

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS
TRIAL WITNESSES

On behalf of the Government:

Brian Auten

Cross-examination by Mr. Onorato.....	429
Voir Dire by Mr. Durham.....	464
Cross-examination by Mr. Onorato.....	468
Redirect examination by Mr. Durham.....	524

EXHIBITS

On behalf of the Government:

Admitted

Number 12.....	444
Number 112.....	552
Number 403.....	468
Number 426.....	515
Number 901.....	574
Number 1300.....	498
Number 1400.....	513

On behalf of the Defendant:

Admitted

Number 26.....	447
Number 420T.....	502
Number 422A - B.....	498
Number 424.....	513
Number 486.....	477
Number 497.....	458

MISCELLANY

Preliminary matters.....	417
Certificate of Court Reporter.....	581

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFTERNOON PROCEEDINGS

(Court proceedings resumed at 2:05 p.m.)

(Witness seated.)

THE COURT: Anything we need to do before we bring the jury out?

MR. ONORATO: Your Honor, one -- one matter. I don't know what the government --

MR. SEARS: Your Honor, the witness is on the stand.

THE COURT: All right. If you would excuse yourself to the -- we'll call you back in.

(Witness excused.)

MR. ONORATO: And just out of an abundance of caution, I know we discussed introduction of the email regarding Mr. Danchenko being in New York City on July 28th, and I plan on asking the witness about that.

THE COURT: All right. Do you want to say anything more about this? I've looked at it.

MR. DURHAM: Defense counsel has provided a case -- actually read it.

THE COURT: Right.

MR. DURHAM: United States versus Lentz, L-E-N-T-Z, which is cited at 282 F.Supp 2d 399, 2002 case.

As we understand it, the defense has suggested that 607 is admissible under present -- let me just see it. I want to make sure that I state it correctly. Present state of mind

United States v. Danchenko

418

1 exception to the hearsay rule. If the Court looks at
2 Government's Exhibit 607, the Court will find that it says
3 nothing about the defendant's intent.

4 THE COURT: I'm trying to find it. It's 607?

5 MR. DURHAM: Yes, sir. I'm not sure if that's the
6 defense number. I think that's the government's number, 607.
7 Do you have a different number?

8 Does Your Honor have the defense book?

9 THE COURT: I do.

10 MR. ONORATO: It should be 428, Judge.

11 THE COURT: 428.

12 MR. ONORATO: 426, sorry.

13 MR. DURHAM: 426, Your Honor.

14 (A pause in the proceedings.)

15 As Your Honor will see, there's nothing in that
16 exhibit that speaks to intent. Indeed, when you read the
17 content of the exhibit, it's not -- it's not at all clear if
18 it's even being talked about if it's a meeting referring to I
19 saw message from "L" in my blocked contacts. Dozens of
20 messages there.

21 It doesn't say who is supposed to be at what
22 meeting. It certainly doesn't say the defendant had any
23 intent to go to any meeting.

24 And so we don't believe that under the applicable
25 case law that it's in any way admissible. If you look to --

1 and this is with respect to the Lentz case that the defendant
2 has cited, too -- and I just want to get the exact page
3 reference when I have a moment, Your Honor.

4 (A pause in the proceedings.)

5 MR. DURHAM: 411. So *Lentz* is cited at
6 282 F.Supp. 2d 399 and F. 411. The Court stated that the
7 statement must be limited to a declaration showing the
8 declarant's state of mind and not the factual occurrence
9 engendering that state of mind.

10 Now, here you don't even have the first part. The
11 document the defendant is talking about doesn't have any
12 declaration showing the declarant's state of mind. It doesn't
13 say he -- he's going to any meeting.

14 And in the context of the email, it appears to refer
15 to preceding portion of the message, which there were -- saw a
16 message from "L" blocked contacts. Dozen of messages there.
17 Another meeting tonight. That doesn't, as I say, speak to
18 defendant's intent. It doesn't say he's going to any meeting
19 and what would be -- now, what would happen is the defendant
20 would be trying to infer under a hearsay exception rule. It
21 doesn't apply here, something that doesn't -- doesn't connect
22 up.

23 I mean, if the defendant were to testify, you know
24 he could testify, I guess, or try to testify to these matters,
25 but this document, in and of itself, is not admissible under

1 the hearsay rules.

2 THE COURT: All right. Mr. Onorato, you wan to.

3 MR. ONORATO: Mr. -- Stuart will do it.

4 THE COURT: I'm sorry, Mr. Sears.

5 MR. SEARS: Your Honor, I think Mr. Durham is
6 reading the rule a little too narrowly. And I'll just read
7 the rule itself. It's Rule 803.3.

8 THE COURT: Right.

9 MR. DURHAM: (As read): "Then existing mental,
10 emotional, or physical condition, a statement of the
11 declarant's then existing state of mind, emotion, sensation or
12 physical condition, parenthesis, (such as intent, plan,
13 motive, design, mental-feeling pain, and bodily health, but
14 not including a statement of memory or belief to prove the
15 fact remembered or believed unless it relates to the
16 execution, revocation, identification, or terms of declarant's
17 will)."

18 And I think the only fair reading of this message --
19 and Mr. Durham is free to argue that jury shouldn't view the
20 way that we think they should or that they would -- is that he
21 has a meeting that night, that he's in New York. There's a
22 picture from the Bronx Zoo. And largely from the defense side
23 of this case, that is evidence of him planning to meet with
24 somebody in New York that night, which we think is the
25 anonymous caller, who he believed was Sergei Millian.

United States v. Danchenko

421

1 There's also a reference in this email to meeting
2 with Chris. Thanks to his reporting, he's meeting with Chris
3 the following day. We all know Chris is a likely reference to
4 Chris Steele. So I think it's pretty obvious what he's saying
5 in this message.

6 I think under the rules, under Lentz -- and I can
7 read from Lentz, I know Your Honor has already read it -- but
8 (As read): "A statement is admissible whenever the
9 declarant's intention itself is a distinct and material fact
10 in the chain of circumstances. Such a statement of intent is
11 admissible under the state of mind exception to the hearsay
12 rule to promote an inference of the declarant's future
13 conduct."

14 So I think it falls right within the rule, Your
15 Honor, and I would ask the Court to allow us to admit it and
16 question Mr. Auten about it and potentially other witnesses --

17 THE COURT: So it's just the -- the first page of
18 426?

19 MR. SEARS: Just -- just the first page, Your Honor.

20 MR. DURHAM: Your Honor, the government would
21 encourage the Court also to read the literal language of
22 803.3. (As read): "Statement of declarant's then existing
23 state of mind such as motive, intent or plan." Well, does
24 this email talk about the defendant's motive, intent or plan?
25 No.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

422

1 THE COURT: Well, it talks about another meeting
2 tonight -- another meeting tonight.

3 MR. DURHAM: Pardon me.

4 THE COURT: It references another meeting tonight,
5 which is probably --

6 MR. DURHAM: Right. He'll say, I'm going to another
7 meeting tonight. I intend to go to another meeting tonight.
8 My motive isn't to go to another meeting tonight. My plan --
9 in fact, you don't even know in context what the meeting is --
10 if it has anything to do with New York or it's Washington
11 or -- you just don't know.

12 It might -- more likely would have to do with what
13 he said previously, whoever the messages were from "L,"
14 whoever "L" might be.

15 THE COURT: Right. Right.

16 MR. DURHAM: The lack of clarity as to what it even
17 means --

18 THE COURT: All right.

19 MR. DURHAM: It ought to say that it doesn't fit
20 within the exception.

21 THE COURT: Right.

22 MR. DURHAM: Perhaps it's some clear evidence of
23 intent, motive or plan.

24 THE COURT: All right. I've looked at this. The
25 Rule 803.3 does allow, as an exception to the hearsay rule,

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

423

1 any statements of a declarant's then existing state of mind
2 including plan. Here, the only arguable plan that's
3 referenced is another meeting tonight. Everything else is
4 historical memory for the most part.

5 And I do agree with Mr. Durham that the email does
6 not sufficiently evidence a relevant intent or a plan. It's
7 not identified what the meeting is or for what purpose, and I
8 think to let that in will just allow too much -- too much
9 speculation. So I am going to --

10 MR. ONORATO: And just if I can --

11 THE COURT: Yes.

12 MR. ONORATO: See, this is the backup plan. So not
13 for the truth of the matter, but the effect on him. So the
14 same thing that Mr. Durham was doing with all of his
15 witnesses, you know, during the relevant time period that --
16 would that, you know, be something that you would consider as
17 an agent?

18 So, again, you can instruct the jury it is not to
19 prove that there was a meeting, but just a relevant
20 consideration for this witness.

21 MR. DURHAM: Your Honor, if I understand --

22 THE COURT: Yeah.

23 MR. DURHAM: -- what counsel is suggesting, he's
24 going to ask this witness, who knows nothing about this,
25 whether that would affect him.

United States v. Danchenko

424

1 THE COURT: Right.

2 MR. DURHAM: I mean, I don't think that's a proper
3 question to pose to this witness. Now, defense may want to
4 put on evidence. But you can't do it through this witness,
5 who has no idea about any of this, and then suggest in your
6 question and facts not in evidence. That will be improper.

7 THE COURT: Well, to a certain parallel, what you
8 did with the witness, you showed him documents he had never
9 seen before and asked that if he had seen -- if he had had
10 that information would it have affected his judgement, how
11 does that differ from what they want to do?

12 MR. DURHAM: We had put in -- because with respect
13 to Mr. Auten --

14 THE COURT: Yes.

15 MR. DURHAM: -- Mr. Auten had direct involvement in
16 those matters. He had interviewed the defendant,
17 Mr. Danchenko, he had participated in the actual
18 investigation.

19 And so, in that context, he, Mr. Auten, had known
20 about these emails, would have affected his investigation --

21 THE COURT: Right.

22 MR. DURHAM: -- is different than asking Mr. Auten
23 about inadmissible piece of information to see if that
24 otherwise inadmissible piece of information would have
25 affected his outcome. I think pragmatically is that, okay,

1 how would this work? Counsel is going to ask a question that
2 is improper because the Court has ruled the evidence out.

3 He's going to include in his question something the
4 Court has ruled as inadmissible, knowing that what the answer
5 is going to be, simply to get that in front of the jury, that
6 will be -- the government would object to that being an
7 improper question. If he can establish that Mr. Auten somehow
8 knew about this, that's --

9 THE COURT: Well, but again, getting back to your
10 questions of Mr. Auten -- I can't remember precisely the
11 documents -- but they certainly weren't in evidence otherwise.

12 It's just a fact that he showed them the document
13 and asked him if that information in that document was known
14 to him, would that have affected his -- his analysis.

15 Why -- again, why is this different?

16 MR. DURHAM: Because in this -- in this respect, can
17 I just have one moment?

18 THE COURT: Yeah.

19 (Counsel confers.)

20 MR. DURHAM: As Mr. Keilty points out, Your Honor,
21 because in former situation involving Mr. Auten, the emails
22 were admissible because they were defendant's statements and
23 relevant and admissible on that basis.

24 That's not the case with respect to this document.
25 They can't get it in through Auten. The others come in

United States v. Danchenko

426

1 through Auten because he was the person -- participant and
2 they were statements of the defendant.

3 THE COURT: I'm trying to remember. Were all the
4 statements, statements of the defendant? I can't remember.

5 MR. DURHAM: I believe that's the case. This will
6 be the exception, Your Honor. The Court will recall that the
7 government, at pre-trial, had indicated they wanted to -- we
8 wanted to put in certain emails that involve --

9 THE COURT: Right.

10 MR. DURHAM: -- Mr. Millian and Mr. Zlodorev. There
11 were objections that were raised by counsel on hearsay
12 grounds, and the Court ruled on that.

13 Subsequently, counsel wanted -- we agreed with
14 counsel, that the July 26, 2016 email, which was otherwise not
15 coming in, should come in. So I know that was an exception.

16 But other than that, I think it is all defendant's
17 statements.

18 (A pause in the proceedings.)

19 MR. ONORATO: Your Honor, one other point that I
20 think is relevant.

21 THE COURT: Yeah.

22 MR. ONORATO: Mr. Durham, makes a big deal. Well,
23 didn't you think that if he had given you this information,
24 given this -- that information. You know, this is in
25 Mr. Danchenko's possession. He didn't even think it was

1 material at the time because nobody disbelieved the fact
2 that -- they -- well, you never met with Mr. Millian. He
3 never had a chance to say, Hey, guys, you need to know about
4 this email.

5 So the impression of the jury is that Mr. Danchenko
6 didn't do what they asked him to do. And I think I'm going to
7 cover a major point as to why that the government didn't bring
8 out on direct, but it's clearly relevant and germane. It's
9 the central issue in this case.

10 The government has evidence in its possession that
11 is, frankly, Brady or exculpatory. And what they're telling
12 this Court is -- and this was co-marked as Government Exhibit
13 607 until Friday night, so we relied on this to be used by
14 them.

15 And, again, I don't want to say that it's truthful
16 that there was a meeting, just a statement of intent, because
17 there was no meeting. He told them there was no meeting, and
18 this supports that notion. And there's going to be evidence
19 that he left New York City later that night in a window where
20 that meeting could have taken place.

21 MR. DURHAM: The issue is that it is not admissible
22 under the rules of evidence. And the defense --

23 THE COURT: Well, I'm not sure -- I'm not sure
24 that's dispositive, though, as far as what importance he would
25 have attached to it, had he known of it. I understand your

1 point.

2 MR. DURHAM: But the point is -- Your Honor had
3 observed earlier -- you don't know what's even being talked
4 about here. You don't know whether it's a meeting that
5 Mr. Danchenko is supposed to intend, that he was invited to,
6 if it relates to the L messages. You just don't -- you don't
7 know if it is a meeting involving other people that he'll get
8 information on down the road. It just -- it is unclear and it
9 just invites speculation on the part of the jury.

10 So to incorporate that same information in a
11 question would be, respectfully, inappropriate.

12 MR. ONORATO: And, Your Honor, I just have one more
13 point to make.

14 It's almost as if Mr. Danchenko would be omniscient,
15 right? I mean, to have his state of mind where I have a
16 meeting tonight and then he leaves New York, you know, five or
17 six hours later, and knowing that he's going to be sitting in
18 this courtroom and, my god, he's so lucky this email exists
19 and they want to suppress the fact -- not that it happened,
20 but that was part of the intent from the agent who they
21 said -- you believe he's now lying because we showed you a
22 couple of emails you haven't seen.

23 THE COURT: This was previously a proposed
24 Government Exhibit?

25 MR. ONORATO: Yes. Government's Exhibit 607.

United States v. Danchenko

429

1 MR. DURHAM: It had been, Your Honor.

2 THE COURT: Yeah. All right. I understand both
3 sides. I'm going to allow you to simply ask Mr. Auten if --
4 before actually getting into the substance of it or admit it,
5 if he had seen this would this have -- something he would have
6 wanted to know and would have assisted his -- his analysis.
7 And we'll see what he says.

8 MR. ONORATO: Thank you, Your Honor.

9 THE COURT: All right. All right. Let's bring in
10 Mr. Auten. Before we begin, the jury asked what time we would
11 adjourn on Friday and I've told Mr. Burns to let them know
12 we'll stop at 5 o'clock on Friday.

13 All right.

14 (Witness seated.)

15 THE COURT: All right. Bring the jury in.

16 (Jury present.)

17 THE COURT: All right. Please be seated. We're
18 ready to proceed. Mr. Auten, you remain under oath.

19 Mr. Onorato.

20 MR. ONORATO: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. ONORATO:

23 Q. Good afternoon, Mr. Auten.

24 A. Good afternoon.

25 Q. Mr. Auten, before we broke, I think I was asking you a

1 question about whether the plan was to get Mr. Danchenko on
2 board as a source prior to having a meeting with him.

3 A. Yes.

4 Q. And is that true?

5 A. Yes. Part of the plan.

6 Q. Okay. I want to turn your attention to the content of
7 the meeting with Mr. Danchenko, but I want to ask you a
8 question. When you met with the special counsel, did they
9 give you any instruction about how to answer questions,
10 meaning don't guess, don't speculate, just answer the question
11 that's asked, and nothing more?

