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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *
UNITED STATES OF AMERICA
v.
CHRISTOPHER CANTWELL
* * * * *

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* 1:20-cr-6-01-PB
* September 24, 2020
* 1:50 p.m.
* Afternoon Session
*

TRANSCRIPT EXCERPT OF JURY TRIAL DAY 4
TESTIMONY OF CHRISTOPHER CANTWELL
BEFORE THE HONORABLE PAUL J. BARBADORO

Appearances:

For the Government: John S. Davis, AUSA
Anna Z. Krasinski, AUSA
United States Attorney's Office

For the Defendant: Eric Wolpin, Esq.
Jeffrey S. Levin, Esq.
Federal Defender's Office

Court Reporter: Liza W. Dubois, RMR, CRR
Official Court Reporter

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I N D E X

<u>WITNESS:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
CHRISTOPHER CANTWELL	3			

<u>EXHIBITS</u>	<u>FOR ID</u>	<u>IN EVD</u>
Defendant's Exhibit G		41

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P R O C E E D I N G S

(Following is an excerpt of Jury Trial Day 4.)

THE CLERK: Please be seated. This hearing is back in session.

THE COURT: All right. The defense may call its first witness.

MR. WOLPIN: The defense would call Mr. Cantwell.

THE COURT: Mr. Cantwell, come on up. Stand by the witness stand and raise your right hand, please.

CHRISTOPHER CANTWELL, having been first duly sworn, testified as follows:

THE CLERK: Thank you. Would you please state your name and spell your last name for the record.

THE WITNESS: Christopher Cantwell, C-a-n-t-w-e-l-l.

THE COURT: Great. You can be seated, sir. And go ahead when ready, Mr. Wolpin.

MR. WOLPIN: Thank you.

DIRECT EXAMINATION

BY MR. WOLPIN:

Q. So, Chris, let's just start with a little bit about you as a person.

Before you came to New Hampshire, where were you from?

1 A. Long Island.

2 Q. Okay. New York?

3 A. Yes.

4 Q. Okay. And is that where you grew up as a kid?

5 A. Yes.

6 Q. And at some point did you move to

7 New Hampshire?

8 A. I did.

9 Q. All right. Before you came to New
10 Hampshire -- well, did you come to New Hampshire as an
11 adult or as a child?

12 A. As an adult.

13 Q. All right. And when you were an adult, how
14 old were you when you came here?

15 A. I moved here in 2012, so I would have been 32
16 or 33.

17 Q. Okay. Before you came to New Hampshire, what
18 kind of work did you do?

19 A. I was an IT guy. Information technology,
20 computers, networks.

21 Q. Okay. Did you work for big companies, did you
22 work for yourself?

23 A. I worked for medium to -- small- to
24 medium-sized companies and I worked as an independent
25 contractor for a period of time.

1 Q. Okay. And did you have some education in that
2 realm of computer technology?

3 A. I learned IT the way I learn all things, the
4 hard way.

5 Q. Okay.

6 A. I took a BOCES computer technician's class in
7 Long Island and everything else I figured out on my own.

8 Q. Okay. And what brought you to New Hampshire?
9 Why'd you come here?

10 A. I became concerned about New York State's gun
11 control regime especially, but I -- I liked the -- the
12 freedom-oriented culture here.

13 Q. Okay.

14 A. I was specifically interested initially in the
15 Free State Project.

16 Q. All right. So what part of the state did you
17 come to?

18 A. Just outside of Keene --

19 Q. And what --

20 A. -- in Marlborough.

21 Q. And what is significant about Keene, if
22 anything?

23 A. When I was investigating where in
24 New Hampshire to move, I saw the guys in Keene. They
25 were producing a lot of media. It's a -- Keene is home

1 to a broadcast talk radio show, nationally syndicated
2 broadcast talk radio show, called Free Talk Live. And
3 there were associated media properties associated with
4 Free Talk Live, YouTube channels and blogs and that sort
5 of thing. And they seemed to be drawing a lot of
6 attention to themselves and I was one of the people that
7 got their attention drawn.

8 Q. Okay. So before you came to New Hampshire,
9 you said you were working in IT, but did you have some
10 media background yourself before you came --

11 A. I did. I had built up a bit of a social media
12 following in New York. I ran for the United States
13 House of Representatives in New York's First
14 Congressional District. During that time, I had built
15 up a bit of a social media following and I did a little
16 bit of standup comedy as well and I sort of developed a
17 YouTube channel.

18 Q. Okay. So you said standup comedy. You mean
19 as in going out at night for open mic nights in
20 New York?

21 A. Yeah. I was -- fortunately, for the
22 audiences, never had a big, full-featured thing or
23 whatever, but I was doing open mic nights and I'd -- and
24 I'd get some laughs.

25 Q. Okay. And you said you -- you started with a

1 YouTube channel. Did you have a particular media, a
2 name, of something that you were doing at that time?

3 A. This was all built up. This all happened -- I
4 created my YouTube and my Facebook when I was running
5 for Congress, so at that time it didn't make much sense
6 to work under an alias and I've worked under my real
7 name ever since.

8 Q. Okay. And what was -- did you have a podcast
9 originally before you got here?

10 A. No, not originally. I was making short
11 YouTube videos.

12 A podcast, for those who don't understand it,
13 it's a specific format that it -- RSS stands for real
14 simple syndication. So like a podcast will go out over
15 iTunes and Stitcher and these sorts of things.

16 My YouTube videos were only on my YouTube
17 channel, so they were not syndicated. And that's the
18 difference between the YouTube channel and a podcast.

19 Q. Okay. And what was the first podcast that you
20 created?

21 A. The -- the first podcast that I created was
22 called Some Garbage Podcast. It was a self-deprecating
23 title that me and a business partner of mine started,
24 basically talking about politics after work and we
25 decided we'd let other people listen because it seemed

1 like a lot of people we knew were starting podcasts.
2 And since I did not think our production value was very
3 high, we sort of used a self-deprecating title to get
4 away with the poor production quality initially.

5 Q. Okay. Was that something that was able to
6 lead to you making a living from the Some Garbage
7 Podcast?

8 A. Not initially, no. -- I started doing Some
9 Garbage Podcast back in Long Island -- I went back to
10 Long Island for a period of time, had a job with my
11 partner Eddie, and I was working for this media
12 marketing company with him and that was paying the bills
13 and we were doing Some Garbage Podcast as a hobby. But
14 I was surprised to find after some period of time that
15 people were willing to pay for the production and more
16 and more I started to focus my efforts on building a
17 media career.

18 Q. Okay. So how does someone make money from or
19 how did you make money from a podcast?

20 A. There are lots of ways to do that and I tried
21 to do all of them. You can solicit donations from the
22 audience, and especially in the early stages that tends
23 to be the most lucrative way of doing it.

24 Later on, when you have a larger audience, you
25 get advertising dollars and there's some very --

1 advertising programs with very low bars of entry, such
2 as Google AdSense, Amazon affiliates, and that sort of
3 thing. And if you have the wherewithal to do it, then
4 you can build premium features into your website,
5 members-only paywall functions, as I did.

6 Later on I began to sell T-shirts, mouse pads,
7 other merchandise with the -- with the show logo on it.

8 Q. Okay. So let's get back to what -- when you
9 came to New Hampshire. You came to New Hampshire about
10 what year?

11 A. So I had come to New Hampshire -- to be
12 precise, I had come here originally in 2012. I took a
13 job back in New York for a little while and that's when
14 I started doing Some Garbage Podcast and then I came
15 back to New Hampshire in 2014.

16 Q. Okay. And since 2014 to now, have you been
17 consistently a New Hampshire resident?

18 A. I have.

19 Q. Okay. Now, while here, did you develop a new
20 sort of media venture while you were here in
21 New Hampshire?

22 A. I don't know if I'd call it an entirely new
23 venture, but I rebranded the Radical Agenda -- I
24 rebranded Some Garbage Podcast to Radical Agenda. And
25 that became -- I -- I -- as the production started to

1 make more money and gain more attention, I felt it was
2 worth adding the effort to increase the production value
3 and at that point it didn't make much sense to call it
4 garbage anymore.

5 Q. All right. So at the outset, at the beginning
6 of Radical Agenda, what were sort of the political
7 leanings of the show? What were you expressing?

8 A. At the beginning stages of the entire venture,
9 it was -- it was Libertarian and it would be safe to say
10 an extreme form of Libertarianism known as
11 Anarcho-capitalism, the idea being privatize everything;
12 you don't have to have the government involved in any
13 aspect of the human condition, a concept known as the
14 nonaggression principle, stating that the only proper
15 use of coercion or initiatory -- the only proper use of
16 coercion or violence is in defense of person and
17 property.

18 Q. So over time, how does your content change of
19 this Radical Agenda podcast?

20 A. Well, it's an open phone show and so the
21 Radical Agenda's theme, above all else, was that you're
22 not going to get hung up on if you call in and you
23 disagree with me or you got an idea that is kind of out
24 there. Right?

25 And so as I interact with people who have

1 different ideas, one cannot help but be influenced by
2 the people one speaks to. And as -- especially as
3 Donald Trump began to gain speed for his presidential
4 campaign, that drew a lot of attention to the issue of
5 immigration. And so you could say that this caused my
6 political views to shift rightward substantially.

7 Q. Okay. And on your show, do you say things
8 that are shocking or is it pretty toned down?

9 A. Shocking is pretty much the whole entire point
10 of it. I shouldn't say that. I'm sorry. It is -- it
11 is part of the branding to be a shocking production. It
12 is an uncensored -- it's styled in part after -- I
13 always give credit to the Opie and Anthony show, which
14 is a morning radio show, used to be on Terrestrial Radio
15 and then was on strictly satellite radio, and now -- now
16 one of the hosts is no longer even with Sirius XM. They
17 launched satellites into outer space to get away from
18 the censors and even that didn't work.

19 Q. All right. So swearing, is there swearing in
20 your show, yes or no?

21 A. Oh, yeah.

22 Q. Okay. Is there racist language in your show?

23 A. Yes.

24 Q. All right. Is there homophobic language in
25 your show?

1 A. Yes.

2 Q. Okay. And is that by callers or you or both?

3 A. Both.

4 Q. Okay. Now, as the host of Radical Agenda, did
5 you go under the name Chris Cantwell or did you use some
6 other name?

7 A. I am Chris or Christopher Cantwell. I never
8 used an alias.

9 Q. All right. And as far as the show, did you
10 have a phone number?

11 A. I -- I should say -- not that I've never used
12 an alias. There are times when I've played characters
13 on the show, but everybody knows that Christopher
14 Cantwell is the host and that's my real name, yeah.

15 Q. Okay. And you have a show number that's
16 published online?

17 A. Yes.

18 Q. But you have a private phone number as well?

19 A. I do.

20 Q. Okay. Do you have a -- do you have a P.O. box
21 or an address associated with your show?

22 A. Yes. I have a publicly listed -- on my
23 contact form on the website, I have an address where
24 people can send me postal mail and that goes to a -- a
25 service called the Shipping Shack in Keene, New

1 Hampshire, so that -- so I'm not giving my home address
2 out to lunatics.

3 Q. Okay. So you made a conscious decision not to
4 put your home address in with your work address as far
5 as the show?

6 A. Yeah. If I had my way, my driver's license
7 would say the Shipping Shack's address. The only things
8 I put my home address on are things that I'm like
9 legally obligated to do so.

10 Q. Okay. And so, typically, your home address
11 wasn't known, at least at the beginning?

12 A. No, it wasn't.

13 Q. All right. I'm going to move on and ask you
14 some questions about your original relationship with the
15 Bowl Patrol.

16 A. Yeah.

17 Q. So what's the first thing you hear about them
18 and how do you start interacting with them?

19 A. So the Bowl Patrol shows up in my social media
20 orbit sometime late 2017 to early 2018. And at the
21 period of time that this happens, there's a lot of like
22 social media censorship going on of right-of-center
23 political views, especially in the financial system as
24 well. So like I lost my PayPal account and I got banned
25 from Facebook and this type of stuff.

