRAMER: Take it away.

12 EXAMINATION BY COUNSEL FOR COALITION PLAINTIFFS

13 BY MR. BROWN:

14 Q Mr. Cruce, did you meet with
15 investigators from Rudy Giuliani in 2020?

16 A Yes.

17 Q And who were they? And why were you
18 meeting with them?

19 A I don't really remember their names,
20 but I don't know. I think Scott or Garland, or
21 somebody, had set it up, set up the meeting. I
22 joined the meeting through Zoom, yeah. Not much

1 substance there though.

2 Q And what -- what was -- what were you
3 talking about on the Zoom?

4 A I don't know. They -- they were
5 talking about vote -- it was pretty much everybody
6 had their own view of the election and there were
7 some -- a few things that -- that I believed
8 didn't -- weren't very relevant.

9 All I really remember from that
10 meeting is that they were gathered around like a
11 YouTube video and trying to understand what trucks
12 were parked out by State Farm or something. It
13 was -- I don't know. I -- it didn't have a lot of
14 substance.

15 Q And tell me again when this was.

16 A I don't know. Maybe it -- maybe late
17 November/December 2020.

18 Q And other than Scott Hall, do you
19 know the name of anybody else who was on that phone
20 call?

21 A Well, some of them actually met in
22 person. I believe -- I believe -- I don't remember

1 Garland being there. Excuse me. I'm pretty sure
2 Scott was there. I think there were like three
3 investigators or something. They were all like
4 retired police officers from New York.

5 Q And all of this meeting was about
6 trucks outside of the State Farm Arena?

7 A It started out there was a
8 presentation about the anomalies that were seen and
9 things. And then it quickly, I remember, getting
10 offtrack to, you know, looking up YouTube -- stuff
11 on YouTube and whatnot. And I checked out pretty
12 fast.

13 Q And where was this meeting?

14 A I forget where it was at. I don't --
15 I was -- I joined through Zoom, but --

16 Q Okay.

17 A -- they were meeting somewhere. I
18 can't remember where they were meeting.

19 Q Is that the only meeting you recall
20 with Giuliani's folks?

21 A Yeah.

22 Q Have you been contacted by the

1 Secretary of State relating to your trip to Coffee
2 County?

3 A No.

4 Q Have you been contacted by the State
5 Election Board about your trip to Coffee County?

6 A No.

7 Q Have you been contacted by the GBI
8 about your trip to Coffee County?

9 A Now, there was somebody that called
10 maybe last week or the week before that from the
11 GBI. I haven't returned their call as of yet.

12 Q And I take it you haven't been
13 contacted by the FBI, correct?

14 A No.

15 Q Or the January 6th Committee,
16 correct?

17 A No.

18 Q And the first you had heard from any
19 investigator from the State of Georgia was last
20 week. Is that fair to say?

21 A Well, there was also somebody from --
22 I talked to a DA investigator from Fulton County,

1 Fani Willis' -- a guy in their office. And he said
2 he was going to e-mail me a subpoena, so hopefully
3 we can just play this recording back.

4 Q Have you gotten the subpoena yet?

5 A Nope. But I do have to come up with
6 much more money to pay another lawyer, so . . .

7 MR. BROWN: Thank you for your time
8 today.

9 THE WITNESS: Yes, thank you.

10 VIDEOGRAPHER: The time is 3:49 p.m.
11 This concludes the deposition. We are now off the
12 record.

13 (Whereupon, at 3:49 p.m., the
14 video-recorded deposition of ALEX A.
15 CRUCE was concluded; signature reserved.)

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CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing video-recorded deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR
Notary Public

My commission expires:
September 15, 2024

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A C K N O W L E D G E M E N T O F
D E P O N E N T

I, ALEX A. CRUCE, do hereby acknowledge I have read and examined the foregoing pages of testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any changes or corrections, if any, appear in the attached errata sheet signed by me.

Date

ALEX A. CRUCE

5595374

1 Donna Curling, et al. vs. Brad Raffensperger, et al.

2 ALEX A. CRUCE

3 INSTRUCTIONS TO THE WITNESS:

4 Please read your videotaped deposition over
5 carefully and make any necessary corrections. You
6 should state the reason in the appropriate space on
7 the errata sheet for any corrections that are made.

8 After doing so, please sign the errata sheet
9 and date it.

10 You are signing same subject to the changes you
11 have noted on the errata sheet, which will be
12 attached to your deposition.

13 It is imperative that you return the original
14 errata sheet to the deposing attorney within thirty
15 (30) days of receipt of the deposition transcript by
16 you. If you fail to do so, the deposition
17 transcript may be deemed to be accurate and may be
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E R R A T A S H E E T

Case Name: Donna Curling, et al. vs. Brad
Raffensperger, et al.

Witness Name: ALEX A. CRUCE

Deposition Date: November 22, 2022

Page No. Line No. Change/Reason for Change

Signature

Date

5595374