12 A. Something along those lines with respect to, you know,
13 tell the truth, don't -- you know, answer the question, listen
14 to the question.

15 Q. Right. And so they asked you, for instance, if I were to
16 ask you a question, just answer it and don't give me a
17 different answer. Just answer the question that's posed,
18 right?

19 A. Correct.

20 Q. All right. And you testified before the United States
21 Senate subcommittee, right? Judiciary committee, I should
22 say.

23 A. Judiciary committee, yes.

24 Q. Right. And that was back on October 29th of 2020, right?

25 A. Correct.

1 Q. And do you remember being instructed as follows by the
2 U.S. Senate?

3 We want your answer to our questions in the most
4 complete and truthful manner as possible. So we'll take our
5 time. If you don't honestly know an answer to a question or
6 don't remember it, it is best not to guess.

7 Do you remember that?

8 A. I do remember that, yes.

9 Q. Okay. And so you were, likewise, you know, instructed to
10 do the same things here, correct?

11 A. Correct.

12 Q. All right. Now, when you met with Mr. Danchenko, you
13 never gave him a similar instruction about guessing, did you?

14 A. I don't remember any type of admonition in that way.

15 Q. Okay. And the one reason that people encourage you not
16 to guess about things is because we can have
17 misunderstandings, right? Because we don't know what your
18 personal knowledge is based upon what you're trying to deduce,
19 right?

20 A. Yes, that is correct.

21 Q. Okay. And in a few minutes we're going to talk about
22 what exactly Mr. Danchenko told you. But to be clear, he
23 never said, with 100 percent certainty, that the anonymous
24 caller or the caller who didn't identify himself was Sergei
25 Millian, right?

1 A. That is correct.

2 Q. 100 percent true, right?

3 A. Correct.

4 Q. Now, what he did kind of contradicts the guidance that
5 Mr. Durham's team gave you about guessing, right?

6 A. Yes.

7 Q. He was trying to guess, right?

8 A. Well I don't know if he was trying to guess but he
9 indicated during it that he wasn't sure.

10 Q. Right. But he was saying I think -- I believe he was
11 couching it to show that it was not a factual statement,
12 right?

13 A. That is my recollection.

14 Q. Okay. And that's the -- that contradicts the advice the
15 Senate gave you. They said, "If you don't remember the answer
16 to a question, do not guess, do not speculate," right?

17 A. Correct.

18 Q. Okay. And you understand that at the end of the day,
19 after you talked to Mr. Danchenko, that he was trying to be
20 helpful to you by giving you facts known to him as to why he
21 formed the belief that it could have been Mr. Millian?

22 MR. DURHAM: Objection to the form of that question,
23 Your Honor, because its asking this witness to answer on what
24 Mr. Danchenko was thinking.

25 THE COURT: He's asked for his understanding. You

1 can answer, go ahead, if you have one.

2 BY MR. ONORATO:

3 Q. Right?

4 A. Could you repeat the question, please.

5 Q. Sure. You understand that Mr. Danchenko gave you some
6 facts, right, because he was trying to help you as opposed to
7 hinder you by saying, "I don't know, but it could have been
8 Mr. Millian," right?

9 A. That was my understanding during the interview, yes.

10 Q. Okay. Now, you would agree with me -- and I think you
11 had written this in your affidavit -- that, to you, the
12 three-day interview with Mr. Danchenko was not what you
13 considered to be a, quote, major debriefing, your affidavit on
14 Page 84?

15 A. Yeah, I would agree with that.

16 (Court reporter clarification.)

17 THE WITNESS: I agree.

18 BY MR. ONORATO:

19 Q. Okay. Again, you didn't consider it a major debriefing,
20 right?

21 A. Correct.

22 Q. Okay. Now, after the second day -- and you had
23 discussions with your colleague, Mr. Somma, right?

24 A. Yes.

25 Q. And I think in your affidavit you said, "Look, I wanted

1 to focus on certain report numbers," right?

2 A. Yes.

3 Q. But Somma said, "We don't need to get everything," right?

4 A. That is my recollection, yes.

5 Q. Okay. And that's in your affidavit, right?

6 A. Yes.

7 Q. And when you wrote that affidavit, it was under penalty
8 of perjury, right?

9 A. Correct.

10 Q. And so Somma was telling you, "Listen, you don't have to
11 get anything from Danchenko during these interviews," right?

12 A. That wasn't how it was articulated. It was more
13 articulated in a way that this isn't going to be our first
14 bite of the apple.

15 Q. Right. But what I mean is you didn't ask a lot of things
16 because Somma said, "We're going to have plenty of time later
17 to talk to Danchenko"?

18 A. There was much more that we could have asked during the
19 interviews, yes.

20 Q. Right. And, in fact, talking about one of those things,
21 I think Mr. Durham talked -- and we'll talk about it again --
22 but 105 never came up, right?

23 A. Correct.

24 Q. Okay. And that's one of the things you could have talked
25 about, right?

1 A. Yes.

2 Q. And you wanted to focus on the things that seemed
3 important at the time, right?

4 A. Correct.

5 Q. And whether Corey Lewandowski hated Paul Manafort
6 probably wasn't the biggest thing on your mind right then,
7 right?

8 A. For those -- the reports that we covered were the reports
9 that were most, I think, in front of us at the time with
10 respect to the information --

11 Q. Right.

12 A. -- we wanted to get.

13 Q. Right. Now, the FBI didn't ask for Mr. Danchenko's email
14 password during that meeting, did they?

15 A. Not to my recollection, no.

16 Q. Okay. They didn't ask to give him the cell phone, right?
17 They didn't say, "Give us your cell phone, we're going to look
18 through it," right?

19 A. No.

20 Q. Okay. Could have asked him for those things. You would
21 agree?

22 A. Could have, yes.

23 Q. Right. And that's common, right? The FBI commonly, when
24 they interview witnesses -- or they say, "Hey, can we have
25 your email password or can we have your phone so we can look

1 at it, you know, to try to get information that you might not
2 be able to get," right?

3 A. I'm not sure how common that is in a voluntarily
4 interview to ask for a cell phone or an email password at
5 that -- in those situations, but it does happen, yes.

6 Q. Right. And -- but there was nothing to prevent, I guess,
7 you or Agent Somma from saying, "Hey, Mr. Danchenko, can we
8 have that information, because it would really assist us if we
9 had your phone," right?

10 A. Yeah, I don't recall that being asked.

11 Q. Right. Nobody did.

12 Okay. And, of course, the FBI is in control of the
13 interview, right?

14 A. Yes.

15 Q. Right. Because today, when I'm asking you questions
16 before the jury, I have to ask you the questions to get the
17 information I need to present to the jury.

18 You would agree with that, right?

19 A. I would agree with that.

20 Q. Because if I would say to you, "Mr. Auten, tell us
21 everything you know about the case," and I sat down, right?

22 A. Right.

23 Q. How would I know that everything -- how would you know
24 that everything that I wanted you to tell the jury would get
25 covered, right?

1 A. I would not.

2 Q. Right. And that's because my job is to be effective and
3 ask questions of the witness, like Mr. Danchenko, right?

4 A. Yes.

5 Q. And he answered the questions the 24th, the 25th, and the
6 26th that he was asked, right?

7 A. As I have documented in there, we asked questions and he
8 answered those questions.

9 Q. Okay. And, again, 105 never came up, right?

10 A. Correct.

11 Q. And the reason -- and there's a reason probably why 105
12 did not come up -- you would agree with me that the material
13 contained in No. 105 is from what we call open source
14 information?

15 A. I believe some of it is derived from open source, yes.

16 Q. Right. Okay. Well, you know the POLITICO article was
17 there, right?

18 A. Yes. The length of the POLITICO article, yes.

19 Q. Okay. And you would agree that it appears that a lot of
20 that material came from that POLITICO article, right?

21 A. Well, if I recall, the individual that said they had
22 given the information said that it was, in part, used in the
23 article.

24 Q. Okay. And so, what I would like to do is direct your
25 attention to a meeting you had with the OIG, the Office of

1 Inspector General, back on April 26 of 2019, okay?

2 A. Okay.

3 Q. When you met with the OIG, they actually asked you
4 questions about Section 105 of the dossier, okay?

5 A. Okay.

6 Q. And you said, and this is my quote (As read): "The
7 paragraph in 3 in this report, coming from an American
8 political figure, again, this looks just like general
9 discussion of campaign in-and-outs."

10 So, again, you could have a situation where, on a
11 more nefarious side, someone's taking open source material and
12 laundering it. Making like it's coming from -- look like it's
13 coming from a source, period, right?

14 A. Correct.

15 Q. You also stated, "On a less nefarious side, actually said
16 that he's talking to somebody, but they're talking to someone
17 about something that's already out there," right?

18 A. Correct.

19 Q. And "already out there" is the material that's in the
20 open source, right?

21 A. Correct.

22 Q. Like the *POLITICO* matter, right?

23 A. Yes, the *POLITICO* information would be open source.

24 Q. Okay. I'm going to show you Defense Exhibit No. 12 for
25 identification.

1 A. I'm sorry, 4 -- 412?

2 Q. Number 12.

3 A. Number 12. Oh, okay.

4 Q. Take a look at that.

5 A. Yes.

6 Q. Are you familiar, generally, with the content of that
7 email being in the open source back then?

8 A. I'm not sure if I was -- again, I'm -- at this point,
9 yes, when I became clear on that, I'm not positive.

10 Q. Sure. Well, I'm going to -- I'm going to read something
11 to you, okay?

12 A. Okay.

13 Q. And in your OIG testimony that we've just discussed.

14 A. Yep.

15 Q. You were asked the question relating to Mr. Lewandowski
16 and Mr. Manafort, and you said (As read): "For 3" -- talking
17 about this paragraph -- "it may just have been general, kind
18 of, Lewandowski hating Manafort.

19 "I would have to go back and look, but I imagine it
20 would have been a number of news stories at the time about the
21 tension between those two."

22 And then, the OIG investigator said, "I found those,
23 yeah."

24 You said, "Yeah, yeah."

25 And then he said, "All right."

United States v. Danchenko

440

1 So that would be some minimal corroboration, at
2 least part of that paragraph. And you said, "Right, if you go
3 to the scenario that they actually did this -- get this from a
4 source, so the less nefarious angle, then other news stories
5 around the time would corroborate some of this.

6 If you go off the scenario that this was washed,
7 then it's actually news stories or potentially the news
8 stories that are actually crafting this." Right?

9 A. Right.

10 Q. Mr. Ryan said, "I saw those stories. That's what I was
11 looking at prior for the -- and they are out there.

12 And you said, Sure, right?

13 A. Correct.

14 Q. Meaning that all of this stuff was in the open, right?

15 A. There is -- yes.

16 Q. And that -- the date of that email that you're looking at
17 is the, what, 12th?

18 A. This is August 14th, 2016.

19 Q. August 14th. Okay.

20 A. It's a Twitter.

21 Q. It's a Twitter.

22 A. Am I right?

23 Q. Yeah, it's a Twitter. August 14th?

24 A. Yes, August 14, 2016.

25 Q. Okay. And Mr. Durham asked you questions, and I think on

1 the Mr. Dolan exhibit, he showed you the response with the
2 *POLITICO* article about hating Mr. Manafort. That was on the
3 20th, right?

4 A. I would have to go back and look.

5 Q. Sorry?

6 A. I would have to go back and look. I don't --

7 Q. Okay. So let's get that government exhibit. What
8 government exhibit is it, 12? I think it's admitted into
9 evidence. We can just publish it.

10 THE COURT: Do we know which one it is?

11 MR. ONORATO: 713.

12 THE COURT: 713A?

13 MR. ONORATO: A.

14 THE COURT: Yes.

15 BY MR. ONORATO:

16 Q. And so, if you're looking at 713A --

17 THE COURT: Before you -- let me just say something
18 I intended to tell you.

19 All these exhibits that are being admitted, you will
20 have in the jury room during your deliberations. So -- all
21 right.

22 MR. ONORATO: Thank you, Your Honor.

23 BY MR. ONORATO:

24 Q. Okay. So it appears that Mr. Dolan replies on
25 August 20th of 2016, right?

1 A. Yes.

2 Q. Okay. And you would agree with me that in that email,
3 Mr. Dolan writes: Corey Lewandowski, comma, who hates
4 Manafort and who still speaks to Trump on a regular played a
5 role. Right?

6 A. Correct.

7 Q. Okay. And so, on the document I showed you, which is a
8 Tweet from July 12th, back on that day, was an open source
9 material, 2016, right?

10 A. Correct.

11 Q. And so, when people Tweet, it's available to the public,
12 right?

13 A. Correct.

14 Q. And so you can Google and you can find out what are
15 people saying on Twitter about this topic, right?

16 A. Correct.

17 Q. Okay. And, in fact, the President used to communicate by
18 Tweet all the time back in the day, right?

19 A. Correct.

20 Q. Okay. And so, this user is saying that -- can you find
21 anyone -- read what it says in there.

22 A. It says (As read): "Find something to hate as much as
23 Corey Lewandowski hates Paul Manafort."

24 Q. Wow. That seems pretty strong, right?

25 A. Yes.

United States v. Danchenko

443

1 Q. And that would be reflected in what happened six days
2 later in an email from Mr. Dolan, right?

3 A. Yes.

4 Q. Okay. And when you were talking under oath before the
5 senate, you were saying that you saw things like that in the
6 public domain, right?

7 A. Things like --

8 Q. Those types of -- that type of information about
9 Lewandowski hating Manafort in open source material.

10 A. Was it senate testimony or was it --

11 Q. Oh, I'm sorry. OIG, I apologize. OIG.

12 A. OIG testimony, yes.

13 Q. Yeah. Okay. Thank you. And I'm going to show you one
14 other document.

15 And so this --

16 THE COURT: Are you moving in 14?

17 MR. ONORATO: Yes, Your Honor.

18 THE COURT: Any objection?

19 MR. DURHAM: Have you seen that -- which document
20 counsel --

21 THE COURT: It was 14, the Tweet.

22 MR. ONORATO: Was it 14 or was it 12? It was 12,
23 Judge.

24 THE COURT: Oh, I'm sorry, 12.

25 MR. ONORATO: It was 12.

1 MR. DURHAM: No objection.

2 THE COURT: Without objection, 12 is in.

3 (Defendant's Exhibit No. 12 was admitted into evidence.)

4 MR. ONORATO: Okay. So Defense Exhibit 26 -- oh,
5 someone to publish that just for the jury.

6 BY MR. ONORATO:

7 Q. So, again, just to be clear, Defense Exhibit 12 is from
8 someone named Roland Scahill and that line is (As read):
9 "Find something to hate as much as Corey Lewandowski hates
10 Paul Manafort," right?

11 A. Correct.

12 Q. Okay. And you would agree with me that that looks --
13 appears to be in the public domain six days before Mr. Dolan
14 writes the same thing to Danchenko, right.

15 A. Correct.

16 Q. Okay. And you would agree with me that that has
17 absolutely nothing to do about collusion in Russia, which is
18 the whole point that Crossfire Hurricane was opened, right?

19 A. That particular issue with respect to the relationship
20 between Corey Lewandowski and Paul Manafort, no, that is not a
21 Russian collusion angle.

22 Q. Okay. I'm going to get you to August 19, 2016. It's
23 Defense Exhibit 26. 2016, Defense Exhibit 26.

24 A. This is *The Daily Beast* article?

25 Q. Yes. So *The Daily Beast* published on August 16, 2016 at

1 11:52 a.m.

2 A. I have it here.

3 Q. Okay. And I want to direct your attention -- and I
4 apologize because I don't know which paragraph it is -- but
5 there's a line where it says (As read): "But for reasons that
6 continue to confuse campaign insiders, Trump -- but Trump, for
7 reasons that always continue to confuse campaign insiders,
8 always had a fondness for Lewandowski. And the two have even
9 continued to talk after his firing and subsequent second life
10 as a CNN contributor."