1 And when I first come into contact with them,
2 they're on these uncensored platforms that people were
3 migrating to, Telegram, Gab, Minds, to name the three
4 probably most prominent ones in this category of
5 service.

6 And so they started to show up in my Gab
7 mentions, which is like -- if any of you have used
8 Twitter, somebody mentions you, you see; if somebody
9 retweets you, you see. It's a similar thing on Gab.

10 I had -- on Telegram I had a chat room
11 where -- it was for listeners to interact with me and
12 with each other and they joined that chat room at some
13 point. I don't remember which one first, but they
14 basically showed up in my social media orbit in that
15 period of time.

16 Q. Okay. So individuals started showing up. Who
17 were the prominent members at first who started showing
18 up?

19 A. The ones that first come to my mind would be
20 Vic Mackey, Cheddar Mane, Mosin-Nagant, and Hardmous.

21 Q. And do you know them personally when they show
22 up in your -- your chat groups?

23 A. Initially, no, not at all. I have no idea. I
24 couldn't pick these guys out of a lineup. Most of them
25 I still can't.

1 Q. Okay. So when they are showing up in your
2 social media world, they're not showing up under their
3 own names?

4 A. No, no.

5 Q. They've all picked some kind of pseudonym?

6 A. Yeah.

7 Q. Okay. Do those pseudonyms tend to repeat? I
8 mean, do they show up under the same pseudonym multiple
9 times?

10 A. Yeah. Typically they would stick with an
11 identifiable theme of an identity. So, for example,
12 Mosin-Nagant might be Masin-Nagant. Like there would be
13 variations on it at times. But, generally speaking, you
14 could follow one user from one platform to another. And
15 even if he got banned from one platform and came back,
16 he would have something that would indicate to you that
17 it was the person that you were talking to.

18 Q. Okay. And --

19 A. But not always.

20 Q. And so this, you said, is initially happening
21 late 2017, 2018?

22 A. Yeah, yeah.

23 Q. Okay. And where's your head at that time?
24 What are you thinking? Why are you engaging with them?

25 A. I'm thinking that -- I'm thinking that he --

1 the social media censorship is a political tactic that I
2 don't want rewarded. And so I think that the idea
3 behind it is if you're -- if -- that if they censor
4 people from social media and that changes the direction
5 of the content, that that's going to encourage the
6 censorship and that that's going to be negative not only
7 for me, but for society more broadly, and so I want to
8 do the exact opposite of what the censorship means to
9 do. And --

10 Q. So you make a conscious decision to sort of
11 engage with them?

12 A. Yeah. They are -- I didn't come into contact
13 with a whole lot of people who did edgier content than I
14 did, but the Bowl Patrol met that bill.

15 Q. Okay. So you saw them essentially as more
16 extreme than you were?

17 A. Yes, definitely.

18 Q. Okay. And for a time, did that
19 relationship -- I mean, did you guys encourage each
20 other? Was there some working relationship?

21 A. Yeah. I mean, they were -- the Bowl Patrol
22 was talented. They had -- they -- they were good with
23 photoshopping and image -- image editing application.

24 You might hear me use the word photoshop as a
25 verb sometimes. They would photoshop things and -- and

1 they -- they were talented guys and they had some --
2 their content was out there, but they had pretty good
3 audio quality and they were useful to me for a period of
4 time.

5 Q. Okay. And at some point did that relationship
6 between you and these members of the Bowl Patrol begin
7 to fray?

8 A. Yeah, that would be one way of putting it.
9 The -- the relationship started to go south towards
10 the -- towards the end of 2018.

11 Q. Okay. And would members of the Bowl Patrol
12 call in to your show?

13 A. Yeah. They would call in to the show. And
14 initially it was either productive and/or funny, but
15 towards the end of 2018, it started to get downright
16 scary. And then after that it started to get just plain
17 disruptive.

18 Q. Okay. So is there a particular call from
19 Cheddar Mane in October that you remember?

20 A. There's a few. Notably, just before Robert
21 Bowers walked into the Tree of Life Synagogue in
22 Pittsburgh and gunned down 11 people, Cheddar had called
23 in to the show and was asking me something to the effect
24 of -- I should set the stage for this.

25 On the show, I take a view of law enforcement

1 that is at odds with some people on -- in extremist
2 movements. I think that it's in our best interest to
3 treat law enforcement with respect and to work with them
4 if we can because what we are trying to do is not
5 inherently criminal. People try to treat us that way
6 and for that reason, it's -- it's in our best interest
7 to maintain positive relationships with law enforcement.

8 The Bowl Patrol took a different angle on that
9 and on I believe it was October 15th, Cheddar called in
10 to the show and started basically saying something to
11 the effect of --

12 MS. KRASINSKI: Objection, your Honor.
13 Consistent with the other rulings, I'd ask that we not
14 get into those statements.

15 THE COURT: I'm sorry, members of the jury.
16 I've got to excuse you for a few minutes because I --
17 I've got to hash this thing out. I thought I had
18 resolved it, but I'll have to take a break.

19 THE CLERK: All rise for the jury.

20 (Jury excused.)

21 THE COURT: All right. Mr. Wolpin, go through
22 step by step every bad thing you want to bring out about
23 the --

24 MR. WOLPIN: This isn't a bad thing. That's
25 not the point of this right now.

1 THE COURT: Well, I've got to understand
2 better what you're doing because I can't keep stopping
3 every two minutes while you guys fight over this stuff.

4 MR. WOLPIN: So --

5 THE COURT: What are you trying to do?

6 MR. WOLPIN: To explain why there's a breach.
7 Essentially, Cheddar Mane calls and they have this
8 discussion that's a real discussion about police, and
9 then Chris sort of shuts them down and doesn't agree
10 with them and that's what starts the rift.

11 So this is an explanation of why they split.
12 This isn't anything --

13 THE COURT: Does the government know what he's
14 talking about? I mean, I -- I don't know what the
15 evidence is, so if all he's going to say is we had a
16 discussion and Cheddar Mane expressed different views
17 than I did about the police and we -- we disagreed and
18 that was the beginning of our -- the fallout in our
19 relationship, that's all he's going to say, I don't know
20 why that's objectionable. Is that all he wants to say?

21 MR. WOLPIN: Yes.

22 THE COURT: All right. Are you going to be
23 trying to go in and say all these bad things about the
24 Bowl Patrol, some more stuff like that? Are you trying
25 to do that?

1 MR. WOLPIN: What I -- the audio I have and --

2 THE COURT: Yeah, because, see, what's hard
3 for me -- and you've got to be careful about what you're
4 doing here because you -- I can't -- I can't let you use
5 rulings like, oh, let's not mention Charlottesville, to
6 try to create an impression about your client while
7 damning the victim. Do you understand that?

8 MR. WOLPIN: Yes.

9 THE COURT: So you run -- you run risks that
10 you will do things that will cause me to reassess prior
11 rulings I've made in this case at your request to limit
12 what the jury can hear about Mr. Cantwell. So please be
13 aware of that fact.

14 Now, tell me what you want to do that's like
15 why Cheddar Mane's bad, reprehensible, has terrible
16 views; why the Bowl Patrol's bad, reprehensible, has
17 terrible views. Anything you've got in your direct
18 about those things?

19 MR. WOLPIN: Not significantly, no.

20 THE COURT: Okay. Well, if it doesn't come
21 up, then it's not going to be a problem.

22 All right. So is that what you were concerned
23 about?

24 MS. KRASINSKI: Yes, your Honor.

25 THE COURT: All right. So he's saying -- he's

1 disavowing any intention to do that and so we won't --
2 we don't have a problem.

3 MR. WOLPIN: The one side note on that is I
4 do -- would like Mr. Cantwell to be able to play a brief
5 clip of prank calls to explain how that was occurring on
6 his show. That is an audio I think is --

7 THE COURT: Is it a -- is it Cheddar Mane --

8 MR. WOLPIN: Some of them are. Some are Fevs.
9 It's all mixed in. It's a sort of a -- in an effort to
10 try to keep it short, we cut them into one cut instead
11 of having, you know --

12 THE COURT: So you've cut together a bunch of
13 prank calls to say this is an example of what I was
14 getting.

15 MR. WOLPIN: Yes.

16 THE COURT: Okay. Has the government heard
17 those prank calls?

18 MR. WOLPIN: They were provided in the
19 exhibits.

20 MS. KRASINSKI: Do we have --

21 THE COURT: Do you --

22 MR. WOLPIN: B-5.

23 MS. KRASINSKI: B-5 is a compilation?

24 MR. WOLPIN: Yes.

25 THE COURT: Have you seen a tran -- are you

1 going to object to that compilation?

2 MS. KRASINSKI: We haven't seen a transcript,
3 your Honor.

4 THE COURT: If you need to listen to them, you
5 can do that.

6 What I'm trying to do is run a trial where
7 somebody's guilt or innocence doesn't depend upon the
8 beliefs that they have -- not the beliefs Mr. Cantwell
9 has, not the beliefs that Mr. Lambert has -- but it's
10 really hard to do, given the way you want to present the
11 case. And I'm trying to give you as much latitude as
12 possible, but at some point I'm going to lose the
13 ability to draw lines if you are going to continue to
14 want to engage in this let's try to show what awful
15 beliefs Mr. Lambert and the Bowl Patrol have.

16 MR. WOLPIN: I wasn't -- that's not the reason
17 I was using this.

18 THE COURT: All right.

19 MR. WOLPIN: I was trying to -- I think there
20 needs to be some explanation of what happened between
21 the two of them. I wasn't planning on playing any calls
22 of -- in that sense. The pranks was what I was headed
23 to. So I wasn't --

24 THE COURT: All right.

25 MR. WOLPIN: -- attempting to go in that

1 direction.

2 MS. KRASINSKI: Can you play --

3 MR. WOLPIN: Sure.

4 THE COURT: Let's just play it in the
5 courtroom right now. Play the compilation so we can
6 hear the whole thing.

7 (Audio recording played.)

8 THE COURT: Stop for a minute. Stop for a
9 minute.

10 All right. I'm not going to let you play that
11 whole thing. That is like -- that's just a complete
12 waste of time. If you want to play the first
13 30 seconds --

14 MR. WOLPIN: Okay.

15 THE COURT: -- you can play the first
16 30 seconds to -- just to say, yeah, it's really
17 frustrating when I can't have an intelligent
18 conversation because a bunch of idiots are calling and
19 making gobbledygook sounds. You can do that. But stop
20 it at approximately 30 seconds. I don't want to go
21 beyond that.

22 It's an illustration. He can then say, and
23 this went on and on and multiple shows and it was
24 extremely frustrating.

25 All right? So 30 seconds, approximately, stop

1 it. Okay?

2 MR. WOLPIN: All right.

3 THE COURT: Are you doing anything else that's
4 more along the lines of Bowl Patrol bad, Lambert bad?

5 MR. WOLPIN: The only other thing was I had a
6 discussion with Mr. Cantwell, a discussion about Fed
7 postings, but --

8 THE COURT: Yeah. See, the problem is that I
9 don't even see what the -- frankly, the relevance is of
10 I'm really angry at Mr. Lambert as a Bowl Patrol, other
11 than to prove the government's case.

12 So because I don't see the relevance of it,
13 it's really hard for me to give you any more latitude
14 than what I already feel are the miles of latitude that
15 I've given you. It will be undisputed -- the government
16 will, in fact, be arguing in its case -- that
17 Mr. Cantwell was angry at the Bowl Patrol because they
18 were disrupting his show. That -- no one is going to
19 dispute that. So at this point the evidence on those
20 points are really cumulative, so I can't -- I can't let
21 you go on and on about it.