11 Do you see that?

12 A. I'm trying to find it right now. Yep, got it.

13 Q. Okay. Right --

14 A. Yeah. It starts with "when he was hired in March," is
15 the third paragraph.

16 Q. Yeah.

17 A. It's the third up from the bottom.

18 Q. Again, along the same lines of what you told the -- what
19 you told the inspector general, it was open source material on
20 these topics, right?

21 A. Yes, with respect to -- I mean, this talks about, you
22 know, Manafort and -- Manafort and Lewandowski, and Trump
23 having a fondness for Lewandowski, and that Manafort pushed
24 Lewandowski out, yes.

25 Q. They're continuing to talk, right?

1 A. Yes.

2 THE COURT: Counsel, where is the publication date
3 referenced on here?

4 MR. ONORATO: So my paralegal will get a copy with a
5 date, Your Honor.

6 THE COURT: All right. We should have that.

7 BY MR. ONORATO:

8 Q. Okay. And so, those are things that are open source,
9 right?

10 A. That's correct.

11 Q. Okay. And you would agree with me that if you would have
12 picked up, you know, Google on August 20th at 7:00 a.m.,
13 right?

14 A. Okay.

15 Q. You could have found those two critical facts that
16 Mr. Dolan apparently tells Mr. Danchenko, you know, later that
17 day, right?

18 A. If you went on to Google that day and looked things up,
19 you could probably find something that is either similar or
20 same.

21 Q. Right. Those two things, right?

22 A. Which two things are you talking about?

23 Q. The hating -- the hating, right?

24 A. Yeah.

25 Q. Do you want to call it "the hating"?

1 A. Okay.

2 Q. And I'm going to call it the advising, the talking, the
3 communicating with the President even though he's been fired?

4 A. Yes, I would agree with that.

5 Q. Okay. All in the open source?

6 A. I would agree you would be able to find something like
7 that in open source, yes.

8 Q. Okay.

9 THE COURT: Again, are you offering 26?

10 MR. ONORATO: Yes, Your Honor.

11 THE COURT: You need to move these in.

12 MR. ONORATO: With the -- with the -- with the proof
13 of the date.

14 THE COURT: All right. Any objection? Without
15 objection, Exhibit 26 is in.

16 (Defendant's Exhibit No. 26 was admitted into evidence.)

17 BY MR. ONORATO:

18 Q. Okay. And I would expect the content of what we just
19 read to the jury has nothing to do with the opening of
20 Crossfire Hurricane, right?

21 A. No.

22 Q. Okay. And, again, it says, just for the record, when he
23 was hired in March, (As read): "Manafort succeeded in taking
24 over control of the campaign from Corey Lewandowski, a novice
25 operative who served as Trump's campaign manager, despite

United States v. Danchenko

448

1 never having run a presidential race. By 20 of June, Manafort
2 had pushed Lewandowski out completely. But Trump, for reasons
3 that continue to confuse campaign insiders, always had a
4 fondness for Lewandowski, and the two have continued to talk
5 even after his firing and subsequent second life as a CNN
6 contributor."

7 Do you see that?

8 A. Yes.

9 Q. Okay. So when you look at what Mr. Durham showed you in
10 the Government's Exhibit about the POLITICO article and those
11 paragraphs, there is not a state secret in what -- what Mr.
12 Dolan sent to Mr. Danchenko, right?

13 A. Not a state secret.

14 Q. Not a state secret. Not the nuclear code, right?

15 A. No.

16 Q. Nothing that, you know, my -- she's now 18 years old --
17 but my 18-year old daughter couldn't figure out that day if
18 she wanted to look for this, right?

19 A. That would be an open source, so correct.

20 Q. Right. And if the content of that material was
21 significant to the FBI, right, you have analysts, you have a
22 team, right?

23 A. Yes.

24 Q. And you can get -- you can mobilize your team, because
25 you're supervising them, and say, "Guys, I need everything

1 about Paragraph 105 when you get there," right?

2 A. Correct.

3 Q. And when you did, it would have been pretty anticlimactic
4 because it's all open source, right?

5 A. I would anticipate it would be a lot of open source
6 material there, yes.

7 Q. Okay. Okay. So now we're going to transition to the
8 discussions that you had with Mr. Danchenko between July 24th
9 and July 26th of 2017.

10 A. January?

11 Q. Or January. I want to say July because that's important
12 too.

13 All right. So, first of all, I think your testimony
14 yesterday was that you thought that the interaction was
15 strange between Millian, the person he believed to be Millian,
16 and Mr. Danchenko.

17 A. I thought that that interaction, as described, was
18 peculiar and strange, yes.

19 Q. Right. And before you thought they were peculiar,
20 Mr. Danchenko told you, on the 24th, is that he thought what
21 happened was strange, right?

22 A. I do recall that, yes.

23 Q. Right. Because when you write a 302 or your memo, you
24 write what the witness tells you, right?

25 A. Correct.

1 Q. Okay. And you would agree that his characterization was,
2 "Guys, this is strange," and that's what you wrote in that
3 report?

4 A. I believe that's how I characterized it.

5 Q. Okay. So you agree with him when he said, "This was
6 strange."

7 You said, "You know what, he's right. This seems
8 strange," right?

9 A. He characterized it as strange. I think my
10 characterization of strange might not be the same
11 characterization of strange.

12 Q. Okay. But you used the same word?

13 A. Used the same word, yes.

14 Q. So you can use the same word, and sometimes people can
15 interpret the word differently is what you're telling me.

16 A. Yes.

17 Q. Okay. And the only way for you to know that is to ask a
18 follow-up question and say, "Hey, when you say 'strange,' this
19 is what I think and this is what you think," right?

20 A. Right.

21 Q. But you never did that?

22 A. I don't recall asking him to define what he meant by
23 strange in that.

24 Q. Very well. But he told you that he got information from
25 a person who did not identify himself, correct?

1 A. Correct.

2 Q. Okay. And, again, I'm not giving you a hard time because
3 you didn't ask a lot of probing questions on that day because
4 you were just trying to break the ice with him to see if you
5 can get him to work with you. Somma said you'd have more time
6 to work with him, right?

7 A. Correct.

8 Q. Okay. But I do want to try to correct something about
9 what you testified about this morning. Okay?

10 A. Okay.

11 Q. And you prepared to testify with Mr. Durham and his team,
12 right?

13 A. Yes.

14 Q. Okay. And I think he asked you to look at Government
15 Exhibit 100.

16 A. Yes.

17 Q. Okay. And when he asked you to look at Government
18 one- -- Exhibit 100, I think you may have answered that he did
19 not mention a call app on Page 20, right, in response to his
20 questions?

21 A. Yes.

22 Q. Okay. Well, do me a favor. Look at Page 20 and then 21,
23 And see if that refreshes your memory the first day about what
24 Mr. Danchenko told you.

25 A. I apologize. Yes, it basically says -- would you like me

1 to read it?

2 Q. Yeah.

3 A. Okay. I'll start at the middle of -- middle of the last
4 paragraph of Page 20.

5 (As read): "The two of them talked for a bit and
6 the two of them tentatively agreed to meet in person in New
7 York City at the end of July. At the end of July, Danchenko
8 traveled with his daughter to New York but the meeting never
9 took place and no one ever called Danchenko back. Altogether,
10 he had only a single phone call with an individual he thought
11 to be Millian. The call was either a cellular call or it was
12 a communication through a phone app."

13 Q. I'm sorry, what did you just say?

14 A. "Or it was a communication through a phone app."

15 Q. Okay. So remember when Mr. Durham asked you questions
16 this morning, right?

17 A. Yes.

18 Q. Did he omit -- ask you to look at page 21 to see what
19 Mr. Danchenko told you that day?

20 A. I don't think he was omitting. I think I --

21 Q. Okay. And did you intentionally omit, intentionally tell
22 the jury something wrong, right?

23 A. No.

24 Q. But the import of the testimony was that, no, he never
25 mentioned in that first meeting it could have been a phone

1 app, right?

2 A. Correct.

3 Q. And now we all know that that's false, right?

4 A. Correct.

5 Q. So he did mention a mobile app?

6 A. That is correct.

7 Q. Okay. Now, he also told you he traveled, right?

8 A. Yes.

9 Q. Okay. And did you ask him for his travel records?

10 A. I don't recall asking for his travel records.

11 Q. Okay. And you didn't ask him for how he traveled, right?

12 A. I think we talked about how he traveled.

13 Q. Did he tell you that it was via Amtrak?

14 A. I think we were talking about overseas trips, so...

15 Q. Okay. I'm sorry, I'm focusing specifically with respect
16 to the Millian matter.

17 A. Oh, I apologize.

18 Q. Yeah.

19 A. I don't recall exactly whether by car or train. I think
20 by train.

21 Q. Okay. Now, prior to you coming into court today and
22 testifying before the ladies and gentlemen of the jury, did
23 anybody from the special counsel's team, the FBI, ever show
24 you Mr. Danchenko's travel records?

25 A. Which travel records are we talk --

1 Q. For the Amtrak.

2 A. For the Amtrak?

3 Q. The trip to see Mr. -- who he believed to be Mr. Millian.

4 A. I don't recall seeing Amtrak travel records.

5 Q. Okay. We'll talk about that in a minute.

6 Now, before we get into more specifics, I want to
7 talk about Mr. Millian for a minute in that timeframe. Let's
8 say from between July 14th of 2016 --

9 A. Okay.

10 Q. -- into August of 2016.

11 First of all, do you walk around with a cell phone
12 every day?

13 A. Most days, yes.

14 Q. Okay. And do you use it every day?

15 A. Pretty much.

16 Q. All right. And so one of the things -- and I apologize
17 to Judge Trenga -- that I don't like about this courthouse is
18 that I'm away from my cell phone all day because I'm married
19 to it. Okay? I use it all the time, right?

20 A. Right.

21 Q. I'm assuming you do too, right?

22 A. I do, yes.

23 Q. And for most Americans and most people, you need your
24 phone to know what's going on in your life and to communicate
25 and all kinds of things, right?

1 A. Yes.

2 Q. And so a day without a cell phone is almost impossible,
3 right?

4 A. Yes.

5 Q. And a day without being able to communicate with someone
6 in this day and age is almost impossible, right?

7 A. Yes.

8 Q. Okay. Now, you don't think that Mr. Millian was capable
9 of making a phone call between July 14th or August 1st of
10 2016, right?

11 A. I believe he -- again, I don't know what Mr. Millian's
12 communication -- communication apparatus or anything of that
13 sort was --

14 Q. Sure.

15 A. -- during that time, so I don't know how I would answer
16 that.

17 Q. Sure. Well, but you know that most people can't go a day
18 without using a cell phone or Skype, right, or FaceTime, or
19 WhatsApp, but there are a lot of different mobile apps that
20 people use, right?

21 A. Correct.

22 Q. And as an investigator, you know that, right?

23 A. Correct.

24 Q. And I think Mr. Danchenko told you that this could -- was
25 likely from a phone call or a mobile app, right?

1 A. Correct.

2 Q. I want to show you, do you remember taking notes?

3 A. I do.

4 Q. Okay. And I would like you to look at defense exhibit --

5 MR. ONORATO: I don't know if the Court has a copy
6 of 497.

7 THE COURT: Which one?

8 MR. ONORATO: 497. I'm not sure if the Court has a
9 copy of it.

10 THE COURT: I don't.

11 MR. ONORATO: Okay. I apologize to the board.

12 THE WITNESS: I have my notes in front of me.

13 BY MR. ONORATO:

14 Q. Okay. And just for the record, again, we're at --
15 they're not page-numbered, but it's Defense Exhibit 497, and
16 it's Bates-stamped SC0350067270. Okay?

17 And those appear to be -- but I don't want you to
18 just agree with me -- the interview notes from your first
19 conversation with Mr. Danchenko. So that's on July 24th -- or
20 January 24th. I keep saying July.

21 A. Yeah.

22 Q. Okay. I want you to look at the middle of the page.

23 A. Yes.

24 Q. And he said to you, which you wrote down at the same time
25 and it looks like you underlined it, "Either cell phone or an

1 app," with an underscore, right?

2 A. That is correct.

3 Q. Those are your handwritings, right?

4 A. That is my handwriting, yes.

5 Q. And when he wrote "app," the instant is that it's
6 probably an app because you're emphasizing "app," right?

7 A. I don't necessarily know if I was emphasizing, but I did
8 draw a line under it, yes.

9 Q. And you would agree that when you draw a line under
10 something that's generally -- one of the reasons you do it is
11 you want to emphasize --

12 A. It can be one of the reasons, yes.

13 Q. Right. Okay.

14 THE COURT: On what page of the document is that?

15 MR. ONORATO: Your Honor, it's Bates-stamp 270 as
16 the last Bates.

17 THE COURT: 270.

18 MR. ONORATO: Yeah.

19 THE COURT: Thank you.

20 BY MR. ONORATO:

21 Q. Okay. And so despite Mr. Durham asking you about the
22 phone call and that he didn't say app on the first day, not
23 only did your 302 or your report say that, but these notes
24 have an indication that he not only said either cell phone or
25 app, but you underlined app in your notes?

1 A. That is correct.

2 MR. ONORATO: Your Honor, I would like to move into
3 evidence 67270 -- just that page of 497.

4 (Court reporter clarification.)

5 MR. ONORATO: So it's SCO350067270.

6 THE COURT: Any objection?

7 MR. DURHAM: No objection.

8 THE COURT: Without objection.

9 MR. ONORATO: And that's in Defense Exhibit No. 497,
10 just that one page. And may we publish it, Your Honor?

11 THE COURT: Yes.

12 MR. ONORATO: Okay.

13 (Defendant's Exhibit No. 497 was admitted into evidence.)

14 (Exhibit published.)

15 BY MR. ONORATO:

16 Q. All right. And just to show the jury what you were
17 looking at, right?

18 A. Right.

19 Q. So, again, despite the testimony this morning, that
20 Mr. Danchenko did not mention a phone app, just to highlight
21 it for you, right?

22 A. Correct.

23 Q. And so that's the correct testimony, right?

24 A. Yes.

25 Q. And whether it was Mr. Durham's question or whether it

United States v. Danchenko

459

1 was your misunderstanding, you did not intentionally leave the
2 jury with the impression, right?

3 A. Correct.

4 Q. That he didn't say that on the first day, right?

5 A. Correct.

6 Q. But you would think as lawyers in the case that we should
7 know the general state of the evidence?

8 A. Correct.

9 Q. And could correct that for you, right?

10 A. Correct.

11 Q. And Mr. Durham didn't take any steps to correct your
12 wrong answer, did he?

13 A. I don't recall him correcting that.

14 Q. Okay. But now, I'm correcting it, right?

15 A. You are correcting it.

16 Q. And now, this is true and accurate, right?

17 A. Yes, it is.

18 Q. Okay. So I'm going to show you -- well, Defense
19 Exhibit 354.

20 Do you see that on the screen? Oh, I'm sorry.

21 A. Yes, this is 354.

22 Q. Okay. Do you recognize that document?

23 A. This looks like it is from -- enter the date and the
24 individuals involved. This looks like it is maybe linked
25 messages back and forth between individuals and special

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

460

1 counsel.

2 Q. Yep. And I think Mr. Durham asked you questions about
3 some colleagues of yours, right, and I think one of them is
4 Brittany Hertzog?

5 A. Brittany Hertzog, yes.

6 Q. Okay. And she's one of the people who eventually got put
7 on the team and was doing investigative work, right?

8 A. Correct.

9 Q. Okay. When you look at that document, does it suggest to
10 you in the top that there are -- U.S. government, Brittany
11 Hertzog, has listed a number of phone numbers purporting to be
12 from Sergei Millian?

13 A. Yes, there are a number of phone numbers that are
14 redacted in this document.

15 Q. Correct. And they are blacked out, but you can see that
16 it lists that he has a number of phone numbers, right?

17 A. Correct.

18 Q. Okay. And did special counsel ever talk to you about how
19 many phone numbers that it became aware of that Mr. Millian
20 may have had in this timeframe?

21 A. I don't recall that.

22 Q. Okay. And you know that Mr. Millian traveled between the
23 United States and Russia and other places back in 2015 and
24 '16, right?

25 A. I do recall that, yes.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

461

1 Q. Okay. Do you recall becoming aware that he had a Moscow
2 number?

3 A. I don't know if I knew that or not.

4 Q. Okay. But the special counsel didn't ask you to analyze
5 any of Mr. Danchenko's foreign phone numbers or anything like
6 that, did they?

7 A. Mr. Danchenko's or Mr. --

8 Q. Mr. Millian's?

9 A. Again, sitting here right now, I don't recall any of
10 that.

11 Q. Okay. The special counsel -- how about this special
12 counsel, either special counsel, but particularly the Durham
13 team?

14 A. I'm not aware if they analyzed Sergei Millian's emails --
15 or telephone numbers or not.

16 Q. And they didn't ask you to do that?

17 A. No, they did not ask me to do that.

18 Q. Okay. Now, as an analyst, right, when we're talking
19 about whether a phone call could have been made or an app call
20 could have been made, would it have been material for you to
21 know that he had numerous phone numbers at that time?

22 A. At the time that we had the interview?

23 Q. At the time you had the interview, but --

24 A. Right.

25 Q. At the time -- whenever point in time you want to know if

1 Mr. Millian made a phone call, right?

2 A. Right.

3 Q. So if the relevant timeframe is July of 2016.

4 A. Yep.

5 Q. Today it would be relevant for you to know how many phone
6 numbers he had, right?

7 A. Correct.

8 Q. Okay. Nobody discussed with you the amount of phone
9 numbers that he's had, right?

10 A. Not in -- no.

11 Q. In preparation for your testimony here, right?

12 A. No.

13 Q. Okay. I'm going to show you what's been marked as
14 Defense Exhibit 152T.

15 THE CSO: Counsel, what was the number?

16 MR. ONORATO: 152T.

17 Oh, I'm sorry. Government's Exhibit 152T. My
18 apologies. My apologies.

19 THE WITNESS: I'm sorry. What number?

20 MR. ONORATO: 152T.

21 THE WITNESS: 152T. I have a 1205, 1 -- I'm
22 actually not seeing that in this one -- 205T.

23 BY MR. ONORATO:

24 Q. We'll move on because we'll make the point a little bit
25 later.

1 A. Okay.

2 Q. Are you aware that Mr. Millian in August of 2016 happened
3 to get on the FBI's radar screen? Again, we've talked about
4 the surveillance, right?

5 A. Correct.

6 Q. And that the FBI took other investigative steps with
7 regard to Mr. Papadopoulos where it became aware substantial
8 connections between Mr. Papadopoulos and Mr. Millian?

9 A. I do recall that.

10 Q. Okay. And so, I'm going to ask you to look at another
11 Exhibit, 405.

12 THE CSO: Counsel?

13 MR. ONORATO: Yep.

14 THE CSO: Number?

15 MR. ONORATO: 405.

16 I'm sorry, it's 403.

17 THE WITNESS: Yes, I have 403 in front of me.

18 MR. ONORATO: Okay. Take a look at that.

19 THE WITNESS: Yes.

20 BY MR. ONORATO:

21 Q. And what is 403?

22 A. 403 is a copy of intelligence memo, dated 15th of May,
23 2017, and it marks Facebook contact between -- then it has
24 basically both individuals redacted.

25 Q. Okay. And then, if you look on -- at the -- first of

1 all, have you seen this intelligence report?

2 A. I do recall seeing this, yes.

3 Q. Okay.

4 MR. ONORATO: Your Honor, I'm going to move
5 Defendant's 403.

6 THE COURT: Any objection?

7 MR. DURHAM: Can I just voir dire on the, um, on
8 the --

9 THE COURT: Yes.

10 VOIR DIRE

11 BY MR. DURHAM:

12 Q. Sir, looking at Defendant's Exhibit 403, you said you've
13 seen that before, correct?

14 A. 403, I believe I have seen this before, yes.

15 Q. Okay. And with respect to 403, that's a product that's
16 put together by contact between Mr. Millian and
17 Mr. Papadopoulos, correct?

18 A. Correct.

19 Q. And you are familiar with that, correct?

20 A. I believe I have seen this before, yes.

21 Q. And do you remember what Papadopoulos and Millian were
22 involved in that generated these numbers?

23 A. I don't recall exactly what they were involved in, but it
24 was --

25 Q. But was it pretty much they were involved in real estate

1 or investment discussions over a long period of time?

2 A. That, I don't recall exactly.

3 Q. Well, how about generally? Do you generally refer --

4 recall that Papadopoulos and Millian were involved in

5 discussions about real estate projects and the like?

6 A. In January of...

7 Q. Well, this whole period that's reflected in Defendant's

8 Exhibit 403.

9 A. Yeah, again, I don't know if I -- I don't know if I can

10 speak to that at this point.

11 Q. Well, you -- you were the analyst -- that supervisory

12 analyst, correct?

13 A. Yes.

14 Q. Did you recall, sir, what it was that Mr. Millian was

15 involved in, the kind of investments?

16 A. Yes, he was involved in investments and the like.

17 Q. Right.

18 A. But I don't know if I can speak to, at this point, these

19 phone records being tied to any real estate deals or anything

20 of that sort.

21 Q. Right. So all of these records have shown there was

22 contact between the two of them, correct?

23 A. Correct.

24 Q. And did you know that Millian was involved in the energy

25 sector as well?

United States v. Danchenko

466

1 A. Yes, correct.

2 Q. And did you know that Papadopoulos was talking about
3 getting involved in the energy sector in the Middle East?

4 A. Yes, I did know that.

5 Q. Does that refresh any recollection as to whether or not
6 the contact between Millian and Papadopoulos had to do with
7 energy and other investments?

8 A. Again, I am familiar with both of those things. I don't
9 know if that is what this document was actually written for.

10 Q. Okay. And there's nothing in this document that tells
11 you what it is about, correct?

12 A. No. Gmail talks about -- there are a couple of
13 references on -- it's not -- it's Bates Number -- last Bates
14 number is 105262.

15 Q. Uh-huh.

16 A. And there are two paragraphs that talk about another
17 individual involved with energy.

18 Q. Right. This is all about business, correct?

19 A. Again, I don't know if all of this is about business. I
20 know that there are paragraphs in here involving energy.

21 Q. Okay. So one can tell from this is that they were
22 involved in exchanges of emails or the like, correct?

23 A. Correct.

24 Q. And it appears it has to do with energy, correct?

25 A. It might, yes. Again, there are a lot of -- there are a

1 lot of communications on here.

2 Q. Yes.

3 A. So I would not be able to state with any substance that
4 these are all involving energy issues.

5 Q. You can't say that because the document doesn't tell the
6 jury what it's about, other than that it, at least it has
7 partially to do with energy?

8 A. Correct.

9 Q. Between Millian and Papadopoulos, correct?

10 A. That's what it appears, correct.

11 Q. So it would be unreasonable to conclude anything or draw
12 any conclusions from this other than Papadopoulos and Millian
13 were involved in investments in the energy sector, right?

14 A. I don't know if I can say that it follows necessarily
15 from this, that all of these things deal with that.

16 Q. That wasn't my question, though.

17 A. Okay.

18 Q. My question was: It would be unreasonable to conclude
19 from this document anything other than they were at least
20 involved in talking about -- the energy sector, correct?

21 A. I would say that from this document there may --

22 Q. Uh-huh.

23 A. -- there are likely communications within this list of
24 communications dealing with energy, though I cannot say,
25 analytically speaking, that all of these deal with energy.

United States v. Danchenko

468

1 Q. Fair enough. You know that Millian was involved in the
2 energy sector and real estate?

3 A. I do recall that.

4 Q. And Papadopoulos is involved in the energy sector and
5 real estate?

6 A. I recall that.

7 Q. And so this document doesn't have anything to do, from
8 looking at it on its particulars, anything to do with Russia
9 and Russia collusion and the like, correct?

10 A. So the only thing that this has is -- it has a list of --
11 most of it is a list of communications between the two
12 parties, dates, times.

13 Q. Okay.

14 MR. DURHAM: I have no objection to it, Your Honor.

15 THE COURT: All right. Without objection, 403 is
16 admitted.

17 (Government's Exhibit No. 403 was admitted into evidence.)

18 (Cross-examination continues.)

19 BY MR. ONORATO:

20 Q. Okay. And I'm glad that Mr. Durham took five minutes of
21 my examination with you to talk about something I didn't want
22 to ask you about, okay? I don't care if they were talking
23 about going to the beach or vacation. It's not relevant to --

24 MR. DURHAM: Your Honor, the government is going to
25 object to counsel speaking about what he cares about.

1 THE COURT: Well, there's been a lot of that on both
2 sides.

3 MR. ONORATO: I apologize.

4 BY MR. ONORATO:

5 Q. So the import of that document is that you were
6 investigating Mr. Papadopoulos after Crossfire Hurricane,
7 right?

8 A. In Crossfire Hurricane, yes.

9 Q. Right. But you got --

10 A. And special counsel.

11 Q. Right. And then Mr. Millian was also being investigated,
12 right?

13 A. Correct.

14 Q. And so, the import of that is that there's communication
15 between Papadopoulos and Millian, and the FBI was documenting
16 that because it was important, right?

17 A. Correct.

18 Q. Okay. It doesn't -- I don't care about the contents of
19 what they were discussing, just the fact that there was this
20 relationship that you needed to explore, right?

21 A. Correct.

22 Q. Okay. And when Mr. Durham talked to you about
23 Mr. Millian's business interest, were you aware that he was
24 telling a lot of people that he was actually doing real estate
25 deals for -- business deals with Donald Trump at the same

1 time?

2 A. You mean Mr. Millian?

3 Q. Yeah, in the August timeframe, in 2016?

4 A. I don't have a clear recollection of that.

5 Q. Okay. Did the special counsel team ever tell you that
6 Mr. Millian was in possession of an iPad on the 14th of July
7 of 2016?

8 A. You mean -- sorry.

9 Q. When I say "special counsel," I'm only going to refer to
10 Mr. Durham. Okay?

11 A. Thank you. I -- I don't believe I've known about an
12 iPad.

13 Q. Okay. And do you know that with an iPad Apple has a
14 program called FaceTime, right?

15 A. Correct.

16 Q. Okay. And you can FaceTime people, right?

17 A. Correct.

18 Q. And you can FaceTime people without using a telephone
19 carrier, right? It's Internet based.

20 A. Correct.

21 Q. Okay. And if I FaceTime you today, there would be no
22 record on my Verizon bill to say that I FaceTimed you today
23 because it's Internet based, right?

24 A. That is my understanding, yes.

25 Q. Okay. Did the special counsel tell you that on July 14th

1 of 2016 that he was telling someone to call him at area code
2 (212) 844-9455?

3 A. I don't believe I'm familiar with that.

4 Q. Okay. And that's the time frame when Mr. Danchenko told
5 you that he received a communication from him, right?

6 A. What was the date again?

7 Q. July 15th, I'm sorry, of 2016.

8 A. Yes, that would have been around the same time period.

9 Q. Okay. And would that have been important for you, as an
10 analyst, to know that Mr. Millian had access to FaceTime or
11 telephone in that period of time?

12 MR. DURHAM: I'm sorry, could I just ask for the
13 date again? I missed the date. What date is that?

14 MR. ONORATO: July 15th.

15 MR. DURHAM: July 15th.

16 MR. ONORATO: 15th.

17 MR. DURHAM: Okay.

18 BY MR. ONORATO:

19 Q. Can you look at Defense Exhibit 480, please.

20 A. 480.

21 THE COURT: 480?

22 MR. ONORATO: Yes, sir.

23 BY MR. ONORATO:

24 Q. Okay. Take a look at that.

25 A. Yes.

United States v. Danchenko

472

1 Q. First of all, does it appear to be a LinkedIn message
2 between George Papadopoulos and Mr. Millian?

3 A. Yes, it does.

4 Q. And the date of that is July 15th of 2016, right?

5 A. Correct.

6 Q. Okay. And just -- it appears to be an email that
7 LinkedIn is sending to Mr. Millian, correct?

8 A. Yes.

9 Q. Okay. And I'm just going to direct your attention to a
10 specific portion of the second page. Okay?

11 A. Yes.

12 MR. ONORATO: And, Your Honor, I'm not going to talk
13 about the --

14 THE COURT: All right.

15 BY MR. ONORATO:

16 Q. Okay. Millian writes to George -- do you see where it
17 says, "To George"?

18 A. Yes.

19 Q. Okay. So that's Millian sending a comment to
20 Mr. Papadopoulos, right?

21 A. Correct.

22 Q. Okay. And I want to direct your attention to the bottom
23 of the highlighted portion where it says, "Please do not
24 hesitate to contact me at (212) 844-9455."

25 A. I see that, yes.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

1 Q. Okay. And do you see in the last line it says, "Sent
2 from LinkedIn for iPad"?

3 Okay?

4 A. Yes, I see that.

5 Q. Okay. And so in this timeframe Mr. Millian is saying on
6 the 15th that Mr. Papadopoulos can call him at that phone
7 number that we discussed, right?

8 A. Correct.

9 Q. Okay. And so do you know that the 212 area code is from
10 New York?

11 A. Yes.

12 Q. Okay. And that's where Mr. Millian lived, right?

13 A. Correct.

14 Q. Okay. And you also sent an iPad -- a message from an
15 iPad, right?

16 A. Correct.

17 Q. And, again, that's a device that you can FaceTime people
18 from that we all know, right?

19 A. Yes.

20 Q. And the one that doesn't leave a record or footprint on a
21 device, right?

22 A. In terms of a record on a device.

23 Q. I mean a -- with a cell phone carrier, like Verizon or
24 Sprint or AT&T.

25 A. Correct.

1 Q. Okay.

2 MR. ONORATO: And, Your Honor, we're going to just
3 move to introduce -- I'm not going to publish it to the
4 Jury -- just a limited portion of that.

5 THE COURT: What portion?

6 MR. ONORATO: Just the phone number and then the
7 fact that it was sent from an iPad.

8 THE COURT: All right. Is there an objection?

9 MR. DURHAM: No, Your Honor.

10 THE COURT: All right. Without objection, the
11 limited portion identified of 480 is admitted.

12 (Defendant's Exhibit No. 480 was admitted into evidence.)

13 MR. DURHAM: Can I just talk with counsel for a
14 moment, Your Honor?

15 THE COURT: Yes.

16 (Counsel confers.)

17 BY MR. ONORATO:

18 Q. And, again, I was just trying to be careful. And the
19 email also says that you can contact me here and you can leave
20 what we call a voicemail, right, at the 212 number?

21 A. Yes. It says, "Please leave a VM" -- he says he is
22 currently on a business trip to Asia, please leave a VM.

23 Q. Okay. Perfect.

24 MR. DURHAM: The government has no objection to the
25 presentation as long as it includes --

1 (Court reporter clarification.)

2 MR. DURHAM: No objection to it being admitted to
3 counsel's offer, so long as it includes, "Please do not
4 hesitate to contact me at the number or my personal email,
5 millianguroup@gmail.com. Best regards, Sergei Millian. P.S.,
6 I'm currently on business trip to Asia. Please leave a VM."

7 THE COURT: All right.

8 MR. DURHAM: With context to voicemail. We have no
9 objection to --

10 THE COURT: All right. That will --

11 MR. DURHAM: Oh, I'm sorry. Then it says, "Sent
12 from LinkedIn iPad."

13 No objection, so long as it's all included.

14 THE COURT: All right. So the sentencing beginning,
15 "Please do not hesitate," through the end of that paragraph
16 will be admitted.

17 MR. ONORATO: Thank you.

18 BY MR. ONORATO:

19 Q. Now, if you look at the first page of that document --
20 again, you discussed it real -- previously. But he gets that
21 in the form of an email, right?

22 A. Yes.

23 Q. Okay. Okay. So an email was sent to him and then that's
24 where the message was attached?

25 A. Yes.

1 Q. Are you aware that Mr. Millian was proposing setting up
2 Skype calls from August of 2016?

3 A. I don't know if I was aware of that or not.

4 Q. Okay. So I am going to show you Defense Exhibit 486.
5 Take a look at that.

6 A. I see that.

7 Q. Okay. Now, as an analyst, would it be important for you
8 to know that in the timeframe of August of 2006 Mr. Millian
9 had yet another way to communicate through an app, this time
10 Skype?