22 You can play 30 seconds, you can have him
23 explain why he's frustrated, why he's angry, and he can
24 explain how he tried to go to the FBI and they didn't do
25 anything and he -- he wanted to be left alone. You can

1 explain all that. But I -- we can't be going into --
2 I'm not letting you go beyond 30 seconds on that
3 compilation.

4 Yes, Counsel?

5 MS. KRASINSKI: I just want to confirm that's
6 going to be for ID only, like a chalk, and not a full
7 exhibit.

8 THE COURT: That's -- no, he can -- that can
9 be admitted as an exhibit. You just have to put --

10 MS. KRASINSKI: Okay.

11 THE COURT: -- a composite exhibit together
12 with just the 30 seconds that are actually played to the
13 jury. That'll be the exhibit.

14 MS. KRASINSKI: Thank you, your Honor.

15 THE COURT: But we don't have time to go back
16 and edit it out and et cetera, et cetera.

17 And I can't make out the words, we don't have
18 a transcript, but I think the point is you can't make
19 out the words a lot of time. So I think we don't need a
20 transcript because it would be unintelligible.

21 All right. Anything else of that ilk that
22 we're going to be dealing with?

23 MR. WOLPIN: No. I think everything else will
24 be --

25 THE COURT: Okay.

1 MR. WOLPIN: -- addressed.

2 THE COURT: All right. Good. Are we ready to
3 bring the jury back in?

4 Is my reporter okay? Do you want a break or
5 do you --

6 THE COURT REPORTER: We can go a little more.

7 THE COURT: We'll go 20 minutes or so and then
8 take a break? Okay.

9 (Jury returned to the courtroom.)

10 THE CLERK: Please be seated. This hearing is
11 back in session.

12 MR. WOLPIN: All right.

13 THE COURT: Go ahead, Counsel.

14 MR. WOLPIN: Thank you.

15 Q. So there was ultimately a split on ideological
16 grounds between the two of you?

17 A. Yeah. They -- the --

18 Q. Well, slow it down there.

19 A. Okay.

20 Q. You started a new podcast under a different
21 name, is that correct, soon after?

22 A. I did, yes. I started another show called
23 Outlaw Conservative.

24 Q. All right. And what was the difference
25 between Outlaw Conservative and Radical Agenda?

1 A. Outlaw Conservative aimed to do away with some
2 of the is less palatable elements of the Radical Agenda.
3 I wanted to do a very similar format in that there would
4 be an opening monologue, we'd take calls on the air, I'd
5 go over the news and interact with the audience, but we
6 would eliminate the profanity, the racial content, and
7 the fantasy violence themes.

8 Q. So as that rift happens, you begin to get a
9 number of phone calls from the Bowl Patrol?

10 A. Yes. Yes.

11 Q. Okay.

12 A. Phone calls, comments, chats, spam. It was a
13 never-ending torrent of nonsense.

14 Q. Okay. And how -- why did you believe that was
15 coming through the Bowl Patrol?

16 A. Because of the things that they would say.

17 So they had jargon vernacular, if you will,
18 that was a bit of a signature. The -- the -- the style
19 of image editing, the types of names that they would
20 use, and the things that they would say all indicated to
21 me that they were associated with this group.

22 Q. Okay. And the primary people, again, who you
23 were affiliated with Bowl Patrol that were making these
24 kinds of calls or interactions were who?

25 A. Vic Mackey, Cheddar Mane, Hardmous,

1 Mosin-Nagant.

2 Q. Okay.

3 A. Later, Wig Nasty, some other ones, added to
4 the mix over time.

5 Q. Okay. So we're just going to play a very
6 brief snippet of what that was like for your show.

7 A. That'd be a refreshing change of pace.

8 THE COURT: Let me just stop.

9 Can you clarify, by asking appropriate
10 questions, are these calls coming in to Radical Agenda
11 or to the new show that he's running?

12 Q. So prior to trial, you took a look through
13 your Radical Agenda archives, correct?

14 A. Right. These are not from Outlaw Conservative
15 because on Outlaw Conservative, I edited them out.

16 Q. Okay.

17 THE COURT: And, Counsel -- just again, I'm --
18 just so that we avoid confusion, can you ask quick
19 questions to clarify this: Did Radical Agenda continue
20 while Outlaw Conservative was also going on so that
21 there are two programs or did Radical Agenda cease and
22 Outlaw Conservative begin?

23 If you could ask questions on that.

24 MR. WOLPIN: Yes, please.

25 Q. So are they concurrent, running at the same

1 time, or you quit Radical Agenda?

2 A. I was not yet prepared to put the Radical
3 Agenda down yet. The -- Radical Agenda used to air
4 every Monday, Wednesday, and Friday from 5:00 to 7:00
5 p.m. U.S. Eastern time.

6 What I ended up doing with Outlaw Conservative
7 was replacing the Wednesday airtime with the Outlaw
8 Conservative format. And so on Mondays and Fridays, I
9 would do the uncensored production and on Wednesdays I
10 would do Outlaw Conservative.

11 Q. Okay. And so it sounds like you would get
12 calls of this nature to both shows?

13 A. Yes. They were -- they hated Outlaw
14 Conservative. They -- they thought that it was proof
15 that I was a sellout, you know, just whatever
16 terminology you want to apply. That was evidence that I
17 was just in this for fame --

18 MS. KRASINSKI: Objection, basis of knowledge,
19 speculation.

20 THE COURT: You could lay a -- I will allow it
21 if you can lay a foundation as to that he has a basis
22 for formulating those views.

23 Q. Are there comments being made to you directly
24 that say those things?

25 A. The -- the calls -- the comments, I'm sure

1 we'll discuss the website defacement, these things. The
2 word sellout was a common refrain, yes.

3 Q. Okay.

4 THE COURT: And, finally, again, I apologize
5 for interrupting, but just to get -- can you -- you're
6 going to play an excerpt. Can you give me a bit of a
7 time frame as to the period during which these calls are
8 coming?

9 MR. WOLPIN: Yes.

10 Q. So when we're talking about this rift and when
11 these calls are coming in, we're talking about what
12 months, what year?

13 A. The -- well, we're talking about 20 -- late
14 2018 through all of 2019. I think what you're about to
15 play is most likely early 2019.

16 Q. Okay. So this is at the early stages of 2019,
17 sort of examples of what you've pulled from your show?

18 A. Yes.

19 MR. WOLPIN: Okay. I would move at this
20 point -- obviously it may be redacted in some format --
21 but move a version of B-5 into evidence.

22 THE COURT: All right. So, members of the
23 jury, B-5 is a -- as I understand it, and if I'm wrong,
24 counsel will correct me, is a compilation of
25 a -- a number of what have been referred to in this

1 trial as prank calls. Okay?

2 The actual -- the exhibit that's been offered
3 goes on longer than I believe I want you to hear and so
4 I'm going to allow Counsel -- because he hasn't had time
5 to prepare a redacted exhibit, it will be -- I will tell
6 him to instruct his assistant to stop the call -- the
7 exhibit after about 30 seconds, give or take a little
8 bit on either side.

9 MR. WOLPIN: Right.

10 THE COURT: The assistant will note the point
11 at which you stop and then you will prepare a redacted
12 exhibit overnight that will only include the portion
13 that was played to the jury. And that will -- we'll
14 call that -- what's the exhibit number of the exhibit
15 you have?

16 MR. WOLPIN: B-5.

17 THE COURT: A-5, did you say?

18 MR. WOLPIN: B --

19 THE COURT: B-5.

20 MR. WOLPIN: -- as in boy.

21 THE COURT: So we'll call this B-5a and B-5a
22 will be the redacted copy that will be in evidence. So
23 if you want to listen to it during deliberations again,
24 you can, but you won't have the full compilation tape
25 because it simply goes on longer than I think is

1 necessary.

2 All right. So with that in mind, Counsel,
3 when you're ready, you can get your watch out and give
4 about 30 seconds and then we'll -- you'll tell him to
5 stop and we'll go on.

6 MR. WOLPIN: All right. Jay, if you can --

7 (Audio recording played.)

8 MR. WOLPIN: Stop.

9 THE COURT: We can go another 30 seconds. We
10 want to get several of these in.

11 MR. WOLPIN: Yes. Thank you.

12 Please begin.

13 (Audio recording resumed.)

14 THE COURT: Okay.

15 Q. So those are only representative, correct?
16 There's certainly many of others.

17 A. They are representative and only of a specific
18 category of calls. This was -- this was when they would
19 flood the call-in lines with pure nonsense. It wasn't
20 the scary stuff, it wasn't the sexual stuff that you're
21 listening to. This is just the pure nonsense. And
22 there was a lot of it.

23 Q. Okay. Now, if we can bring up I-2b, which is,
24 I believe, already in evidence. This is the Call in
25 Studio's records.

1 So you had a company called Call in Studios
2 that sort of ran your phone line system, correct?

3 A. Yes.

4 Q. All right. And they kept track of every
5 number that was identifiable that came in to the show?

6 A. They did.

7 Q. Okay. And what we see here is sort of an
8 excerpt from those records?

9 A. That's what it appears to be, yes.

10 Q. Okay. And so if we look at any particular
11 call, like circle one, it tells us the incoming number
12 and then it has sort of a receiving number.

13 Is the -- and then there's a note with it as
14 to something about the caller.

15 A. Yes.

16 Q. How is that generated by --

17 A. It's a text-to-speech -- I'm sorry,
18 speech-to-text engine. So you say something and the
19 computer tries to determine what your words are and then
20 it puts it into text.

21 I'm a one-man show. I do it live on the air
22 by myself. And so I don't have the capacity to pick up
23 the phone, talk to somebody, and then decide if they get
24 on the air, typically. I, for a brief period, hired a
25 call screener, but this is the auto-screener system that

1 you say, hey, my name is Chris and I'd like to be on the
2 show and the speech-to-text engine does the best it can
3 to turn that into letters that I can read while I'm on
4 the air.

5 Q. Okay. And then we see -- this happens to be
6 just the call log specific to the 636-248-1958, which
7 has already been described as the number of Mr. Lambert.

8 A. Yes.

9 Q. Now, as far as this process, did you attribute
10 all of these pranks to Cheddar Mane?

11 A. Not at the time, no. I --

12 MS. KRASINSKI: Objection, your Honor.
13 Misstates evidence. Ben Lambert testified that not all
14 of these were pranks.

15 THE COURT: All right. I -- I think that --
16 you can -- you're not contending that all of them are
17 prank calls, right?

18 Q. I was referencing as far as the prank calls --

19 THE COURT: All right.

20 Q. -- that came in, you're not referencing or
21 believing that every single one is Cheddar Mane?

22 A. I definitely don't believe that every single
23 prank was Cheddar Mane and I don't believe that every
24 single Cheddar Mane call was a prank.

25 Q. Okay.

1 A. In the early stages, I think he was actually a
2 productive participant.

3 Q. Okay. And then as you started to get a -- you
4 know, this volume of calls, what did you attempt to do
5 with it?

6 A. Well, you said when I started to get the
7 volume of -- when the --

8 Q. Of prank calls.

9 A. -- the amount of disruptive calls increased?
10 Is that what you're trying to say?

11 Q. Yes.

12 A. So I took a number of means to try to deal
13 with this. Most notably, I had to stop accepting calls
14 from like *67. You can block your caller ID when you
15 call somebody. I had to stop accepting those calls on
16 the air, which when you talk about the things that we
17 talk about, will cut your call volume down quite a bit
18 because people, generally speaking, don't want to be
19 identified. And so I had to do that because I couldn't
20 screen callers based on their caller ID and I had too
21 many coming in.

22 The next thing I did would be to ban the phone
23 numbers of people who were calling in and -- and making
24 calls that were unhelpful in some way.

25 Q. And, actually, if we bring up I-2b again and

1 go to the last page --

2 A. If I could just revisit that answer.

3 As I was saying, the interim stage, which was
4 mentioned by Mr. Lambert, was I tried to coach the
5 callers. That, you know, when they -- when they called
6 in and they -- I tend to give them the benefit of the
7 doubt that they're trying to be funny.