11 A. Yes.

12 Q. Okay. And that's dated August 5th of 2016, correct?

13 A. Correct.

14 MR. ONORATO: And I don't want to move in any of the
15 content of the email subject to -- I know that Mr. Durham may,
16 but if there's portions of it, I just want to introduce -- I
17 just want to introduce it for the fact that he has a Skype ID,
18 there's other material in there, and I have no objection to
19 add it --

20 THE COURT: All right. Any objection to 486?

21 MR. ONORATO: And it will be redacted just to
22 reflect that he communicated via Skype, subject to
23 Mr. Durham's wishes.

24 THE COURT: Okay.

25 (Counsel confers.)

1 MR. DURHAM: No objection, so long as the entire
2 document comes in.

3 THE COURT: All right. The entire document will be
4 admitted. Defense Exhibit 486.

5 (Defendant's Exhibit No. 486 was admitted into evidence.)

6 MR. ONORATO: So can we publish that to the jury?

7 THE COURT: Yes.

8 (Exhibit published.)

9 BY MR. ONORATO:

10 Q. So, again, this is George Papadopoulos, right?

11 A. Yes.

12 Q. The same person that the government opened Crossfire
13 Hurricane about, right?

14 A. Yes.

15 Q. And he's communicating with Mr. Millian, correct?

16 A. Correct.

17 Q. And he said, "My pleasure to initiate energy dialogue
18 with you," and he provides a Skype ID, right?

19 A. Correct.

20 Q. And then at the bottom of the document Mr. Papadopoulos
21 replies, "I want to introduce you to my" -- oh, I'm sorry, I
22 may have it backwards.

23 But he writes, "I want to introduce you to my
24 friend, Sergei Millian, the president of the chamber of
25 commerce. Let's set up a Skype call tomorrow or Sunday,"

1 right?

2 A. Right. It looks like it's a brokered introduction.

3 Q. Right. It's just -- right. It's just an introduction,

4 right?

5 A. Right.

6 Q. Similar to what Mr. Danchenko said that he was introduced

7 to Mr. Millian by Mr. Zlodorev, right?

8 A. Correct.

9 Q. Okay. And in that there is a discussion about using

10 another way to communicate that, again, would not leave a

11 record on my Verizon cell phone bill, right?

12 A. Are you talking about the Skype here?

13 Q. Correct.

14 A. Correct.

15 Q. Okay. Thank you.

16 Are you aware that when Mr. Danchenko spoke to the

17 FBI he told them that he used, in this timeframe, WhatsApp,

18 Viper, FaceTime, Wickr, and Telegram?

19 A. I think it would depend on what time frame you are

20 talking about talking to the FBI.

21 Q. Sure. But between, let's say, January, when you met with

22 him, and call it July, after he's meeting with Mr. Helson.

23 A. I don't know if I would be able to rattle off all of

24 those different things.

25 Q. Sure. Some of them?

1 A. Some of them.

2 Q. Okay. And, again, those apps -- whether it's one, two,
3 three, four, or five of them -- do not leave records on my
4 Verizon cell phone bill, right?

5 A. I do not believe so.

6 Q. Okay. And Mr. Danchenko told you that likely got that
7 call from mobile app, right?

8 A. He said either phone call or an app.

9 Q. Right. And prior to today, did you see any of the emails
10 that I just showed you?

11 A. No, I don't believe I've seen -- I did not see these in
12 preparation for trial.

13 Q. Were you aware that he had a 212 number prior to today?
14 Did you discuss with the special counsel that 212 number?

15 A. I don't recall discussing the 212 number with special
16 counsel.

17 Q. Did you discuss that he could have used FaceTime to
18 communicate because he had an app in that timeframe --

19 A. I don't recall discussing --

20 Q. -- or an iPad? Sorry.

21 A. Sorry.

22 Q. An iPad?

23 A. An iPad?

24 Q. Yup.

25 A. I don't recall that, no.

United States v. Danchenko

480

1 Q. So they never asked you that question?

2 A. Not to my recollection.

3 Q. Okay. And they never asked you if the -- did you ever
4 discuss the importance that Skype can be used to communicate
5 with somebody and make a call that way, right?

6 A. I don't recall discussing the importance of Skype.

7 Q. Okay. So they never discussed those things, right?

8 A. Not to my recollection.

9 Q. All right. Now, these things would all be relevant to
10 you to try to determine whether Mr. Danchenko could have
11 received contact from someone. I'm not saying it's
12 Mr. Millian, right?

13 A. Are you talking about assessing that now or assessing
14 that at the time --

15 Q. Any time.

16 A. -- or any time?

17 Q. At any time, right?

18 A. Any time, yes, it would be helpful.

19 Q. Right. And so any time meaning that you were preparing
20 to testify after meeting with the government, right?

21 A. Correct.

22 Q. The whole point of this trial is to determine whether it
23 was reasonable for him to hold that belief, right?

24 A. Correct.

25 Q. And so would it be important for you to know that the guy

1 that he said he could have gotten the call from was actually
2 using these messaging apps that Mr. Danchenko said he used?

3 A. Yes, that's important.

4 Q. Okay. And they never talked to you about that?

5 A. Not to my recollection, no.

6 Q. Okay. Now, I want to talk about some of the positive
7 statements -- well, first of all, let's just talk about
8 commonsense investigation, right?

9 If I want to remain anonymous and I call you, do you
10 think I'm going to use a phone number that you can trace to
11 me?

12 A. I would say typically in situations where one wants to
13 remain anonymous, one goes into -- basically attempts to do
14 things that you can't trace back.

15 Q. Right. And the whole point is that someone might not
16 identify themselves because they don't want you to know for
17 certain who you might be, right?

18 A. That's one possibility, yes.

19 Q. And sometimes you get phone calls that are blocked,
20 right, and there might be a telemarketer so I'm not going to
21 take it because I don't want to get that call, right?

22 A. Correct.

23 Q. Okay. Or it could be those people who call me up and say
24 I haven't paid my taxes and it's the IRS, and if I don't send
25 them 100 bucks, there's going to be a warrant.

1 You're familiar with that scam, right?

2 A. I'm not -- yes.

3 Q. Okay. But there are no records because people can
4 disguise phone numbers and make calls that won't come back to
5 their phone bills, right?

6 A. Yes, that is correct.

7 Q. Happens to all of us, right?

8 A. That is correct.

9 Q. Okay. And let's talk about some of the things you said
10 about Mr. Danchenko when you testified in other places. Okay?

11 So when you testified before the Senate, you said
12 the information from the interview that the primary
13 sub-source --

14 And we can agree that Mr. Danchenko is the primary
15 sub-source?

16 A. Yes, we can.

17 Q. -- provided details used to identify sub-sources in the
18 Steele -- referenced in the Steele reports, which assisted the
19 investigation.

20 A. I would agree with that.

21 Q. Okay. And you were asked, and you said, On the whole you
22 did not see any reason to doubt -- and I'm quoting -- the
23 information the primary sub-source provided about who he
24 received information from, which was the supervising intel
25 analyst's focus, right?

1 A. Correct.

2 Q. And so when you made that statement under oath before the
3 Senate, you didn't think he was lying to you that he had
4 contact with Mr. Millian, right, or believed -- not that he
5 did, that he believed?

6 A. I -- I have no reason to doubt that he believed he was
7 talking to Mr. Millian based upon what he told us in the
8 interview.

9 Q. Okay. I'm sorry. Once more, can you please repeat that
10 to the jury?

11 A. I don't have any basis to -- at the time to believe
12 that --

13 Q. You have no basis to doubt that he believed those facts,
14 right?

15 MR. DURHAM: Objection, Your Honor. That is not the
16 witness testimony.

17 THE COURT: All right.

18 MR. DURHAM: The witness testimony was at the time.

19 THE COURT: Right. Ask the question again.

20 MR. ONORATO: Yep.

21 BY MR. ONORATO:

22 Q. So you testified -- what's the date of your Senate
23 testimony?

24 445, can you take a look at that.

25 A. 445. Do you have a page number? Sorry.

1 Q. I'm sorry. Defense 445.

2 A. Yes.

3 Q. Page 182.

4 And what's the date that you give that testimony?

5 A. October 29, 2020.

6 Q. Okay. So just so I'm clear, so we are now more than
7 3 1/2 years, okay, so 3 1/2 years away from the initial
8 meeting with Mr. Danchenko, right?

9 A. Correct.

10 Q. Okay. 3 1/2 years later you -- and I want you to read
11 what you said on 182, starting with "On the whole."

12 A. Starting with Line 9?

13 Q. Yes.

14 A. (As read): "I believe the primary sub-source was being
15 truthful about who his sub-sources were. I don't think he was
16 fabricating sub-sources."

17 Q. Thank you.

18 A. Do you want me to go on?

19 Q. Well, I want you to go to the portion where it says, "On
20 the whole."

21 182, Line 3.

22 A. Line 3.

23 MR. DURHAM: Your Honor, I'm going to object to
24 counsel asking the witness to refresh his recollection. He's
25 not supposed to be reading from the documents.

1 BY MR. ONORATO:

2 Q. So do you remember being -- do you remember giving the
3 following answer:

4 (As read): "On the whole, you did not see any
5 reason to doubt the information the primary sub-source
6 provided about who he received information from, which was the
7 supervisory intel's analyst focus."

8 Right?

9 A. Yes. That is from my -- that's from my OIG testimony.

10 Q. Right. But you said it under oath, subject to penalty of
11 perjury?

12 A. Correct.

13 Q. And it's true?

14 A. Correct.

15 Q. And it's true today?

16 A. Correct.

17 Q. Okay.

18 MR. ONORATO: Excuse me one second, Your Honor. May
19 I consult with Mr. Sears?

20 THE COURT: All right.

21 (Counsel confers.)

22 BY MR. ONORATO:

23 Q. And you gave that testimony 3 1/2 years after you met
24 with Mr. Danchenko, right?

25 A. That is correct.

United States v. Danchenko

486

1 Q. Okay. And the only thing that changed between then and
2 today is that the special counsel told you that you were a
3 subject of an investigation in terms of, you know, what
4 conclusions may have or not have based on your interactions
5 with them, right?

6 So for -- strike that.

7 You gave that testimony before you received a
8 subject letter or being told you were a subject, right?

9 A. I'm not exactly sure whether or not this preceded that or
10 whether it came before that or not.

11 Q. But either way, whether you're a subject letter or not,
12 you stand by your testimony?

13 A. I do stand by my testimony, yes.

14 Q. Okay. And, again, that testimony was given under oath,
15 subject to penalty of perjury, right?

16 A. Correct.

17 Q. Okay. All right. And I want to start talking now about
18 the event. Okay. So we already covered that he never said,
19 Mr. Danchenko, that the unidentified caller was 100 percent
20 Mr. Millian, right?

21 A. Correct.

22 Q. He said he believes it, right?

23 A. Correct.

24 Q. And that's what you wrote?

25 A. Correct.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

1 Q. He told you that he reached out to a journalist named
2 Alexey Bogdanovsky -- and I'm going to butcher the name --
3 right?

4 A. Correct.

5 Q. All right. And that's true, isn't it?

6 A. That is what he told us, yes.

7 Q. Okay. And that -- that journalist put him in touch with
8 Zlodorev, right?

9 A. That is what he told us, yes.

10 Q. Okay. And that Bogdanovsky suggested to Danchenko that
11 he should talk to Millian about topics related to Russia,
12 right?

13 A. Correct.

14 Q. And that he told Danchenko to reach out to Zlodorev
15 because Millian was a person Zlodorev and the news
16 organizations were talking to?

17 A. Correct.

18 Q. Okay. Danchenko told you he discussed meeting Zlodorev
19 in person but it didn't happen, right?

20 A. Correct.

21 Q. He told you that reached out to Millian twice, right, at
22 that first meeting?

23 A. Yes.

24 Q. Via email -- I think that's what Mr. Durham asked you --
25 right?

1 A. Correct.

2 Q. All right. And he said he got no response from the
3 first, right?

4 A. Correct.

5 Q. Okay. Then he said he reached out a second time, right?

6 A. Yes.

7 Q. Okay. And this is what he said, quote, Things got
8 strange, right?

9 A. Quote, Things got strange, yes.

10 Q. And he got the unidentified call, right?

11 A. Yes.

12 Q. All right. And, again, we've covered this, but it was
13 never 100 percent that he was making -- this is important,
14 because Mr. Danchenko is an analyst, right, by trade? He does
15 kind of intel work, analyst work, right?

16 A. That is correct.

17 Q. And he told you the information he gave to Steele was a
18 combination of Steele's conclusions or analytical judgments,
19 but, more importantly, Mr. Danchenko's analyst conclusions,
20 right?

21 A. Yes, that was --

22 Q. Similar to what you do in government -- Defense Exhibit
23 400 and 401, those charts --

24 A. Yes.

25 Q. -- that you get information and then you try to make

1 conclusions, right?

2 A. Correct.

3 Q. And so he's telling you that his belief was based on his
4 analyst judgments in realtime based upon what he was hearing
5 and what the information he knew, right?

6 A. I'm sorry, based --

7 Q. Based upon his -- where he got the unidentified caller,
8 right?

9 A. Uh-huh.

10 Q. The background that he got from the two journalists,
11 right?

12 A. Right.

13 Q. That's what he was basing his judgment on, right?

14 A. That's what he told us, yes.

15 Q. And there's nothing wrong about someone like
16 Mr. Danchenko trying to make an analyst conclusion, right?

17 A. No.

18 Q. Okay. But he told you that it was from a Russian -- he
19 also told you that the conversation was in Russian, right?

20 A. I recall that, yes.

21 Q. So he was talking Russian. So obviously I couldn't talk
22 in Russian because I don't speak Russian, but the caller was
23 talking in Russian, right?

24 A. Yes.

25 Q. And they talked a bit and they tentatively agreed to meet

1 in New York City at the end of July, right?

2 A. Yes.

3 Q. And he told you he traveled to New York City, right?

4 A. Yes.

5 Q. He showed up, but nobody every called him back, right?

6 A. Yes.

7 Q. And he told you that -- again, that it was likely through
8 a cellular communication or a mobile app, right?

9 A. Correct.

10 Q. All right. That's the first day. Let's talk about the
11 second day.

12 Now, there you were asking some more questions,
13 right?

14 A. Yes.

15 Q. And he said, "Look, I learned about the guy, Millian,
16 from the journalist," right?

17 A. Yes.

18 Q. And he said, "I should talk to him," right?

19 A. Correct.

20 Q. And Danchenko told you a little bit more. He said, "Look
21 I actually met in person with Bob Labosky (ph), and we're
22 Facebook friends," right?

23 A. I don't recall the Facebook friends part of that, but
24 they met, yes.

25 Q. Sure. And so they went to a Thai restaurant?

United States v. Danchenko

491

1 A. I do recall the Thai restaurant.

2 Q. Yep. And it was near Labosky's office near 17th or 18th
3 and K --

4 A. Yes.

5 Q. -- in D.C., right?

6 A. Yes.

7 Q. And he said, when he met with him, that he did not want
8 to ask Labosky targeted questions, right?

9 A. I do recall that, yes.

10 Q. Okay. And the reason why is because, when you're trying
11 to gather intelligence, you don't want people to know what
12 your motive is, right?

13 A. Correct.

14 Q. Right. And so when -- Danchenko was like, "Look, I'm
15 putting on kind of a thing where I'm just kind of, you know,
16 not letting him know what I'm trying to do here, I'm kind of
17 being cagey because that's what he has to do in his job,"
18 right?

19 A. Correct.

20 Q. Okay. So he told you that Danchenko never met with
21 Zlodorev, right?

22 A. I would have to be refreshed on that.

23 Q. Okay. So if we can go to Page 2 of Defense Exhibit 100.

24 A. January 25th. Do you have a page?

25 Q. So I think the discussion is between -- I think we

1 covered 35. So look at the top of 36.