8 And so I would give guys what I thought was
9 helpful feedback. If I thought that their prank calls
10 were not very good, I'd say things like, you know, maybe
11 you try to do that towards the end of the show --
12 towards the beginning of the show and don't ruin it for
13 me at the end or, you know, your impression is good but
14 you need better lines, or something to that effect. I
15 tried to give them helpful --

16 I'm sorry. Give me one second to fix this.
17 My --

18 THE COURT: Do we have another mask?

19 THE WITNESS: Let's see how that holds up.

20 Q. Okay. And at some point you began reporting
21 these callers back to the hosts, whoever was the phone
22 company that had them, correct?

23 A. Yeah. Initially what I started to do was I
24 started to ban the phone numbers. And then I realized
25 that like I had a problem, that like the same guy would

1 get on five times, no many matter how many times I
2 blocked his number. And I started -- and I was like how
3 the heck are they doing this? Nobody's going to buy
4 that many Tracfones.

5 And I figured out that online there's these
6 free services that you can use to do what's called a
7 carrier lookup. So if you put a phone number into this
8 specialized search engine, it'll tell you it comes back
9 to Verizon or Sprint or AT&T or, in the case of these
10 voiceover IP services that they were using, they could
11 come back usually either to a company called Neutral
12 Tandem or Bandwidth.com.

13 Q. And did you make efforts to contact those
14 companies directly to get them to block numbers?

15 A. Yeah. I found out that they were using an app
16 called Burner initially and I called -- well, I emailed
17 the proprietors of that application and I said, you
18 know, you've got basically a white supremacist terrorist
19 group who's using --

20 MS. KRASINSKI: Objection, your Honor.

21 THE COURT: Overruled.

22 A. That's what I said to them, you know; that
23 they are using this to basically harass people.

24 I believe that they banned them from the
25 Burner app, but then they were on another one called

1 TextNow and --

2 THE COURT: All right. So I think you've
3 covered his question and please listen to his questions
4 and try to answer them.

5 THE WITNESS: Okay.

6 Q. So those are the efforts you're making to fix
7 it. You say this started in late 2018. Was there
8 something in particular that happened in February of the
9 next year?

10 A. Yeah. In February 2018 -- of 2019, I wake up
11 very early in the morning to messages from listeners who
12 say that there's, quote, nasty stuff on my website. And
13 I go to inspect the damage there --

14 If there's another one of these clear masks,
15 I'll take it. I'm sorry.

16 THE COURT: Do you have an extra mask? The
17 one he's got is not working right.

18 THE WITNESS: It's the adhesive on the foam
19 thing. I think I can get through the answer here,
20 though.

21 The website was defaced with what might be
22 described as grotesque sexual imagery and things that
23 were unflattering of a correspondent.

24 Q. Okay. So --

25 THE COURT: So hang on just a second. Let him

1 get the other mask back on.

2 MR. WOLPIN: Okay.

3 Q. So you wake up and you see that it's been
4 defaced. Is it just your website? What happens when
5 someone posts something defacing on your website?

6 A. So at that point in time, I had a service
7 signed up for the website which I paid for that every
8 time a new blog post went up, an email would go out to
9 all of about 3,000 email subscribers.

10 And so every single one of these posts, of
11 which there was a dozen or so, every single one of them
12 got emailed out 3,000 times.

13 Q. Okay. And you said included were pornography?

14 A. Pornography, terrorist propaganda, and
15 unflattering photos of me, to name a few things.

16 Q. All right. So that incident, someone posted
17 through your site. Who else had access to your site?

18 A. At that time, I had -- a couple of people,
19 but, notably, Vic Mackey.

20 Q. Okay. And so did you make a report to anybody
21 about this issue?

22 A. Yes. And I should clarify that Vic Mackey's
23 posting privileges had been rescinded some time ago, but
24 when that happened, I -- I never expected that he'd have
25 done anything like this and so I neglected to disable

1 his credential.

2 Q. Okay.

3 A. After he used that credential, I made a report
4 to the Federal Bureau of Investigation. I tried to call
5 them on the phone, ended up sitting on hold for like a
6 half-hour or something like that and it kept on
7 repeating this message, you can submit it through the
8 website for the same thing. And eventually I submitted
9 a complaint through their website.

10 MR. WOLPIN: Okay. For the witness you could
11 bring up G, Exhibit G.

12 Q. Is this something to which you were familiar?

13 A. It is.

14 Q. Okay. And what do you see in front of you?

15 A. Complaint Referral Form, Internet Crime
16 Complaint Center, and then there's identifying
17 information about me and a description that I gave to
18 them about the problem I had with the website.

19 Q. So this is the description that you wrote
20 online in February 2019 to the Internet Crime Complaint
21 Center?

22 A. Yes. This is, to my understanding, a sworn
23 complaint that I made.

24 Q. And that's what you wrote on February 11th,
25 2019?

1 A. Yeah.

2 MR. WOLPIN: Okay. I would move at this point
3 to strike the ID and have this in as a full exhibit.

4 THE COURT: Is there objection?

5 MS. KRASINSKI: No, your Honor, although I
6 think an unredacted version might be preferable, which I
7 do have a hard copy of.

8 THE COURT: All right. Well, we can deal with
9 that later, but we'll admit the redacted version for now
10 and you can deal with the unredacted version later.
11 During cross-examination, if you want to, you can refer
12 to the unredacted version.

13 (Defendant's Exhibit G admitted.)

14 Q. So this is the complaint?

15 A. Yes.

16 Q. Let's go through it a little bit.

17 You give your real address on the top?

18 A. I do. And not my Shipping Shack address, my
19 home address.

20 Q. Okay. And below, you note here that your
21 website was defaced with terrorist propaganda and
22 pornography last night --

23 A. Yes.

24 Q. -- including bestiality.

25 A. Yes.

1 Q. Okay. You provided IP addresses you thought
2 were involved?

3 A. Yes.

4 Q. You noted that these were carried out by a
5 group calling themselves the Bowl Patrol and you pointed
6 out Vic Mackey and Mosin-Nagant as people that they are
7 already familiar with at the FBI?

8 A. I should say that Mosin-Nagant is an alias I
9 knew was familiar to the FBI. I did not know if Vic
10 Mackey was at that time.

11 Q. Okay. Now, down at the bottom, do you note
12 that it's broader than just these two guys?

13 A. Oh, yes, I definitely do.

14 Q. Okay. And what do you say at the bottom?

15 A. Quoting from the form, I said: This group has
16 been responsible for constant spam and harassment of me
17 and my communications channels for months, ever since I
18 distanced myself from the group in the way of the
19 Pittsburgh synagogue shooting.

20 Q. So you do name more than -- you name the whole
21 group as being involved in this harassment?

22 A. I do.

23 Q. Okay. Now, if we could go to B-9. That's for
24 the witness only.

25 All right. Is this something you're familiar

1 with?

2 A. Yes.

3 Q. Okay. And what is this -- what account is
4 this posted from?

5 A. This is posted to my Gab social media account.

6 Q. Okay. And do you know what date it would have
7 been posted?

8 A. It -- judging from what it says here, it -- so
9 I say: Today I submitted a criminal complaint.

10 I know that date to be February 11th, I
11 believe --

12 Q. Okay.

13 A. -- of 2019.

14 Q. And so this is a public statement that you'd
15 made a report to the FBI?

16 A. Yes.

17 Q. Okay. Why do you put out something to the
18 public saying you reported -- made a report to the FBI?

19 A. There's -- that's -- that's a jam-packed
20 question, but I'll try to pick it apart a little bit.

21 First thing was I wanted the deterrent effect.
22 I wanted people to know if you're going to screw around
23 with me, you're going to have a problem with law
24 enforcement, so as to prevent these things from
25 happening in the future.

1 Secondly, in the circles I travel and online,
2 you know, there's a perception that we are unjustly
3 targeted by law enforcement, and there's some
4 justification for that view. And so I don't want people
5 to think that I'm surreptitiously working with law
6 enforcement and trying to do something disreputable. So
7 when I work with law enforcement, which I've done on
8 numerous occasions, I've said so publicly.

9 Q. Okay. So if we could pull up Exhibit B-4 at
10 this point just for the witness.

11 Is this something you're familiar with?

12 A. It certainly is.

13 Q. Okay. And is there a date on this?

14 A. This is February 16th and 17th.

15 Q. Okay. And is there a name attached to it?

16 A. Mosin-Nagant.

17 Q. And who is Mosin-Nagant?

18 A. Mosin-Nagant is the first Bowl Patroller that
19 I banned from my chat rooms.

20 MS. KRASINSKI: Your Honor, I'm going to
21 object to this. We've already discussed this exhibit
22 and the contents of it on relevance.

23 THE COURT: Get the headsets on, please.

24 Well, in fact, I've got to give -- I've got to
25 give my court reporter a break, so I'll excuse the jury.

1 We'll take a short break, come back and finish
2 the day, but I'll spend a few minutes with the lawyers
3 first.

4 (Jury excused.)

5 THE COURT: Is this the exhibit that the
6 defense objected to?

7 MR. WOLPIN: No, this is the exhibit that the
8 government objected to the top piece and we edited it.
9 This was provided by the defendant to the law
10 enforcement.

11 THE COURT: I need to have it back up.

12 All right. Why do you want it in?

13 MR. WOLPIN: Because the government has put
14 into issue my client's feelings about doxing; they put
15 in a writing of his undoxing. They accused him of
16 doxing this Mosin-Nagant character. And so the
17 situation is that Mosin-Nagant doxed our client.

18 I think it's fair, based on what the
19 government's presented, to let the defendant explain
20 what doxing means, because they did that through their
21 -- their --

22 THE COURT: Why do you need this exhibit?

23 MR. WOLPIN: For the same reason, to show what
24 doxing means. He's experienced it. He knows what it
25 means. It's relevant because the government --

1 THE COURT: The meme's in. You want to talk
2 about the meme, that's fine. You can't put in this
3 exhibit. The government's objection to it is sustained.

4 Feel free to go into the whole meme thing and
5 he doxed Mosin-Nagant and Mosin-Nagant doxed him and all
6 of the stuff you want to do on that. Feel free to do
7 it. You just can't do it with this exhibit. Okay?

8 What else have you got?

9 MR. WOLPIN: That's all we've got. That was
10 most of the end of that chapter, I believe. I'm trying
11 to move through --

12 THE COURT: Can you -- help me understand so
13 that when I rule on evidentiary objections, how does the
14 evidence you're eliciting help lead to a verdict of not
15 guilty against your client? Give me the -- if you can
16 give me one sense of the theory, it might help me when
17 ruling on objections.

18 MR. WOLPIN: Okay. So for the offense of
19 cyberstalking, the government needs to prove that this
20 is extreme -- or I forget -- actually, I feel like I'm
21 misquoting the language, whether it's extreme emotional
22 distress or exceptional emotional distress. The word is
23 escaping me.

24 But that is --

25 MS. KRASINSKI: Substantial, your Honor.

1 MR. WOLPIN: That is a relative term by the
2 Court's proposed jury instruction as to what the other
3 party would know or feel.

4 This is a unique situation. I mean, this is a
5 charge with a significant prison sentence. I mean, I
6 think my client needs to --

7 THE COURT: No, but it -- that the crime is
8 serious doesn't make an argument. I understand the
9 argument about context. This is a different thing.
10 This is let me tell you why these people were really
11 mean to me and why I was really mad at them. And I -- I
12 don't understand how that helps you.

13 So tell me how, if the jury follows my
14 instructions, that it can possibly help you.

15 MR. WOLPIN: Because it tells us for this
16 group this isn't extreme emotional distress. This is
17 daily happenings in this group. The things that might
18 cause, quote, unquote --

19 THE COURT: You can elicit -- I've said you
20 can say, he doxed me, I doxed him, they doxed each
21 other. I -- you're -- you're fine to do that --

22 MR. WOLPIN: Okay.

23 THE COURT: -- but you can't do it with this
24 exhibit.

25 MR. WOLPIN: Okay.

1 THE COURT: All right? That -- it's the --
2 it's not the meme, which is already in evidence that you
3 have, it's the statement about meth using blah, blah,
4 blah stuff --

5 MR. WOLPIN: No, the address. That was
6 relevant. It posted his address online, Chris's
7 personal home address online. I don't care -- I would
8 redact out the meth part. That's irrelevant.

9 THE COURT: All right. I -- I already thought
10 I -- again, things blur together for me, but has that --
11 has the fact that Mosin-Nagant disclosed his exhibit --
12 his street address, isn't that already in evidence?

13 MS. KRASINSKI: Testimony about that is, I
14 believe, your Honor.

15 THE COURT: All right. So you can elicit
16 testimony that they -- Mosin-Nagant doxed you after you
17 doxed -- doxed Mosin-Nagant. Isn't that what happened?

18 MR. WOLPIN: I think it's the other way
19 around.

20 THE COURT: All right. Tell me -- I'm sorry.
21 Does the government know the sequence of who
22 doxed who?

23 MS. KRASINSKI: I -- I don't know which
24 individual doxed the other first, your Honor.

25 MR. DAVIS: I believe Mosin-Nagant was doxed

1 by Mr. Cantwell at the very end of February, last part
2 of February.

3 MR. WOLPIN: Which would have been after this.

4 MR. DAVIS: So it would have been after this.

5 THE COURT: Okay. All right.

6 So Mosin-Nagant doxed him, he doxed
7 Mosin-Nagant. If you want to introduce that, go ahead.
8 All right. I -- I understand your point is you want to
9 diminish the importance of doxing. That's fine. I'm
10 going to -- I've let you do that already and I'll
11 continue to.

12 MR. WOLPIN: My only concern is obviously he
13 can say it, but there's an evidentiary proof and I worry
14 if there's some concern about his credibility that I
15 have a document showing it's true. That's all -- that's
16 the only reason.

17 THE COURT: All right. Prepare a redacted
18 exhibit that has everything else from Mosin-Nagant
19 except the street address.

20 MR. WOLPIN: Okay. That works for me.

21 MS. KRASINSKI: We're not going to object or
22 argue that Mosin-Nagant --

23 THE COURT: He can testify to it and you'll --
24 I'll announce that the government doesn't disagree. Is
25 that --

1 MS. KRASINSKI: Yeah. We don't --

2 THE COURT: Okay? I mean -- oh, my goodness.

3 All right. So you can do that. All right?

4 MR. WOLPIN: I appreciate it. Thank you.

5 THE COURT: All right. What else have you
6 got? Is there -- is there anything else I can talk to
7 you about before we take our break and then bring the
8 jury back in till 4:30? Or is it already 4:30? No,
9 3:30.

10 MR. WOLPIN: I've got March, May -- we're
11 going to get through it.

12 THE COURT: I -- okay. So I am fine with you
13 demonstrating to the jury that -- your view that people
14 in this community don't treat doxing as a serious
15 problem. You can go to town on that. You can do as
16 much as you want on that. That -- that I can
17 understand.

18 What I can't understand is -- and I can
19 understand Mr. Cantwell's anger and -- and, really, even
20 rage about how he's been treated by these people, but it
21 just doesn't bear on the case. It bears on the
22 government's side of the case against Mr. Cantwell, but
23 not your side of the case.

24 MR. WOLPIN: Again, I would -- I would say the
25 concept of extreme emotional distress varies by group.

1 If this is the type of way they treat each other, then
2 why should what -- I mean, I don't want to be that coy
3 about it, but --

4 THE COURT: But there's a real difference
5 between calling somebody's show and doing blah, blah,
6 blah, blah, blah and saying I'm going to have sex with
7 your wife in front of her children. Those don't --
8 they're not equivalent --

9 MR. WOLPIN: I --

10 THE COURT: -- Mr. Wolpin. They are not
11 equivalent. And so it doesn't tend to prove what --
12 what you're suggesting.

13 So I've let you bring in any other statements
14 about rape; I've let you bring in many, many statements
15 about the -- the Bowl Patrol's beliefs about violence
16 and accelerationism and their vicious racist views and
17 their anti-Semitic views.

18 But based on what your client has said and
19 things that have been testified to, I think your client
20 is of -- and if I'm wrong, you can tell me -- is of the
21 belief that somebody's guilt or innocence shouldn't turn
22 on their -- their views about things, and that's not
23 what this case should be about. It's about whether he
24 did the things he's charged with doing with the
25 intentions that are required to support a crime. And

1 what his views are on other subjects and what
2 Mr. Lambert's views are on other subjects is not --
3 should not be the basis of a criminal charge.

4 And I'm trying to draw that line to protect
5 First Amendment rights while also recognizing the
6 government's legitimate interest in prosecuting
7 criminal -- violations of the criminal law. That's what
8 I'm trying to do here. Okay?

9 MR. WOLPIN: Okay.

10 THE COURT: So we'll take a short break and
11 come back and finish up. All right?

12 THE CLERK: All rise.

13 (Recess taken from 3:38 p.m. until 3:50 p.m.)

14 THE COURT: I have another draft of jury
15 instructions that have -- we don't need this on the
16 record.

17 (Off-the-record discussion.)

18 (Jury returned to the courtroom.)

19 THE CLERK: Please be seated. This hearing is
20 back in session.

21 THE COURT: Go ahead, Counsel.

22 MR. WOLPIN: Thank you.

23 Q. So just, again, for the witness only, if we
24 could bring up B-4. I believe that's where we were.

25 So this is from February 17th, a post from

1 Mosin-Nagant?

2 A. Yes.

3 Q. Okay. And in that post there are two tweets;
4 correct?

5 A. Yes.

6 Q. Okay. And one of those tweets is the FBI meme
7 we saw when Mr. Lambert testified?

8 A. Yeah, the one with the janitor with Capuzzo
9 there.

10 Q. Okay. And in that meme is you with the FBI
11 hat. And who else is in there?

12 A. Dino Capuzzo.

13 Q. Okay. And was he someone that was known in
14 the White Nationalist movement?

15 A. Yeah. He's a special agent that I cooperated
16 with an investigation of his.

17 Q. All right. And in this particular tweet from
18 2017 -- excuse me -- from February 17th by Mosin-Nagant,
19 it notes that you live at 103 South Lincoln Street in
20 Keene, New Hampshire.

21 A. Yes.

22 Q. Okay. So --

23 A. That's where I actually live.

24 Q. And that's your real address, right?

25 A. Yes.

1 Q. So they're calling you a snitch and giving out
2 your address as sort of a one-two combination?

3 A. Yes.

4 MS. KRASINSKI: Objection to the
5 characterization --

6 THE COURT: Yeah, sustained. It is what it
7 is.

8 MR. WOLPIN: Okay.

9 THE COURT: The jury has the meme.

10 MR. WOLPIN: All right.

11 Q. And we've already heard testimony that being
12 outed as a snitch is not exactly a positive in the White
13 Nationalist movement?

14 A. Yeah, they definitely don't like that.

15 Q. Okay. Now --

16 A. If I could say, you know --

17 THE COURT: No, wait till there's a question.

18 THE WITNESS: Okay.

19 Q. As to that view, what else about that view do
20 you have?

21 A. The -- the label of being a snitch is
22 something that I tried to avoid by telling people when I
23 spoke to law enforcement. That was the -- that was half
24 the point of it. And, you know, these guys tried to
25 conflate the two.

1 Q. Okay. So, now, as far as the -- what you've
2 described as these repetitive calls from Bowl Patrol,
3 did you ever encourage or ask your listeners to commit
4 violence against them?

5 A. No.

6 Q. Now, you have callers in every day or every
7 day you were on the air at least --

8 A. Yes.

9 Q. -- correct?

10 Did you ever announce people's personal
11 information from the Bowl Patrol online?

12 A. Not on the show, no.

13 Q. Okay. We'll get to the other issue in a
14 minute.

15 A. Yeah.

16 Q. Now, one of the individuals in the Bowl Patrol
17 you've mentioned is Hardmous, correct?

18 A. Yes.

19 Q. Okay. And how did you know him?

20 A. Hardmous is one of the people who came into my
21 social media orbit in early 2018 or late 2017. And he
22 displayed a degree of technical talent and so I -- I had
23 him do some work for me.

24 Q. Okay. So he was a Bowl Patrol member?

25 A. Yeah.

1 Q. Okay. And when would you say you learned who
2 he was, where he lived, what his name was?

3 A. Yeah, to -- to do technical work for me, I
4 require somebody to sign a nondisclosure agreement and I
5 need to get a scan of their driver's license. So I have
6 all of his information.

7 Q. And how long had you had it?

8 A. I don't remember precisely the date, but it
9 would have been early to mid 2018.

10 Q. Okay. And we're going to hear or talk a
11 little bit more about Katelen Fry and some of the
12 photographs, but did she send you a photograph involving
13 Hardmous or Ben Lambert in the --

14 A. Yeah, in late -- I guess it was late 2018 she
15 had sent me a photograph of herself on a couch with
16 Cheddar Mane and Hardmous.

17 Q. All right. Was that sent to you for -- what
18 was the reason?

19 A. She had informed me that she was going to see
20 them when she went to go visit family. Her and I were
21 an item at the time and I said, you know -- we were not
22 public about our relationship, but I said, if you're
23 going to go see these guys, you've got to tell them that
24 I'm your girlfriend (sic), whatever, and I think she
25 sent me a photo to put me at ease.

1 Q. So was there an ill purpose in that?

2 A. No. No.

3 Q. And you had that, you said, beginning in what
4 month and what year?

5 A. That would have been -- I've heard it
6 described as around Thanksgiving of 2018. For some
7 reason, I had it in my head that this was early October.
8 But in the fall of 2018.

9 Q. Okay. Now, you've written some things about
10 doxing and we've talked a little bit about doxing, so
11 I'm going to ask you some questions about doxing.

12 To begin with, why are certain people
13 anonymous in this movement, generally?

14 A. That's a -- that's a loaded question, you
15 know. There's -- to -- to summarize, if you say things
16 that -- some people want to be anonymous because they
17 want to commit crimes. Okay? And that is a different
18 category of problem than somebody who wants to say
19 things which are politically unpopular. And those are
20 two categories of people who would want to protect their
21 anonymity on the Internet.

22 Q. Okay. And are people in the White Nationalist
23 movement doxed fairly regularly?

24 A. It happens with sufficient regularity that
25 it's -- I find it almost humorous that people get so

1 bent out of shape about it because, you know, you -- it
2 happens a few times a year, somebody that -- whose name
3 you recognize gets doxed, yeah.

4 Q. Has Vic Mackey been doxed?

5 A. Recently, yeah.

6 Q. Okay. By the Huffington Post?

7 A. It was the Huffington Post or the Southern
8 Poverty Law Center. One of these outfits, yeah.

9 Q. So it's not just other White Nationalists
10 releasing information; it's media?

11 A. Not even close, yes. CNN doxes you now.

12 Q. Okay. And in reference to what the government
13 put in as your writings on doxing, that was actually
14 about Paul Nehlen?

15 A. So there was a post in evidence, I believe it
16 was titled dox -- On Doxing and Anonymity.

17 Q. Yes.

18 A. Yes. So that was right after Paul Nehlen had
19 doxed a guy by the name of Ricky Vaughn or Douglass
20 Mackey, real name. His online persona was Ricky Vaughn.

21 And the Huffington Post hated Ricky Vaughn
22 because he was a big, like, very popular pro-Trump
23 account on Twitter.

24 And -- but Ricky earned himself the enmity of
25 Mr. Nehlen and Mr. Nehlen published his identifying

1 information on the Internet.