2 A. Yes. Got it.

3 Q. Just read the end of the first paragraph and see if that
4 refreshes your memory.

5 A. Yes, it does.

6 Q. Okay. And so he told you that he never met with
7 Zlodorev, right?

8 A. That is correct.

9 Q. Okay. And he told you that he emailed Millian either
10 late June or July of 2016?

11 A. Correct.

12 Q. And he said he did not get a response from the email?

13 A. Correct.

14 Q. Those are all things that he told you?

15 A. Yes.

16 Q. And then he said, "Things got strange," right?

17 A. That is correct.

18 Q. And he told you he got, in July of 2016, a call from the
19 unidentified Russian guy, right?

20 A. Yes.

21 Q. Okay. And he thinks it was Millian, right?

22 A. Yes.

23 Q. But he never identified himself as Millian?

24 A. That is correct.

25 Q. And they talked for about 10 or 15 minutes, right?

1 A. That's correct.

2 Q. And they agreed to meet together in New York City?

3 A. That is correct.

4 Q. Okay. And he said that he remembered they made points to
5 meet in New York and Danchenko offered to come up any time
6 Millian was available, right?

7 A. Yes.

8 Q. And so Danchenko was saying, "Look, unidentified caller,
9 I'll come up whenever you can," right?

10 He didn't suggest a date. The unidentified caller
11 said, "I'll come up whenever you're available," right?

12 A. Yes.

13 Q. But that person would not commit to a specific time,
14 right?

15 A. Correct.

16 Q. And so Danchenko said, "Look, I'm going to be in New York
17 for a couple of days, so, you know, let's try to do it then,"
18 right?

19 A. Correct.

20 Q. Okay. And, again, in his role, when he needs to meet
21 with people, he will say things, right, because if he's going
22 to be available on Tuesday, say, "Oh, I'm just going to happen
23 to be in town Tuesday," right? It's that kind of thing.

24 That's what he's telling you, that I'm making myself available
25 to have a meeting with this person, right?

United States v. Danchenko

494

1 MR. DURHAM: The government is going to object to
2 counsel testifying as to what his client is thought or saying.

3 THE COURT: Well, what -- what he understood. Go
4 ahead. You can answer.

5 BY MR. ONORATO:

6 Q. The gist of it is, right?

7 A. I don't know if I understood that this was some sort of
8 a -- for lack of a better term, a kind of potential -- I don't
9 know whether or not what he was talking about was I have to
10 make it sound like I'm available all the time --

11 Q. Sure.

12 A. -- or whether or not he was -- you know, he could be up
13 there.

14 Q. Sure. But you understand that people who do things like
15 Danchenko does -- do will sometimes pretend that they'll be
16 somewhere so there's opportunity created for a meeting, right?

17 A. Yes.

18 Q. No-brainer, right?

19 A. Yes.

20 Q. Okay. And that you knew that the visit would be at the
21 end of July?

22 A. Yes.

23 Q. Okay. And let's talk about some more things

24 Mr. Danchenko told you. Okay?

25 He told you, right -- and this is in 302 -- that he

1 spoke to Zlodorev and Millian said, "Who the hell is
2 Danchenko," right?

3 A. Right.

4 Q. And that he told him that it would be hard for him to
5 reach out because he would be in South Korea, right?

6 A. In China or South Korea.

7 Q. Or China. Right.

8 And that was after he showed up in the meeting and
9 Millian wasn't there, right?

10 A. Yes.

11 Q. Okay. And that -- he said that he tried to follow up
12 with Millian once more in September of 2016, right?

13 A. Correct.

14 Q. All right. And Mr. Durham told you this -- and I don't
15 know if you think it is material, but he said it was in
16 September of 2016, right?

17 A. Correct.

18 Q. Okay. But the email was actually in August of 2016,
19 right?

20 A. Correct.

21 Q. But the contents of the email was that Mr. -- I think you
22 said he created a ruse, right?

23 A. Yes.

24 Q. And that's what Mr. Danchenko told you?

25 A. Yes.

1 Q. Okay. So that's consistent, right?

2 A. That is consistent.

3 Q. And even though he didn't give you that email, he's
4 giving you information that's been corroborated with the
5 evidence that the special counsel introduced, right?

6 A. Correct.

7 Q. Okay. He told you that there was a land investment
8 project, right?

9 A. Yes.

10 Q. And that he said that he and Millian actually became
11 friends on LinkedIn, which was before August of 2011, right?

12 A. Yes.

13 Q. All in that email, right, or in that meeting, right?

14 A. Yes.

15 Q. Okay. And you said that after -- after the 10- to
16 15-minute conversation, there was no other phone conversations
17 between him and Millian, right?

18 A. That is my understanding, yes.

19 Q. Okay. Now, I'm going to show you -- never mind.

20 Okay. Now, I'm going to show you some other
21 information to see if you think it is relevant. So let's look
22 at Defense Exhibit 422A and B.

23 (A pause in the proceedings.)

24 (Counsel confers.)

25 BY MR. ONORATO:

United States v. Danchenko

497

1 Q. Okay. Well, did -- let me ask you this: Did the special
2 counsel ever tell you that they subpoenaed Mr. Danchenko's
3 Amtrak travel records for this time frame?

4 A. I don't recall them saying that.

5 Q. Okay. They never showed you that on July 25th,
6 approximately 5:00 or so in the evening, that Mr. Danchenko
7 bought train tickets to go to --

8 MR. DURHAM: Your Honor, the government is going to
9 object to the form of the question. I think the witness has
10 indicated he doesn't know anything about it. Counsel knows
11 we're going to move those exhibits.

12 THE COURT: All right. Do you have the exhibits?

13 MR. ONORATO: I do.

14 THE COURT: Let's move them in. All right?

15 MR. ONORATO: Move them in?

16 THE COURT: Yes.

17 MR. ONORATO: Okay. So I'm going to introduce
18 Defense Exhibits 422A and B, which I think might be
19 cross-marked as Government's Exhibit 1400, if I'm not
20 mistaken. 1300. 1300.

21 THE COURT: All right. Defense Exhibits 422A and B
22 are admitted, as are Government Exhibit 1300. Is that what it
23 is?

24 MR. ONORATO: Yeah. And they are the same, Judge.

25 THE COURT: All right.

United States v. Danchenko

498

1 (Government's Exhibit No. 1300 and Defendant's Exhibit 422A-B
2 was admitted into evidence.)

3 MR. ONORATO: Your Honor, I would like to publish
4 those to the jury.

5 THE COURT: Yes.

6 (Exhibit published.)

7 BY MR. ONORATO:

8 Q. All right. So take a look in the top where we talk
9 about -- where it indicates that on Page 2, where it talks
10 about the history of their transactions, okay.

11 And it appears, if you're looking at the line, that
12 there was a train ticket purchased departing Washington, D.C.,
13 going to New York, and the train is leaving at 3:57 a.m. on
14 July 26th, right?

15 A. Correct.

16 Q. Okay. And that the return trip was 10:05 p.m. on
17 July 28th, right?

18 A. Correct.

19 Q. Okay.

20 MR. ONORATO: And, Charlie, if you go down.

21 BY MR. ONORATO:

22 Q. On the 25th, it looks like the ticket was purchased at
23 5:56 p.m., right?

24 (Counsel confers.)

25 BY MR. ONORATO:

United States v. Danchenko

499

1 Q. All right. So the tickets appear to be purchased, from
2 the timeline, July 25th, right, at 5:56 p.m.?

3 And it appears that the traveler is going to travel
4 at 3:47 a.m. the next morning, right, just several hours
5 later, right?

6 A. Correct.

7 Q. Okay. And I think Mr. Durham asked you some questions,
8 you know, didn't Mr. Danchenko say that this was preplanned
9 travel?

10 Do you remember those questions?

11 A. I do recall those questions, yes.

12 Q. Okay. And just being an analyst, right, let's assume I
13 got a phone call from an anonymous person, right, and we
14 talked about meeting in New York in a couple days, right?

15 A. Right.

16 Q. And I buy a ticket at 5:00 in the evening, and I leave at
17 3:00 in the morning, right?

18 A. Right.

19 Q. That doesn't seem like preplanned travel based on that
20 type of scenario, right?

21 A. If we're talking about this, this doesn't look to be
22 preplanned.

23 Q. Right. It looks like it was pretty impulsive to buy at
24 5:56 or whatever, and you're leaving at 3:00 the next morning,
25 right?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

1 A. Correct.

2 Q. Okay. And then, you're coming back on the 28th late at
3 night, right?

4 A. Yes.

5 Q. Okay. But the special counsel never showed you those,
6 right?

7 A. I don't recall going over those with special counsel.

8 Q. Okay. Now, do you think it will be material to you if
9 you knew Mr. Danchenko actually went to New York during this
10 timeframe?

11 A. Yes.

12 Q. Right. It would corroborate that he was going to New
13 York because he believed there was a meeting?

14 A. Right.

15 Q. Okay. And I want to walk you through -- and these are
16 Government Exhibits -- sorry. It's going to take me a second.

17 MR. ONORATO: Judge, would this be an okay time to
18 take five minutes, take the afternoon break?

19 THE COURT: All right. We'll take an early
20 afternoon break.

21 Ladies and gentlemen, we'll stand in recess until a
22 little after 4 o'clock. You're excused to the jury room. Do
23 not discuss this case among yourselves during the break.

24 (Jury dismissed.)

25 THE COURT: Mr. Auten, do not discuss your testimony

1 during the break. The Court will stand in recess.

2 (Recess.)

3 (Court proceedings resumed at 4:05 p.m.)

4 THE COURT: You ready for the Court to bring out the
5 jury?

6 (Jury present.)

7 THE COURT: Please be seated. Counsel.

8 MR. ONORATO: Thank you, Your Honor.

9 THE COURT: Mr. Auten, you remain under oath.

10 BY MR. ONORATO:

11 Q. So, Mr. Auten, we're going to go back in time for a
12 second.

13 Do you remember when you met with Mr. Danchenko he
14 told you about the introduction to Mr. Millian through Mr.
15 Zlodorev?

16 A. Yes.

17 Q. Okay. So I'm going to show you what's been marked as
18 Defense Exhibit 2 -- 420T?

19 THE CSO: I'm sorry, Counsel, which exhibit?

20 MR. ONORATO: 420T.

21 THE WITNESS: I'm on 420T.

22 BY MR. ONORATO:

23 Q. Okay. 420T appears to be an email from Dmitri Zlodorev,
24 right?

25 A. Yes.

1 Q. And to Sergei Millian, right?

2 A. Correct.

3 Q. And the date of that email is May 26 of 2016, right?

4 A. Correct.

5 Q. And the gist of the email is that Mr. Zlodorev is asking
6 Mr. Millian whether he could introduce Igor Danchenko to him,
7 right?

8 A. Yes, that's what it appears to be.

9 MR. ONORATO: Okay. Your Honor, I'm going to move
10 into evidence Defense 4230T.

11 MR. DURHAM: Well, Your Honor, this is a document
12 that the Court may recall pretrial we wanted to use. We were
13 precluded from using it.

14 THE COURT: Right.

15 MR. DURHAM: Now, defense counsel wants to introduce
16 it. So I guess --

17 THE COURT: It sounds like you may ultimately --

18 MR. DURHAM: I guess they had some objection, but
19 they previously objected to our putting it in.

20 THE COURT: I understand. Well, it looks like
21 you're ultimately going to get your way on this one.

22 MR. DURHAM: Yes, Your Honor.

23 THE COURT: So 420T is admitted.

24 MR. DURHAM: Thank you.

25 (Defendant's Exhibit No. 420T was admitted into evidence.)

1 BY MR. ONORATO:

2 Q. Okay. Did anyone from the special counsel's office ever
3 show you 420T? Take a look at it.

4 A. I did not see this with special counsel.

5 Q. So is this the first time today that you're seeing?

6 A. I believe so, yes.

7 Q. Okay. And you would agree with me, if you look at the
8 bottom, he's writing, Sergei, (As read): "My colleagues have
9 an acquaintance, Igor Danchenko, who works here in consulting.
10 Through them, he requested I find out if it was okay to get in
11 touch with you. If I understood correctly, it is about Trump
12 and Russia, can I give him your contact information." Right?

13 A. Correct.

14 Q. Okay. And, again, you've never seen that before, right?

15 A. Not to my recollection, no.

16 Q. Okay. But when you met with Mr. Danchenko in January of
17 2017, he told you that Mr. Zlodorev, right?

18 A. Yes.

19 Q. Made the introduction to Mr. Millian for him, right?

20 A. Yes.

21 Q. So that would be true, right?

22 A. Correct.

23 Q. You now have evidence to corroborate that, right?

24 A. Correct.

25 Q. And to be clear, the special counsel never showed you

1 that corroboration, right?

2 A. I have not seen this document.

3 Q. Okay. I'm going to show you now -- that -- that the
4 major email now -- and I think it's been admitted. If it is
5 not, it's 204T. Okay. Can you look at Government's
6 Exhibit 204T?

7 A. 204T, I'm looking at it.

8 Q. Okay. And that would be the email that Mr. Durham showed
9 you July 21st, and that, kind of, starts off with the strange
10 phone call, right?

11 So the timeline is late May, right, where there's an
12 introduction?

13 A. Right.

14 Q. Which is Mr. Danchenko told you?

15 A. Yes.

16 Q. And then, he said in, kind of, late June or late July he
17 reached out to Millian, right?

18 A. Correct.

19 Q. Okay. And so this is reach out, right?

20 A. This is -- this is a July 21st --

21 Q. Yep.

22 A. -- 2016, Igor Danchenko to millianguroup@gmail.com.

23 Q. Okay. And what I want you to focus on, right, is that he
24 said (As read): "It would be interesting if it were possible
25 to chat with you by phone or meet for coffee/beer in

1 Washington or New York where I'll be next week." Right?

2 A. Right.

3 Q. "I am, myself, in Washington." So he's giving him
4 alternatives as to where the meeting could take place, right?

5 A. Correct.

6 Q. Okay. I want you to focus on the last line of the email,
7 please.

8 A. Yes.

9 Q. He said (As read): "I sent you a request to LinkedIn.
10 There my work is clearer." Right?

11 A. Correct.

12 Q. And so remember before when I introduced an email from
13 Mr. Papadopoulos to Mr. Millian?

14 A. Yes.

15 Q. That came in the form of an email, didn't it?

16 A. Yes, it did.

17 Q. And so this is, you know, him saying that I sent you a
18 previous email, the LinkedIn email. And then I'm sending you
19 an email on July 21st, correct?

20 A. I think it's sending a request on LinkedIn.

21 Q. Right.

22 A. So I think that might be a little different than an
23 actual email, but it's a request.

24 Q. But when you get a request, it comes via email, right?

25 A. Yes, that does.

1 Q. Correct. Okay.

2 Now, we're now back on the Amtrak records, which is
3 Defense 422A. And these are in already.

4 You're good?

5 A. I'm on, yes.

6 Q. Okay. And, again, so after the email on the 21st, he
7 told you, Things got weird, I got a phone call, right?

8 A. Yes. He said, After email, things got weird.

9 Q. And then he said after he got the phone call, he went to
10 New York, right?

11 A. Yes.

12 Q. Okay. And so, as an analyst, assuming that what he's
13 telling you is true, if you look, it would appear that
14 somewhere between the 21st and the 25th when the ticket was
15 purchased, that this alleged phone call could have taken
16 place, right?

17 A. That is a possibility, yes.

18 Q. Okay. And then like we discovered before that there was,
19 kind of, a hasty, you know, you buy it at five o'clock or
20 five -- six o'clock, and you leave at 3:00 in the morning to
21 go to New York City, right?

22 A. Yes.

23 Q. Okay. And so, again, the special counsel never showed
24 you that, right?

25 A. No, I don't recall seeing that.

United States v. Danchenko

507

1 Q. Okay. But you now understand that there's corroboration
2 not only for the May reach out with Zlodorev, right?

3 A. Correct, there's an email.

4 Q. Okay. The 21st, there's an email and then a LinkedIn
5 email, right?

6 A. Correct.

7 Q. Okay. And now, you've got travel records to corroborate
8 that the government is now shown you, right?

9 A. That -- the travel records, yes.

10 Q. Okay. Now, this is critical.

11 Now -- Mr. -- so we are going to look at -- I think
12 it's Government's Exhibit 206.

13 Okay. Do you have that in front of you?

14 A. I do.

15 Q. Okay. So Mr. Danchenko's email is at the bottom of 206,
16 correct?

17 A. Correct, July 21st.

18 Q. All right. At 9:33 a.m., Mr. Millian writes (As read):
19 "Dmitri, on Friday, I'm returning from Asia. An email came
20 from Igor. Who is that?" Right?