2 Q. Okay. So --

3 A. And so this had started this discussion that
4 prompted me to write the article titled On Doxing and
5 Anonymity.

6 Q. Now, after you make this report to the FBI in
7 February through the Internet crime report --

8 A. Yeah.

9 Q. -- does law enforcement respond to you?

10 A. No.

11 Q. Do you get a call?

12 A. No.

13 Q. Do you get an email?

14 A. I think I got a receipt, like an automated
15 thing. But nobody ever said, Mr. Cantwell, we take your
16 complaint very -- nothing like that happened.

17 Q. Okay. And how about March, April? Anything
18 like that?

19 A. No.

20 Q. Now, where -- where are things headed? I
21 know -- where are things headed from February into
22 March? Is it still the same level of stuff, has it gone
23 down after the report?

24 A. It got worse. Once I made the complaint
25 online and I said that I made the complaint, then they

1 started in with this -- this snitch stuff. And there
2 have been people in the White Nationalist movement who
3 said that about me before because of -- because I've
4 been open that I cooperated with other investigations.

5 These guys started conflating -- the Bowl
6 Patrol characters started conflating the fact that I
7 reported them to the FBI for the website defacement with
8 the arrest of -- with the imprisonment of some other
9 guys who ended up doing years in federal prison for
10 allegedly violent crime.

11 Q. Okay. So let's take a step back a little bit.

12 After February, did you continue to get these
13 kinds of calls that we've been talking about?

14 A. Yes.

15 Q. Okay. Now, did they still come from real
16 numbers or did you start to get more from other numbers?

17 A. I started to get them from what I determined
18 to be these voiceover IP services, which I refer to as
19 caller ID spoofing.

20 So there's apps, like I mentioned, Burner,
21 there's another one called TextNow, where for like a
22 couple of bucks, they'll give you a phone number, you
23 use it a few times, and you basically throw it away and
24 get another one.

25 Q. So if, for example, someone like Cheddar Mane

1 had continued to call you, would you necessarily know if
2 he were using one of those numbers?

3 A. No, I wouldn't know. I wouldn't know who it
4 was. I mean, I'd know the call came in and I'd be able
5 to determine -- after a period of time I managed to
6 figure out that it was call -- coming from these
7 services, which helped me screen them, but I wouldn't
8 know who was doing it until -- unless I was able to
9 identify the voice or whatever.

10 Q. And there was an interaction between you and
11 Cheddar Mane online in March, correct?

12 A. Yes, there was.

13 Q. Okay. And what platform was that on?

14 A. I believe you're referencing a Telegram
15 conversation.

16 Q. Okay. So that's a Telegram conversation
17 between the two of you. So at least on that day, the
18 two of you were in the same Internet location at the
19 same time?

20 A. Yeah. I mean, to this day, I still have a
21 Telegram account and I -- and it's the same one. And
22 so, you know, lots of people are on Telegram. It's
23 almost like saying that, you know, you're on telephones
24 or something.

25 Q. But you ended up having an actual --

1 A. Yeah.

2 Q. -- face --

3 A. Not face-to-face -- there was an interaction
4 between us on the Telegram platform, yeah.

5 Q. Okay. And at that point you told him in sort
6 of very blunt words that you would dox him if he and his
7 friends continued?

8 A. Yeah. I don't have the exact language in my
9 head, but I told him in no uncertain terms that if you
10 keep on bothering me and coming near my audience that,
11 yeah, you're going to get doxed.

12 Q. I think you talked about Vic Mackey, too.

13 A. I probably did.

14 Q. Okay. Now, at that point in March, did you
15 release information publicly about Mr. Lambert?

16 A. I did not.

17 Q. Okay. Why in March, if he's been bothering
18 you and you guys have an interaction, don't you release
19 his information at that point?

20 A. There was a couple reasons, most notably that
21 he said he was going to stop. And so I didn't see the
22 Cheddar Mane account causing the trouble and so since I
23 couldn't personally assign the trouble making to Cheddar
24 Mane, I didn't see fit to cause Cheddar Mane trouble.

25 Q. Okay. So as the spring continues into May,

1 you go to your local police department?

2 A. Yes.

3 Q. Okay. And that's to report or have a
4 conversation with an officer at the local Keene Police
5 Department?

6 A. Yes. So I have a pretty regular relationship
7 with Joel Chidester at the Keene Police Department --

8 Q. Okay.

9 A. -- because from what I do, it's not uncommon
10 for me to get threats or whatever. And so I send -- I
11 send him emails on a pretty regular basis if somebody's
12 leaving me voicemails that hint at violence or whatever.

13 Q. So do you end up going to see him in May?

14 A. Yeah. I got one of my more explicit threats
15 and he invited me to come have a sit-down.

16 Q. All right. Do you pass most of these along to
17 prosecute or are you -- why do you do it?

18 A. So for the most part they're not what I would
19 call true threats. They are guys saying things like you
20 should come here and fight me. Right? If somebody says
21 you should come to here and fight me, well, I'm not in
22 any particular danger of that happening and so I don't
23 see any reason to go prosecute a guy who's, you know,
24 just expressing his frustration with what I do, which I
25 know is upsetting to a lot of people.

1 And so --

2 Q. So you just refer them along?

3 A. I refer them when they talk about violence.
4 So like, you know, if people just say, Nazi, go home or
5 whatever, like, I don't bother to inform the police
6 department. But if somebody says I want to fight you or
7 hints at violence, I'll send it over. But if somebody
8 makes like an explicit threat, then I will -- then I
9 will say -- you know, I have said occasionally that I
10 would like to see it prosecuted, yes.

11 Q. Okay. And you mean by something like I will
12 kill you?

13 A. Yeah.

14 Q. Okay. Now, did you meet with Chidester
15 actually in person in May?

16 A. Yes.

17 Q. Okay. And what was -- did you mention or talk
18 to him at all about issues you had with the Bowl Patrol?

19 A. Yeah. I talked to him about a broader
20 category of problems that I was having and the Bowl
21 Patrol was prominently featured in that category of
22 issues. And, so, you know --

23 Q. Was he able to help you with the problem with
24 a group like the Bowl Patrol?

25 A. No. The Bowl Patrol was not -- well, they

1 were not Keene residents and so -- and I did not have a
2 thing where I could say this person made this true,
3 actionable threat in terms of Bowl Patrol at that point.

4 Q. Okay. So does he -- how does this end up
5 leading to an interaction with the FBI?

6 A. Well, I -- I'd later come to find out that
7 they had taken pictures of my car in the parking lot
8 while I'm in there talking to Joel.

9 Q. But that's in the -- so what is it that
10 actually happens from there that gets you to meet
11 with -- or in contact with the FBI?

12 A. So that particular meeting did not immediately
13 lead to anything with the FBI. So I went -- I went to
14 meet with Joel, I talked to him about this -- you know,
15 this category of problems that I was having, and then I
16 went home.

17 What happened later was after the -- the
18 interaction at issue in this case, I went back to Joel
19 because I was -- I was having more problems with the
20 Bowl Patrol. And he ultimately said that we should get
21 the FBI involved or said that he couldn't help me, only
22 the FBI could.

23 Q. Okay. So then let's move forward to June.

24 A. Yeah.

25 Q. In June, you got a contact from this person

1 we've talked about named Peach.

2 A. Yeah. So in the early morning of June 15th, I
3 get a call from --

4 MR. WOLPIN: For a moment, if you could bring
5 up just for the witness B-15. B-15. B as in boy, 1-5.
6 Sorry. The mask.

7 Q. So is this something you've seen before?

8 A. Yes.

9 Q. Okay. Did this come into your possession?

10 A. Yes.

11 Q. Okay. When did this come into your
12 possession?

13 A. In the early morning of June 15th of 2019.

14 Q. Okay. And who did it come from?

15 A. Peach.

16 Q. Okay. And Peach is?

17 A. Peach is my ex-girlfriend, Katelen Fry.

18 Q. Okay. So Katelen Fry, on June 15th, forwarded
19 this to you?

20 A. Yes.

21 Q. Where were you when you received it?

22 A. I was home.

23 Q. Okay. And did this spur a conversation
24 between the two of you?

25 A. Yeah. She asked me if that was Cheddar.

1 MR. WOLPIN: Okay. So at this point I would
2 move to admit this as a full exhibit and strike the ID.

3 MS. KRASINSKI: Objection, 401 --

4 THE COURT: Sustained.

5 Q. Let's talk further about it.

6 So this is a message you got from her. Did
7 this spark any response in you?

8 A. To -- to clarify, this is an image that she
9 sent me in a message on Telegram. So this is a
10 screenshot of a Telegram message that somebody sent her,
11 which she then sent to me in the early morning of
12 June 15th.

13 Q. And what did that cause in you as far as a
14 response?

15 A. It made me aware that somebody was harassing a
16 love interest of mine and she asked me if it was Cheddar
17 Mane. I initially said I don't think so, and I asked
18 her why she would think that. She then explained to
19 me --

20 MS. KRASINSKI: Objection, hearsay.

21 THE COURT: Sustained.

22 Q. Okay. So from this you had a sense that
23 someone was threatening her; is that what conclusion you
24 reached?

25 A. I'm careful about how I use the word threat,

1 as you can probably understand, but, yeah, I mean,
2 they're trying to make her very uncomfortable.

3 Q. Okay. And was there a reason that you
4 attributed this to Cheddar Mane?

5 THE COURT: I -- stop. Put the headsets on.

6 MR. WOLPIN: Okay.

7 AT SIDEBAR

8 THE COURT: All right. Speak into the
9 microphone.

10 I -- are you going to introduce evidence that
11 would allow a jury to conclude that this screenshot is
12 of a communication that came from Cheddar Mane?

13 MR. WOLPIN: So the situation is that
14 Mr. Cantwell received this on the morning of. It's in
15 reference to taking pictures of children.

16 THE COURT: Yeah, but can you answer my
17 question? Are you going to try to contend that you have
18 introduced sufficient proof for the jurors, if they
19 receive this exhibit, to conclude that this screenshot
20 was a communication from Cheddar Mane?

21 MR. WOLPIN: No.

22 THE COURT: All right. Why does it come in?

23 MR. WOLPIN: Because it reflects on my
24 client's state of mind --

25 THE COURT: No. No. Sustained.

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CONCLUSION OF SIDEBAR

The COURT: And let me just state for the record under Rule -- it's a Rule 403 ruling that prejudicial effect substantially outweighs any probative value.

Q. So you get a text in the morning. And is there another interaction you have online that evening?

A. Yes.

Q. Okay. And can you explain how that interaction begins?

A. Yeah. The -- I believe the one that you're referencing is when Cheddar Mane and a bunch of Bowl Patrol characters joined the Peaceful White Folk Telegram chat group.

Q. Okay. And that group named Peaceful White Folk is affiliated with who?

A. Affiliated with what?

Q. With who?

A. With me.

Q. Okay. So that's a group that you were running at that time?

A. Yeah. The -- the group came into existence because the -- the public Radical Agenda chat room was -- you couldn't use it on Apple devices anymore. And so we created a separate one that was technically

1 private that you had to have an invite to get into so
2 that -- which would -- it -- the Apple devices did not
3 ban these technically private chat courtrooms and so we
4 created another one that we called the Peaceful White
5 Folk. That was mine, yeah.

6 Q. And you said a number of people showed up at
7 the same time; is that correct?

8 A. Yeah. It was a like they -- you saw the names
9 join in a list. It was like so-and-so joined, so-and-so
10 joined, like this.

11 Q. Okay. And did you recognize those names?
12 Were they familiar in some way to you?

13 A. Some of them. One -- one was Cheddy Blac,
14 which I recognized to be a variation of Cheddar Mane.
15 And another one was a variation of Mosin-Nagant. And I
16 can't off the top of my head recall what the other names
17 were.

18 Q. All right. And what started happening when
19 this group entered the room?

20 A. They immediately started antagonizing
21 listeners. I believe Cheddar probably accurately
22 testified that he started beaming at a guy named
23 Heimbach. He had these -- this sticker pack of
24 unflattering photos of Matt Heimbach.

25 Another person said, let's join the Taliban,

1 which --

2 MS. KRASINSKI: Objection, hearsay.

3 MR. WOLPIN: The impact on the listener.

4 THE COURT: It's not hearsay, because it's not
5 admitted for the truth, but it doesn't strike me as
6 relevant. So I -- you have to demonstrate that there's
7 some relevance to this.

8 MR. WOLPIN: It relates to my client's
9 reaction and why he was --

10 THE COURT: Yeah, your client's reaction --
11 put the headsets on.

12 AT SIDEBAR

13 THE COURT: Your client's being provoked is
14 admissible by the government to prove that your client
15 had a motive to commit the crime, but it's not relevant
16 to any of the defenses that you are seeking to pursue
17 here that I can see. And I've asked you about a
18 thousand times to tell me how it is and you haven't been
19 able to articulate a legally sufficient reason why it is
20 relevant to any defense that you are putting on.

21 Do you want to take one more shot at it?

22 MR. WOLPIN: I don't want to solely just
23 repeat what I've said, but I think the government has
24 charged this in ways that include offenses that have
25 context in a way that matters as far as the specific

1 group.

2 THE COURT: I've given you abundant
3 opportunities to demonstrate context. I have told you
4 over and over and over again that evidence that is
5 relevant, if at all, only because it tends to show that
6 your client has reason to be angry at Cheddar Mane is
7 evidence that the prosecution can introduce because it
8 shows your client has a motive, but it's not relevant
9 that I can see for any other purpose. So when you try
10 to introduce it over the government's objection, I can't
11 see that there's a relevant purpose to introduce it.

12 Now, you've had abundant evidence on that
13 point, but I'm telling you it's time to move on because
14 if -- to the extent it is relevant, it's minimally so,
15 and the waste of time associated with this evidence and
16 its potential prejudicial effect -- that is, that it
17 encourages the jury to base its decision on anger
18 towards the victim rather than on any admissible
19 basis -- substantially outweighs any minimal probative
20 value that this evidence has.

21 So I'm telling you for the last time, move on.

22 CONCLUSION OF SIDEBAR

23 Q. So after this group enters and begins
24 communicating, what do you -- what action do you take?

25 A. So there's a -- sort of a few things happened

1 at once. And so the first thing I did was -- I'm trying
2 to remember if I banned them from the chat room before I
3 posted this image in the chat. But I started banning
4 guys from the chat room, first things first.

5 I also -- in another window, I was having a
6 conversation with Katelen --

7 Q. Okay.

8 A. -- and so --

9 Q. Now, let's just talk about what you did,
10 rather than talking about what's going on with third
11 parties.

12 A. Yeah, it's difficult if I don't --

13 Q. Let's just say you banned the people from the
14 chat room.

15 A. Yeah, I banned the people from the chat room.

16 Q. Okay. Did you then have an online
17 communication separately with Cheddy Blac?

18 A. Yeah, I sent a message directly to Cheddy
19 Blac.

20 Q. Okay. What was your purpose for sending that
21 message?

22 A. Well, I sort of probably had a few things
23 going through my head at once, but I was pissed off and
24 I had warned him that if he came back around that I was
25 going to dox him. And I figured that I probably

1 shouldn't do that without some process.

2 Q. Okay. So you knew you had previously told him
3 to leave you alone or you'd dox him, correct?

4 A. Yeah.

5 Q. And we've seen that there was some vulgarity
6 in that, wasn't there?

7 A. To say the least of it.

8 Q. Okay. At the start, at this point, what
9 information do you know about Ben Lambert?

10 A. To clarify, when I first sent the message, all
11 I've got is this photograph that I mentioned that Peach
12 had sent me the prior fall and at the moment, I couldn't
13 even actually find that image.

14 But I send him the message, do you need a
15 lesson -- a reminder of the lesson that kept you away is
16 the first thing I do. And at the moment, I'm bluffing,
17 because I don't have it.

18 Q. All right. And then do you get -- ultimately
19 you get his street address?

20 A. Yes.

21 Q. Okay.

22 A. And so I have to reference a conversation with
23 Katelen to talk about that, I think, but I asked her for
24 the information.

25 Q. Okay. Had you decided what you were going to

1 do with it at that time or what was the plan? Did you
2 have a plan?

3 A. No, I -- plan would be a strong word. I came
4 back and I think I just said the name of the street and
5 I waited to see what he said.

6 And then -- you know, I don't have the thing
7 in front of me, but some time went by before he even
8 replied. So I left it there.

9 MR. WOLPIN: Could you put up Government's
10 Exhibit 100 right now, which I believe is a full
11 exhibit?

12 Q. His eventual response over time, after some
13 time, is "what are you talking about"?

14 And then you see the balance. What was the
15 message you took from that?

16 A. He was pissing on my back and telling me it's
17 raining. He's lying.

18 Q. All right. So you had the sense he was there
19 intentionally?

20 A. Yeah. He says: What are you talking about?
21 Some fag pretends to be you -- which means he's well
22 aware of the Telegram account that's been impersonating
23 me, which, to my recollection, wasn't even part of this
24 incident.

25 He says: I told them to stop. They did.

1 Well, I'd been dealing with this stuff for the
2 last eight months and it never stopped. That's not
3 true.

4 Q. So in this initial part, do you say anything
5 about Child Protective Services?

6 A. No.

7 Q. In this initial part, do you say anything
8 about his wife?

9 A. No.

10 Q. Okay. If we can scroll down, as this is going
11 on, do you have a plan? Do you know what you're going
12 to do at the end of this?

13 A. No.

14 Q. All right. You tell him about a picture and
15 he asks you what picture you're talking about. What
16 picture are you talking about?

17 A. So in the -- in a conversation with Peach, she
18 had explained to me that she took a picture -- I don't
19 know how to answer this question.

20 THE COURT: You were talking about a picture,
21 apparently, and he's -- your lawyer's asking -- just say
22 what the picture is you're talking about.

23 A. So I have two conversations going on at once
24 and this is the source of the pictures. Okay? So I
25 stated --

1 THE COURT: Let's start with just -- I think
2 what he's asking is just what is the picture you're that
3 you're talking about?

4 THE WITNESS: I've got several pictures. They
5 are of Cheddar Mane, Cheddar Mane's family, and a
6 screenshot of Peach's GPS from when she went to visit.

7 Q. Okay. And at that point have you decided, I'm
8 going to put him out in the world, or not?

9 A. No.

10 Q. Okay. If we can scroll down.

11 And --

12 A. To clarify, like I think that at this point
13 I've got the right to do it, frankly, because I told
14 this guy, you stay away from me or I'm going to dox you.
15 And he's back around, I know he's lying to me, and, you
16 know, but I haven't decided to do it or not.

17 Q. Okay. Is doxing itself, was it your
18 understanding that doxing was legal or illegal?

19 A. Doxing is legal.

20 Q. Okay. Now, you say some pretty harsh things.
21 You use harsh language. I think if we go up, I'm sorry,
22 just like halfway up to the one above: You know, have
23 trouble sleeping at night until she leaves you and takes
24 your kids away.

25 I mean, this is pretty strong stuff.

1 A. Yeah.

2 Q. Okay. Looking at the response that comes in
3 at 6:39, which is -- if we can scroll up a little bit,
4 maybe we can highlight this one. What did this mean to
5 you?

6 A. It meant a lot of things, most of which are
7 hard for me to reference without going back to the other
8 chat, but it's -- it's -- primarily I think the guy's
9 trying to get a rise out of me and it's working.

10 Q. Okay. And when he says, I'm assuming Peach
11 took the picture, Peach is a reference to who?

12 A. Peach is a reference to Katelen Fry, my
13 ex-girlfriend.

14 Q. Okay. What were -- what had been your
15 relationship with her?

16 A. I asked Katelen to marry me.

17 Q. Okay. So I imagine it's someone you cared
18 about?

19 A. Yeah.

20 Q. What did you take this statement by him to
21 mean?

22 A. I took it to mean, first and foremost, that
23 he's been lying to me throughout this fucking
24 conversation because he's -- what he's referencing, I
25 know isn't true. And so what he's referencing makes me

1 know that he's been lying to me the whole fucking time
2 in his thing and that he's going to make her life
3 difficult.

4 And to clarify, again, like I said before
5 about the threat thing, I'm careful what I call a
6 threat. Okay? And I don't -- and I don't believe that
7 he's going to go do physical violence to her or anything
8 like that, but, you know, he's saying something nasty
9 about her and I -- and I could -- and these guys made my
10 life a living hell for eight fucking months and I don't
11 want that to happen to her. So I got fucking mad.

12 Q. Okay. So if we look at the next one, that
13 contact about Peach was at 6:39?

14 A. Yeah.

15 Q. Your response is -- is at what time? Can you
16 see?

17 A. It's at 6:41.

18 Q. Okay. And what is your response?

19 A. "As a matter of fact, I don't. So if you
20 don't want me to fuck your wife in front of your kids,
21 then you should make yourself scarce."

22 Q. Was that post about I don't care about her
23 true?

24 A. No.

25 Q. Were you trying to make him think that you

1 would rape his wife?

2 A. No.

3 Q. Did you expect that he would think that you
4 were going to rape his wife?

5 A. No.

6 Q. Why not?

7 A. Because the guy's been calling me a fucking
8 sellout and a fucking rat for the last eight months. Do
9 you think I'm going to go fucking drive down there and
10 rape his wife because I could make a buck off of that?
11 It's ridiculous.

12 It's -- you know, and I'm not saying that this
13 is a joke. It's not the theme of the show or whatever.
14 But like we talk about like fantasy violence, things
15 like throwing people out of helicopters, on the show
16 because they're sufficiently ridiculous that people
17 aren't supposed to fucking take them as real things.
18 Okay?

19 What I got bent out of shape with these guys
20 about is they're talking about bodies that ain't even
21 fucking cold yet and they're --

22 MS. KRASINSKI: Objection, your Honor.

23 A. -- and they're bringing it too close to the --

24 THE COURT: All right.

25 THE WITNESS: I'm trying to --

1 THE COURT: I'm sorry. I'm sorry.

2 What is the basis for the objection?

3 MS. KRASINSKI: Relevance, hearsay, 403. He's
4 talking --

5 THE COURT: Okay. Put another question to the
6 witness.

7 And please listen to what your lawyer says and
8 try to answer his question.

9 THE WITNESS: All right.

10 Q. Thank you, Chris.

11 Now, is this something that you gave a lot of
12 thought to, that section?

13 A. No. I got -- you know, this guy said
14 something about her and I wanted to say something
15 profoundly unpleasant, so I replied accordingly.

16 Q. In the White Nationalist movement, does the
17 word cuck have a meaning?

18 A. Yes.

19 Q. What does the word cuck refer to?

20 A. Cuck in White Nationalist circles is as
21 versatile as fuck in every other one, but the idea
22 basically being -- it's almost like calling someone a
23 faggot. It's like depriving somebody of their
24 masculinity. I'm going to take your woman from you,
25 et cetera.

1 Q. So there's a theme throughout White
2 Nationalism of this idea that sleeping with someone
3 else's wife is an insult?

4 A. Yeah. I'd say that that's pretty universally
5 understood. It's not a particularly pleasant thing to
6 do to somebody. And in -- and not just White
7 Nationalism, but, you know, on a -- on the right wing
8 typically, it -- the right wing more broadly, cuck has a
9 particular connotation to it.