21 A. Right.

22 Q. Now, if you look at the time, it's 9:33 a.m., right?

23 A. Correct.

24 Q. Okay. And Mr. Danchenko, if you look at the Amtrak
25 records, was supposed to arrive at 7:24 a.m., right?

1 A. Hold on.

2 Q. Sorry -- I should -- 206 -- so if you look at the top.
3 Departing 3:57 a.m., arrive in New York City --

4 A. Sorry, yes.

5 Q. Okay. And you would agree with me that 9:33 a.m. would
6 suggest -- I'm not saying it happened that way -- that
7 Mr. Danchenko was already in New York City for his meeting,
8 right?

9 A. That -- if he took the reservation and took the trip up,
10 yes.

11 Q. Right. And it would seem awfully coincidental, right,
12 that at the same time he's traveling to New York that Millian
13 happens to be, you know, reaching out about Mr. Danchenko,
14 right?

15 A. Yeah, this happens five days after the emails, so yeah.

16 Q. Right. And it happens when he had just got to New York
17 City, right?

18 A. Right, but I'm not sure that we can like articulate a
19 one-to-one correspondence with that, given the fact that -- I
20 mean, he's -- Sergei Millian has sent an email to Dmitri, but
21 I don't know whether or not that is tied to Mr. Danchenko
22 being in New York --

23 Q. I'm not either. I'm not saying that it was, right?

24 A. Okay.

25 Q. But I'm saying that, as an analyst, right?

1 A. Right.

2 Q. That if somebody traveled to New York City?

3 A. Right.

4 Q. And then -- and anticipated there's a meeting?

5 A. Right.

6 Q. And then the person -- again, the government is claiming
7 that there was no anonymous phone call, right? And that it
8 could not have been Mr. Millian, right?

9 A. Right.

10 Q. Now, if Millian, of all the people in the world to be
11 thinking about Mr. Danchenko for a meeting, just happens to be
12 doing some due diligence on Mr. Danchenko at that time, right?

13 A. Yes.

14 Q. Okay. And look at the reply from Mr. Zlodorev. That's
15 your 10 o'clock, right?

16 A. Yes.

17 Q. All right. Now, let's talk about common sense, right?
18 So if you and I know each other and someone who put us in
19 touch says, "Hey, what do you think about Auten?"

20 And I said, "Look, Auten, I don't even know the
21 guy," right? Or I say, "Auten is the best. You should talk
22 to Auten," right?

23 There's two different ways that I could endorse you
24 if someone wants to meet you, right?

25 A. Sure.

1 Q. Okay. Let's take a look at that email.

2 He says, (As read): Do you remember a colleague of
3 mine wanted to get acquainted --

4 But he said a friend of a colleague wanted to get
5 acquainted, right?

6 A. Correct.

7 Q. You gave me permission to give email, right?

8 A. Correct.

9 Q. The way I understand it, this is who he is, right?

10 A. This is who this is, yes.

11 Q. Okay. Then who he is is someone that I'm not personally
12 acquainted with, right?

13 A. Yes, that sounds about right.

14 Q. I don't know the guy, right?

15 A. Yeah. The way I understand it, this is who it is.

16 Q. Yeah. We're not personally acquainted, although he might
17 be on my LinkedIn, right?

18 A. Yes.

19 Q. And I don't know what he wants to talk about, right?

20 A. Correct.

21 Q. And I think he works at some think tank in Washington,
22 right?

23 A. Correct.

24 Q. Okay. Now, by my examples, that doesn't sound like a
25 glowing endorsement that you really should be connecting with

United States v. Danchenko

511

1 this guy, because he is saying, "I don't really know him,"
2 right?

3 One way to read it.

4 A. That is one way to read it, yes.

5 Q. Okay. Now, Mr. Danchenko told you that he showed up at
6 the meeting, right, to New York City, wanted to meet with
7 somebody, the unidentified caller, right?

8 A. Correct.

9 Q. And that person did not appear, right?

10 A. Correct.

11 Q. Now, are you aware -- and I'm going to mark it as Defense
12 Exhibit 424. It is cross-marked as Government Exhibit 14 --
13 or 1400.

14 Okay. So just another data point for you. Do you
15 see it?

16 A. Sorry. 424?

17 Q. Yup. Should be like a Customs and Border Patrol record.

18 A. This is a CBP?

19 Q. Yep.

20 A. Yes.

21 Q. Okay. And did anybody from the special counsel's office
22 talk to you about this?

23 A. I did not go over this with the special counsel's office.

24 Q. Okay. Would it be relevant to you if it appeared that
25 Mr. Millian was going to arrive at John F. Kennedy airport in

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

512

1 New York City either -- and I don't know the date so I'm not
2 going to pretend that I do -- but either on July 27th or
3 July 28th of 2016?

4 A. Yes, it would be relevant.

5 Q. Okay. And you would agree, again, that the timeline
6 that's set up is that there is a discussion about meeting.
7 There's not a definite plan, right?

8 A. Correct.

9 Q. But Danchenko travels to New York City, right?

10 A. Correct.

11 Q. And lo and behold, lo and behold, Mr. Millian is actually
12 in New York City, either late on the 27th or sometime on the
13 28th -- I don't know that -- I don't know how to read that
14 record. I'll be honest with you -- right?

15 A. Yes.

16 Q. It would appear that Millian was in New York, right?

17 A. If -- I mean, if this record is --

18 Q. Is accurate, right?

19 A. -- accurate, then it says 7-27-2016 in this record.

20 Q. And it appears that it's at 2147, right?

21 A. Correct, 2147.

22 Q. Okay. And that's, by my time, 9:47 p.m.?

23 A. Yes.

24 MR. ONORATO: So, Your Honor, can we introduce this?

25 THE COURT: Any objection? Without objection,

1 424 --

2 And it's Government Exhibit 1400?

3 MR. ONORATO: Yes, Your Honor.

4 THE COURT: All right.

5 -- are admitted.

6 (Government's Exhibit No. 1400 and Defendant's Exhibit No. 424
7 were admitted into evidence.)

8 Q. Okay. And what we were discussing -- and it is not clear
9 to me from the record, but it does appear that Mr. Millian, if
10 the record is somehow accurate, is somehow either arriving in
11 New York around the time of the 27th or 28th of 2016, right?

12 A. Yes, 7-27-2016.

13 Q. Okay. And that fact, is that an important fact to you,
14 as an analyst, to know that Millian could have been in New
15 York in that period of time?

16 A. Yes, that would be important.

17 Q. Right. And you have no evidence to know that
18 Mr. Danchenko, when he was telling the story, had access to
19 the TSA records to show that he would be in New York in that
20 general timeframe, right?

21 A. No.

22 Q. Okay. But that's critical, right?

23 A. It's important, yes.

24 Q. All right. All right. And I'm going to show you Defense
25 Exhibit 426.

United States v. Danchenko

514

1 A. Facebook record?

2 Q. Yes.

3 MR. ONORATO: And, Your Honor, I'm not going to
4 enter the exhibit at this point, subject to the Court's
5 ruling.

6 BY MR. ONORATO:

7 Q. So does that appear to be a Facebook message authored by
8 Mr. Danchenko?

9 A. I'm sorry, which message?

10 Q. The first page.

11 A. Just the first page.

12 Q. I'm just going to focus on the first page, nothing else.

13 A. Yes, that's what it appears to be.

14 Q. Okay. And that post appears to come at the 28th of 2016?

15 A. Correct.

16 Q. Excuse me one second.

17 (Counsel confers.)

18 BY MR. ONORATO:

19 Q. And do you see that at 7-28-2016?

20 A. I do.

21 Q. And it says twenty- --

22 THE COURT: Don't say -- ask him if this is
23 information.

24 MR. ONORATO: I'm sorry.

25 BY MR. ONORATO:

United States v. Danchenko

515

1 Q. Is there information on the document to suggest that
2 the --

3 THE COURT: Well, that would be -- that he would
4 have wanted to know.

5 MR. ONORATO: Oh.

6 BY MR. ONORATO:

7 Q. Would you want to know this information in terms of
8 determining whether they are not -- there could have been a
9 meeting between an unidentified caller?

10 A. Yes.

11 Q. Okay.

12 MR. ONORATO: Your Honor, can I move it in?

13 THE COURT: Yes. Over objection --

14 MR. ONORATO: Thank you.

15 THE COURT: -- 426 is admitted.

16 (Government's Exhibit No. 426 was admitted into evidence.)

17 BY MR. ONORATO:

18 Q. Can I ask you a question? Do you understand what UTC
19 time is?

20 A. I do.

21 Q. Okay. Can you explain to the jury what UTC time means?

22 A. UTC time is universal time. It allows people to
23 basically be able to sync time across time zones. And so UTC
24 at this point -- I'm not sure. It's usually a -4 or -5 from
25 the Washington, D.C., area.

United States v. Danchenko

516

1 Q. And so assuming that this message was posted in New York
2 City where Mr. Danchenko was at the time, are you saying it
3 would be -4 or -5

4 A. Somewhere along there -4, -5 -6, somewhere around there.

5 Q. Let's call it minus four.

6 A. Okay.

7 Q. If it's -4, so if we're at 8:23 p.m. -- because I'm bad
8 with military -- and we subtract four, it's 4:23?

9 A. 4:23 p.m.

10 Q. Okay. And then if we subtract 5, then it goes to 3:23,
11 right?

12 A. Correct.

13 Q. And if it goes to 6, then it's 2:23, right?

14 A. Correct.

15 Q. But somewhere in that ballpark between 2:23 and 4:23,
16 Mr. Danchenko makes a post. And I want to focus on the third
17 line of that post. Can you highlight that?

18 Okay. What does that say?

19 A. (As read): "Another meeting tonight."

20 Q. Okay. And Mr. Danchenko was posting at some point in the
21 afternoon from New York City that he had another meeting
22 tonight between 2:23 and 4:23 p.m., depending on how you
23 interpret UTC time, right?

24 A. Correct.

25 Q. Okay. And I think -- and he told you that he went to New

United States v. Danchenko

517

1 York City for the purpose of having a meeting, right?

2 A. Correct.

3 Q. Okay. And the special counsel never showed you this
4 exhibit, I take it?

5 A. I have not seen this.

6 Q. And so you've never been aware before today that
7 Mr. Danchenko professed in the evening hours on the 28th that
8 he believed he had a meeting at the time?

9 A. No. This is the first I am seeing this.

10 Q. Okay. And would you say that's material to your
11 consideration as to whether there's a probability that would
12 support the fact of his belief that it could have been
13 Millian, that he had a meeting, first of all --

14 A. Right.

15 Q. It's corroborative that he thought he had a meeting,
16 right?

17 A. Correct.

18 Q. Okay. And that it would also corroborate that it could
19 be Millian because you saw Millian's travel records, right?

20 A. It is the possibility that it could be Millian.

21 Q. Okay. And he never said to you it was definitely
22 Millian, right?

23 A. On the phone call, no, he never said it was definitely
24 Millian.

25 Q. And when he talked to you he never said it was definitely

United States v. Danchenko

518

1 Millian, right?

2 A. Correct.

3 Q. But we've got these interesting circumstances, you would
4 agree, that you got to reach out to Millian on the 21st,
5 right? He just happens to fly into New York City at or about
6 the time that Danchenko said that he had a meeting, right?

7 A. Correct.

8 Q. Those would be relevant considerations, right?

9 A. Yes.

10 Q. Okay. And, again, the first time you're hearing about
11 it?

12 A. Correct.

13 Q. Okay. Now, are you aware that Mr. Danchenko communicated
14 with people using WhatsApp?

15 A. I don't know specifically if I knew WhatsApp.

16 Q. But he told you a mobile app, right?

17 A. Yes.

18 Q. Okay. I'd like to show what's already been agreed to by
19 the parties. It's Defense Exhibit 1810. It's a stipulation.
20 And I'd like to read that into the record, if I could.

21 THE COURT: All right. What number is it?

22 MR. ONORATO: It's 1810, Your Honor.

23 THE CSO: Your Honor, there's no 1810. That's your
24 stipulation.

25 THE COURT: I think we're up to 1804.

United States v. Danchenko

519

1 MR. ONORATO: I'm sorry.

2 THE COURT: What number is it?

3 MR. ONORATO: Your Honor, I have it as 1810.

4 THE COURT: All right. If that's the way it's
5 marked --

6 MR. ONORATO: It's a Government Exhibit. I'm sorry,
7 it's a Government's Exhibit.

8 THE WITNESS: Okay.

9 MR. ONORATO: Okay. And I apologize to the court
10 security officer for making --

11 THE COURT: It's Government Exhibit 1810?

12 MR. ONORATO: Yes.

13 THE COURT: All right.

14 MR. ONORATO: All right. And, Your Honor, if I
15 could just read it into the record.

16 THE COURT: Yes.

17 MR. ONORATO: Okay. So the stipulation for 1810
18 says that (As read): "It is hereby stipulated and agreed by
19 and between the undersigned parties as follows: Records of a
20 cellular telephone company contained information, including
21 but not limited to, subscriber information, and records of any
22 mobile telephone calls made or received on that telephone
23 company's network. In this case, cellular telephone company
24 records of Verizon, Sprint, and AT&T shows subscriber
25 information and toll records for certain relevant phone

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

520

1 numbers and certain relevant periods of time. Calls made via
2 Internet-based applications, for example, WhatsApp, Viber,
3 Wickr or Skype, would not appear in records of a cell --
4 cellular telephone carrier." And it's signed by both parties.

5 THE COURT: All right. Thank you.

6 MR. ONORATO: Okay.

7 BY MR. ONORATO:

8 Q. Now, you testified before the senate that you thought --
9 you testified a few minutes ago that at the time you made
10 those remarks to the senate you believe he was being truthful,
11 right?

12 A. Correct.

13 Q. And it's fair to say that you see evidence introduced
14 today that the special counsel never showed you that make it
15 appear that it could have been Millian more likely, right?

16 A. I don't know if I would say more likely, but the
17 possibility exists --

18 Q. Right. It would be a stronger inference because these
19 are new facts about his whereabouts, right?

20 A. Right.

21 Q. About the fact that there was actually communication
22 inquiring about Mr. Danchenko at the same time, right?

23 A. Correct.

24 Q. And then, Mr. Danchenko's expression of his realtime
25 intention to meet with someone that night, right?

1 A. Correct.

2 Q. Okay. And I want to go back to the Amtrak records
3 quickly.

4 (A pause in the proceedings.)

5 BY MR. ONORATO:

6 Q. Okay. And you'll see that on the 28th in the late
7 evening hours, it appears approximately 10 o'clock.

8 MR. ONORATO: And, Charlie, could you highlight the
9 relevant portion?

10 BY MR. ONORATO:

11 Q. That the return trip for Mr. Danchenko is to depart New
12 York City at 10:05 p.m., right?

13 A. Correct.

14 Q. Okay. And that's after either the 2 o'clock, 3 o'clock
15 or 4 o'clock meeting that he was going to have later that
16 night according to the evidence that you saw, right?

17 A. According to Facebook posts, yeah, this would be after
18 that.

19 Q. And isn't it true that Mr. Danchenko told you that the
20 meeting never took place?

21 A. Correct.

22 Q. But he told you about all of those events, right?

23 A. Yes.

24 Q. The meeting -- and now you've seen that everything he
25 told you on July 24th with respect to that time period has

1 been corroborated?

2 A. I'm sorry -- January?

3 Q. January -- I'm so sorry.

4 A. Okay.

5 Q. January 2017 -- has been corroborated?

6 A. I would say, yes, I've seen evidence here that would
7 suggest corroboration.

8 Q. Corroboration. For all the things he said, right?

9 A. For the things he said about the conversation, and about
10 Millian, and things of that sort.

11 Q. Okay. So -- correct.

12 MR. ONORATO: Your Honor, almost finished. I'm just
13 double-checking my outline.

14 (A pause in the proceedings.)