10 Q. But, specifically, it impugns someone else's
11 manhood if -- if someone else is sleeping with their
12 wife?

13 A. Yeah. You can't satisfy your wife, so
14 somebody else is going to do it for you.

15 Q. Okay. So it's an insult?

16 A. Yes.

17 Q. Now, if we can scroll down.

18 Okay. So then you send him the picture that
19 you have of his wife?

20 A. Yes.

21 Q. At that time, have you posted it online?

22 A. I posted it with the faces blurred out in the
23 Peaceful White Folk chat room, which had a limited
24 number of users in it, but I blurred the faces out at
25 that point.

1 Q. Okay. So in that one, you couldn't see who it
2 was?

3 A. Right.

4 Q. Okay. Now, this line, you say: I bet one of
5 my incel listeners would love to give her another baby.

6 A. Yeah.

7 Q. What -- where -- where does that come from?
8 What does that mean?

9 A. Well, if you think it's -- if you think it's
10 disrespectful to get cucked by your favorite podcaster,
11 try getting cucked by somebody who can't get laid to
12 save his life. Right?

13 And so, you know, I -- and -- look, I get the
14 double entendre here and what people try to connect this
15 to. I get it. But anybody who listened to Radical
16 Agenda could identify two particular listeners who
17 identified themselves as incels on the show.

18 One is Dave in New York and another one is
19 Crypto Joe. They're both autistic and they both call in
20 and they say idiotic-sounding things about like trying
21 to get girls. Like Dave would call me and ask me for
22 dating advice and he'd never take any of it. And he'd
23 call me with ridiculous questions like how do I get a
24 girl who paints her nails; how do I get a girl -- I
25 have -- it's notorious, the clip -- how do I find a girl

1 with hair down there --

2 THE COURT: Counsel, can you tie this in to
3 what you're -- --

4 MR. WOLPIN: Yes.

5 Q. So in your listenership, in your mind, are
6 your incel listeners people who are sort of violent?

7 A. No.

8 Q. They're more --

9 A. They're pathetic.

10 Q. Okay.

11 A. With all due respect to the listeners if they
12 fucking hear this, like, that's what they sound like on
13 the show. They're a joke.

14 Q. And so --

15 A. And a funny one.

16 Q. All right. If we keep scrolling down, you
17 send him the picture of Ben Lambert?

18 A. Yup.

19 Q. You talk about Vic and he responds: I don't
20 own guns or do drugs.

21 Did you take that as a statement that was
22 being truthful with you?

23 A. No. I was quite certain that he was being
24 dishonest, like he had been throughout the entire
25 conversation.

1 Q. Okay. So it keeps going to some degree.

2 We can keep going.

3 All right. We get to some mention of CPS.

4 Did you have a plan to reference CPS?

5 A. I did not, no.

6 Q. Okay. Where did CPS come from, if there was
7 no plan --

8 A. So part of what we've skipped around here is
9 he's basically, like, he's saying to me -- and he's got
10 a point; you dox me, then what are you going to do after
11 that, right?

12 And, generally speaking, like, I -- I -- I
13 don't want to try to, like, not downplay the doxing too
14 much here, because I understand it's in my best interest
15 to do that, but, like, doxing is serious business.

16 As the prosecution noted I've said before, I
17 don't take it lightly to go and put a guy's personal
18 information out there. And so I'm thinking of an
19 interim step that might actually solve my problem, which
20 is to stop this damn harassment.

21 And so I say to myself, I've already went to
22 the cops about this, I've been to two law enforcement
23 agencies about this, they're not responding to my
24 concerns, what can I do other than publish this guy's
25 information?

1 And I'm looking at a picture of his fucking
2 kids. And so I think to myself, if the CPS shows up at
3 his fucking house, maybe he's going to realize that,
4 like, this has real-world implications and he'll leave
5 me alone.

6 Q. Okay.

7 A. And so I warn him of that.

8 THE COURT: Okay. Good. Pick up your
9 headphones. I need to ask you both a question.
10 We're going to stop for the day here.

11 AT SIDEBAR

12 THE COURT: Mr. Wolpin, I know you have day
13 care concerns, but I really, really think it's important
14 to --

15 MR. WOLPIN: My headset is -- is on the fritz.

16 THE COURT: Can you get him another headset?

17 No, we've got ones that work wonderfully.

18 We've got a hundred of them.

19 THE CLERK: If you tend to face that --

20 THE COURT: If you want to go to where you're
21 questioning and speak into that microphone where you're
22 standing, is it easier for you?

23 MR. WOLPIN: All right. I can't hear, but --

24 THE COURT: Can you hear me, Mr. Wolpin?

25 THE CLERK: Is it on channel 1?

1 MR. WOLPIN: Nope.

2 THE CLERK: I'll --

3 MR. WOLPIN: All right. Thank you.

4 THE CLERK: Hold the button to 1.

5 THE COURT: All right.

6 MR. WOLPIN: It is working now.

7 THE COURT: I'm giving up.

8 Members of the jury, I will -- I would like
9 you to come back -- I'd like to start at nine o'clock
10 tomorrow. So I'm going to ask you to show up a little
11 bit before 9:00, because I want to finish with the
12 evidence in the case at or about lunchtime so as soon as
13 we come back after lunch, we can do closing arguments
14 and jury instructions. I don't want to make you come
15 back an extra day for just a small amount of evidence.

16 So I normally start for 9:30, but we're going
17 to have to make an adjustment and start at nine o'clock
18 tomorrow. All right? So please come a little bit
19 early.

20 Keep my general instructions in mind. Don't
21 discuss the case with anybody, don't disclose -- don't
22 expose yourself to any discussions of this case at all
23 in the media.

24 Have a good night and we'll see you at nine
25 o'clock tomorrow.

1 (Jury excused.)

2 THE COURT: Be seated, please.

3 So, Mr. Wolpin, I tried to discuss this with
4 you with the headsets. I just could not wait any longer
5 while we were fooling around with the headsets.

6 I really have tried to accommodate your child
7 care needs in starting a half an hour later, but I'm
8 trying now to balance the interests of the jury and the
9 health risks associated with bringing everybody back
10 here potentially for another day against a half-an-hour
11 problem with health care -- I mean child care.

12 So I -- I -- I just could not figure out a way
13 to do it, so I need you to come back at 9:00 --

14 MR. WOLPIN: I've been getting here at 8:55 is
15 sort of my --

16 THE COURT: All right. If you miss it by two
17 minutes, I'm not going to hold it --

18 MR. WOLPIN: I'll run in the door.

19 THE COURT: Okay. And we'll try to start --
20 but everybody else be here by 8:30 or, in fact, we're
21 going to talk about jury instructions tonight and so I'm
22 going to say everybody else but Mr. Wolpin, be back
23 here -- the defendant doesn't have to be here, but you
24 be back here at eight o'clock tomorrow so that if there
25 are any last-minute issues with jury instructions, we --

1 we can talk about them.

2 And whoever's giving the closing doesn't
3 have to come. So if you're -- so as long as one
4 representative of the government is here and one
5 representative of the defendant is here empowered to
6 raise with me any last-minute concerns with my
7 instructions. Okay?

8 MR. LEVIN: By 8:00 a.m.?

9 THE COURT: 8:00 a.m., yeah.

10 MR. LEVIN: And they'll be told to let us in?
11 Because they haven't been opening the doors until --

12 THE COURT: The case manager will inform the
13 CSOs that they need to be on duty, ready to go, at eight
14 o'clock, and let anybody in -- let the lawyers in at
15 eight o'clock. Because I want to get this in and, if
16 necessary, even have the jurors deliberate in the
17 evening until it is clear to me that they are not going
18 to be able to return a verdict. Because if we -- if we
19 can avoid having to bring people in for another day,
20 that minimizes -- lessens risk. That's what I'm trying
21 to do.

22 MR. LEVIN: Will the draft jury instructions
23 be emailed to us?

24 THE COURT: I have the draft jury instructions
25 here now and I'm going to give you a half an hour to

1 read them and then I'm going to meet with you about them
2 at five o'clock and I'm going to hear your objections to
3 it.

4 MR. LEVIN: Okay.

5 THE COURT: And then I'm going to go back and
6 make another round of changes, if you have any, and I'll
7 try to have another set for you available at eight
8 o'clock. And then I'll meet with you again to see if
9 there are any last-minute changes because I want to be
10 sure everybody has a clear idea as to how I'm going to
11 charge.

12 And I will say this round of changes are
13 not -- they're -- there's one substantial change and
14 that's what I've told you about and that is when proving
15 intent to extort by threat also requires proof of intent
16 to threaten.

17 And that's consistent with the way the
18 government charged it anyway, but I believe that's the
19 law. I put it in. If someone can persuade me it's not
20 the law, I'll take it back out.

21 The other changes I have are stylistic, so
22 I've decided to read each count in my instruction when I
23 talk about that count, and I made some other what I
24 think are mostly minor changes to the charge. But it's
25 very similar to the charge I gave you before the trial

1 even started, which I don't normally do. I don't
2 normally even give the people a charge until a day
3 before closing. So I think we should be able to move
4 relatively quickly here if you've looked at the charge
5 before today.

6 But we'll -- we'll take a break till 5:00.
7 We're going to -- I do not need the defendant to be
8 present.

9 I would like -- it has been my practice at the
10 request of defense counsel to record every interaction I
11 have with counsel. The problem is I have a court
12 reporter who's been working hard all day long. I would
13 like to be able to hold this meeting at 5:00 without a
14 court reporter and I -- I will allow anybody who wants
15 to put on the record the next morning whatever they
16 think happened that they want to record, but I would
17 like the parties' permission to be able to hold a
18 discussion, as I normally do in every single case, with
19 jury instructions in an informal way without a record,
20 with just counsel present, so that we don't keep the
21 reporter till six o'clock at night when she's been
22 working all day. That's my request.

23 Is there an objection there?

24 MR. LEVIN: That's fine, your Honor. We're --
25 we're agreeable with that.

1 THE COURT: All right.

2 MS. KRASINSKI: No objection, your Honor.

3 THE COURT: All right. So we won't have the
4 reporter. I suggest we meet in the jury assembly room,
5 which is already set up.

6 THE CLERK: I would say no, only because I
7 have to disinfect then down there.

8 THE COURT: All right. We'll do it here then.

9 THE CLERK: Yeah.

10 THE COURT: You stay here. I'm going to go
11 upstairs. I'm going to come back down at five o'clock
12 and we'll do it here.

13 That's -- I appreciate it. That's fine.

14 MR. WOLPIN: Your Honor --

15 THE COURT: Yes.

16 MR. WOLPIN: -- typically I wouldn't have any
17 contact with my client in between testifying. I don't
18 think that's appropriate. But I do have to have some
19 conversation with him about closing. I would just ask
20 for leave to --

21 THE COURT: Yes. Of course, if counsel
22 represents to me that you will not engage in preparation
23 about the testimony but instead need to review the
24 potential closing argument, I have no objection and I'm
25 sure the government would take your representation that

1 you will refrain from --

2 MR. WOLPIN: Thank you.

3 THE COURT: -- discussing testimonial matters
4 with your client.

5 All right. So that being said, whoever -- if
6 you're doing the closing, Mr. Wolpin, and you want to
7 head out, Mr. Levin can probably cover the instructions
8 and brief you. And, otherwise, I'll see Mr. Levin back
9 here at 8:00, one member of the government team at
10 8:00 --

11 MR. LEVIN: At 8:00?

12 THE COURT: At 8:00 tomorrow.

13 MR. LEVIN: Oh, okay. But we're going to stay
14 here now --

15 THE COURT: 5:00 tonight --

16 MR. LEVIN: Okay.

17 THE COURT: -- you, and 8:00 tomorrow, and
18 Mr. Wolpin at 9:00. Okay?

19 MR. LEVIN: Thank you.

20 THE COURT: All right.

21 This isn't on the record.

22 (Off-the-record discussion.)

23 (Proceedings adjourned at 4:40 p.m.)

24

25

C E R T I F I C A T E

I, Liza W. Dubois, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 12/9/2020

/s/ Liza W. Dubois
LIZA W. DUBOIS, RMR, CRR