15 BY MR. ONORATO:

16 Q. Oh, I do want to talk about one other thing.

17 So Mr. Durham kind of made a big deal about it this
18 morning, that Mr. Danchenko didn't provide this information to
19 you, right, back in 2017?

20 A. Correct.

21 Q. Do you remember on the third day of your interview that
22 you actually had a conversation with Mr. Danchenko where he
23 told you that he had deleted all of his communications
24 regarding these topics except he believed that he had a
25 communication with Mr. Zlodorev?

United States v. Danchenko

523

1 A. I believe that is written in the record.

2 Q. Right. That's what's written in the record, correct?

3 A. Correct.

4 Q. Now, did Mr. Durham, prior to coming in today and asking
5 about that before the jury, ever ask you about that before the
6 jury, ever ask you whether Mr. Danchenko told you he had
7 deleted the emails that he said should have been produced back
8 in January of --

9 A. I'm sorry. Could you rephrase that question, please?

10 Q. Sure. Sure.

11 Did Mr. Durham ever ask you whether you knew that
12 the material that he asked you about this morning had been
13 deleted when you met with him in 2017?

14 A. No.

15 Q. No.

16 A. No.

17 Q. This morning, he didn't ask you that, right?

18 A. No, he did not.

19 Q. Okay. But you would agree that you discussed that and he
20 told you that a lot of the material had been deleted, correct?

21 A. Yes, correct.

22 Q. Right. And so, I can't give you something that's not in
23 my possession, right?

24 A. That is correct.

25 Q. But if he could have given you those things back in

United States v. Danchenko

524

1 January of 2017, it would seem much more apparent that
2 everything he told you was truthful, right?

3 A. Yes.

4 Q. I want to direct your attention to a few more things that
5 you testified about. And I get confused because you testified
6 in many places, so I don't recall whether it was the senate or
7 the OIG.

8 But is it fair to say you were asked a question and
9 your reply to the question was something as follows, that one
10 of the best things that came out of the Crossfire Hurricane
11 investigation was that the government got to work with Igor
12 Danchenko?

13 A. I believe there was something in my OIG testimony that
14 was similar to that.

15 Q. Right. And you agreed with that statement, correct?

16 A. I -- yes, I said that statement. I agree with that
17 statement.

18 Q. Okay. And one of the reasons why -- well, excuse me one
19 second.

20 (Counsel confers.)

21 MR. ONORATO: Your Honor, I have nothing further.

22 Counsel --

23 THE COURT: Any redirect?

24 MR. DURHAM: Yes, thank you, Your Honor.

25 REDIRECT EXAMINATION

United States v. Danchenko

525

1 BY MR. DURHAM:

2 Q. Mr. Auten, I want to begin here. Mr. Onorato asked you a
3 number of questions relating to, for example, whether you had
4 done any analysis of some of these documents.

5 Do you recall questions, generally, along those
6 lines?

7 A. If I had done personally some of this analysis.

8 Q. Right. So the jury understands, were you working with
9 this special counsel team?

10 A. I was working with the special counsel team, yes.

11 Q. You're talking about with Mr. Mueller, correct?

12 A. Correct.

13 Q. All right. The one counsel is asking specifically about,
14 the current investigation, you were not part of that team,
15 correct?

16 A. No, I was not part of that team.

17 Q. You were -- when you were questioned, it was all as a
18 witness, correct?

19 A. Correct.

20 Q. So do you know whether or not, in fact, there were people
21 who were working in the investigation who were analyzing these
22 phone records?

23 A. Your investigation?

24 Q. Yes.

25 A. No, I don't know if you had people working those --

United States v. Danchenko

526

1 looking at those records or not.

2 Q. Okay. Well, let's talk about Crossfire Hurricane. Did
3 the people in Crossfire Hurricane ever bother to analyze those
4 records, for example, toll records, telephone records?

5 A. I would have to go back and take a look. I don't know
6 exactly the details what was analyzed when on Crossfire
7 Hurricane.

8 Q. Sure. Did people at Crossfire Hurricane, or to your
9 knowledge, did they ever try to recover the records of
10 Mr. Danchenko?

11 A. That, we would have to talk to somebody on the
12 investigative side of things --

13 Q. Well, you were in the middle of this, right?

14 A. Right.

15 Q. You were working hand and glove with the special agents,
16 right?

17 A. Right.

18 Q. To your recollection, did you guys even bother to go look
19 at the phone records?

20 A. To my recollection, the phone records were not pulled.

21 Q. Then how about the travel records, did you guys even
22 bother to look at the travel records?

23 A. The travel records for whom?

24 Q. Well, I'll say for Mr. Millian.

25 A. I'm not sure if travel records were pulled or not.

1 Q. Or, for example, the Amtrak records?

2 A. I don't recall pulling the Amtrak records.

3 Q. You did none of those things, right, the best of your
4 recollection?

5 A. Again, you'd have to talk to somebody on the
6 investigative side, but sitting here today, I don't recall
7 pulling those records.

8 Q. It would all have to be reconstructed, would that be a
9 fair statement, based on what you know and you recall?

10 A. Reconstructed by whom, I'm sorry?

11 Q. Well, not by your group, correct?

12 A. Correct.

13 Q. And so, would it come as a surprise to you that you
14 weren't being shown documents that you all didn't even pull or
15 look at or evaluate?

16 A. I don't know if I would -- I guess if -- I would say that
17 for preparation for this -- in -- it's always helpful to see
18 as many documents as possible, but you may have your reasons
19 for -- no.

20 Q. Sure. You looked at your documents, correct?

21 A. Correct.

22 Q. Things that you had written, correct?

23 A. Correct.

24 Q. Notes that you had taken, correct?

25 A. Correct.

United States v. Danchenko

528

1 Q. Whatever information Mr. Danchenko provided, correct?

2 A. Correct.

3 Q. But all of those were shown to you?

4 A. Correct.

5 Q. All the documents that the jury has seen today -- and

6 yesterday, that are introduced, you saw all of those

7 Government Exhibits previously, correct?

8 A. That is correct.

9 Q. Do you know whether or not in the normal course, before a

10 jury is ever seated and whatnot, there's litigation that goes

11 back and forth with respect to what's admissible and what's

12 not admissible?

13 A. I am familiar that that happens on occasion, yes.

14 Q. Do you know whether or not in this case, for example, we

15 had to litigate what was going to be admissible or not

16 admissible?

17 A. I do not know that.

18 Q. Well, the sum of what the jury maybe saw today was

19 objected to previously?

20 A. You had made a comment about that a little bit earlier,

21 so I'm familiar with that.

22 Q. Okay. Well, with that background that you weren't a part

23 of the current investigation. Let me begin where Mr. Onorato,

24 start out.

25 He was asking you about being represented by

1 counsel, correct?

2 A. Correct.

3 Q. And with regard to your being represented by counsel, you
4 initially hired counsel, not in connection with this
5 investigation, right?

6 A. Which investigation are you talking about?

7 Q. This current investigation.

8 A. Actually, I -- I brought counsel on for --

9 Q. Senate judiciary?

10 A. Well, it was even before that.

11 Q. Even before that.

12 A. Yeah.

13 Q. Senate judiciary was back in 2020, right, October of
14 2020?

15 A. Correct.

16 Q. And you had gotten counsel before that, right?

17 A. Yes. I believe --

18 Q. So -- I'm sorry.

19 A. I believe your office reached out earlier than that.

20 Q. Okay. You had gotten counsel early on --

21 A. Yes.

22 Q. -- right?

23 A. Yes.

24 Q. And at the time that you had gotten counsel, it would be
25 a fair statement that the conduct that you and others who are

United States v. Danchenko

530

1 involved in the Crossfire Hurricane investigation was under
2 close scrutiny and review by the Inspector General's Office?

3 A. Absolutely, yes.

4 Q. And in that connection, the Inspector General's Office
5 evaluated an issue of scathing report on Crossfire Hurricane
6 in connection with the Carter Page --

7 MR. ONORATO: Object to the characterization.

8 MR. DURHAM: Withdrawn.

9 THE COURT: Sustained. Go ahead.

10 BY MR. DURHAM:

11 Q. Do you recall that there was a reporter that the OIG had
12 written concerning the Carter Page FISAs?

13 A. Yes.

14 Q. And how would you characterize that report?

15 A. The report was quite extensive and it discussed
16 characterizing a number of errors and omissions.

17 Q. And with respect to the errors and omissions, were they
18 tick-tacky kinds of omissions or were they significant
19 omissions and errors that had been committed?

20 A. I believe the OIG described them as significant.

21 Q. And then with respect to the investigation done by the
22 OIG, separate and apart from that, would it be a fair
23 statement that you and your colleagues were under
24 investigation by the inspection division by the FBI?

25 A. Yes.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

531

1 Q. And would it be a fair statement that your conduct in
2 connection with that is, you, yourself, based on the
3 investigation done by the inspection division of the FBI, have
4 some issues, correct?

5 A. I -- be a little bit more specific. I'm sorry. I
6 don't -- I have issues?

7 Q. Isn't it, in fact, true that you've been recommended for
8 suspension as the result of the conduct?

9 A. It is currently under appeal.

10 Q. So you had counsel for a variety of matters, correct?

11 A. Correct.

12 Q. Including when you came in and we wanted to chat with
13 you, correct?

14 A. That is correct.

15 Q. So if the impression was given to the jury that you had
16 counsel because -- only because you're coming and talking with
17 us, that would be an incorrect impression, correct?

18 A. No. I had counsel for a number of issues, correct.

19 Q. Okay. Now, Mr. Onorato had asked you a question along
20 those same lines about, well, did -- were you told that you
21 were a subject of an inquiry?

22 Do you recall that?

23 A. I do recall that, yes.

24 Q. Okay. Now, with respect to the inquiry, would it be a
25 fair statement that the inquiry just didn't have to do with

United States v. Danchenko

532

1 this matter, but it also had to do with Crossfire Hurricane or
2 what was and wasn't done with respect to Carter Page's FISAs?

3 A. Yes, that is my understanding.

4 Q. Okay. And so the jury understands, as notion of subject,
5 do you recall -- do you know what the subject means, that is
6 what the definition of the subject is for Department of
7 Justice purposes?

8 A. So the subject would be somewhere between a witness and a
9 target, is my understanding.

10 Q. Okay. So do you recall having been told that under the
11 Department of Justice definition of subject is somebody's
12 whose conduct falls within the scope of what's being looked
13 at?

14 A. I don't know if I have been given that exact definition.

15 Q. Right. But that when counsel asked about that, that's --
16 it's in that context, right?

17 A. Correct.

18 Q. And do you know, based on your years of experience with
19 the FBI, that there's an obligation on the part of prosecutors
20 to tell a person, or a person's attorney in this case, whether
21 their witness is a subject or a target?

22 A. Yes.

23 Q. Okay. This is not -- this is somehow unusual. That's
24 the protocol, isn't it?

25 A. In some cases it is the protocol, yes.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

533

1 Q. Okay. Now, there were a number of questions that defense
2 counsel asked you that you -- well, there were a number of
3 questions that counsel asked you that I want to probe a little
4 bit more deeply.

5 Mr. Onorato asked you or made reference to George
6 Papadopoulos and said -- and said -- incorporated in his
7 question, that George Papadopoulos was a high level advisor to
8 the Trump Campaign, and you said yes.

9 Well, tell the ladies and gentlemen of the jury with
10 respect to George Papadopoulos, how old was George
11 Papadopoulos in the 2016 election?

12 A. I want to say Papadopoulos was in his 30s.

13 Q. How about 28? Does that refresh your recollection?

14 A. It could be around 28.

15 Q. And was he such a high level advisor that he still had on
16 his resume that he was in a student UN panel?

17 A. No, that was on his resume.

18 Q. Right. So this person that you agreed to was a high
19 level advisor to Trump, the Trump Campaign, was a 28-year old
20 who still had on his resume that he was a UN -- a student UN
21 person?

22 A. I would say that part of my articulation of that deals
23 with the fact that Mr. Papadopoulos was part of the small
24 group of advisors that were named, I believe, in March of
25 2016.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

534

1 Q. Right.

2 A. For the president -- for the former president.

3 Q. With respect to high level advisor, you don't have any
4 idea whether Papadopoulos even, you know, had occasion to talk
5 to Trump, do you?

6 A. Well, he was at the meeting that -- that was announced --

7 Q. He was at one meeting --

8 MR. ONORATO: Can the witness finish his question --
9 his answer?

10 MR. DURHAM: Sure.

11 THE COURT: Yeah, go ahead. Finish your answer.

12 THE WITNESS: I would say he was at the meeting
13 where his advisors were announced, and I believe it was either
14 early/mid-March or late March of 2016.

15 BY MR. DURHAM:

16 Q. There's a photo op at the end of March where Mr. Trump,
17 at the time, is announcing people who are going to be advising
18 on foreign policy, correct?

19 A. Correct.

20 Q. And, in fact, with respect to Mr. Papadopoulos, isn't it,
21 in fact, true that, as to Papadopoulos, what the FBI thought
22 it was more -- of more interest in Papadopoulos was his
23 relationship to Middle Eastern countries, not to Russia?

24 A. Actually, I would argue that it was a combination of
25 both. I think --

United States v. Danchenko

535

1 Q. And I -- I'm sorry.

2 THE COURT: Go ahead. Finish your answer.

3 THE WITNESS: I think I've asserted in testimony
4 that it was a both and.

5 BY MR. DURHAM:

6 Q. And with respect to Mr. Papadopoulos in June and July,
7 particularly July when information came in you referenced
8 earlier in your cross-examination from the friendly foreign
9 government --

10 A. Yes.

11 Q. -- Paragraph 5 --

12 A. Yes.

13 Q. -- that was a suggestion of a suggestion, correct?

14 A. That was a suggestion of an offer, I believe, yes.

15 Q. All right. And with respect to that, you've read
16 Paragraph 5, haven't you?

17 A. I have, yes.

18 Q. And with respect to Paragraph 5 and Papadopoulos, would
19 it be a fair statement that the friendly foreign government
20 indicated that he did not -- "he" being Papadopoulos -- did
21 not seem to be informed or well informed in Russia?

22 A. I don't recall whether or not the friendly foreign
23 government articulated that.

24 Q. Okay. Now, counsel asked you a question about
25 Mr. Millian coming on the radar some time, I think, in August

United States v. Danchenko

536

1 of 2016, right?

2 A. Correct.

3 Q. Sergei Millian name came on the radar scene in August of
4 2016, correct?

5 A. Correct.

6 Q. So in August of 2016, there is some information -- tell
7 the ladies and gentlemen of the jury, if you recall in August
8 of 2016, if you knew that Sergei Millian was a person who is a
9 Trump supporter?

10 MR. ONORATO: Objection to relevance.

11 THE COURT: Overruled. Go ahead.

12 THE WITNESS: Sorry.

13 THE COURT: You may answer.

14 BY MR. DURHAM:

15 Q. Overruled. You can answer.

16 A. Okay. Sorry.

17 Yes, I believe I -- we did know that around August.

18 Q. Right. And not only was Mr. Millian a Trump supporter,
19 but he was a vocal supporter, wasn't he?

20 A. I recall that, yes.

21 Q. Right. Did you find it at all peculiar -- you and your
22 colleagues find it at all peculiar that somebody who is an
23 avid Trump supporter would be calling somebody he had never
24 met and talked to before to provide negative information about
25 the Trump campaign?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

537

1 A. I would say, in this case, you don't know.

2 Q. Well, let's say that as the evidence in this case --
3 withdrawn.

4 You saw the email from July 21st of 2016, correct?

5 A. Correct.

6 Q. Appear to be the first contact Mr. Danchenko made or
7 attempted to make with Millian, correct?

8 A. Correct.

9 Q. They didn't know one another.

10 A. Correct.

11 Q. So would you find it peculiar that somebody who had never
12 spoken to Millian, Millian never spoken to him, would be
13 telling somebody he doesn't know about a, quote,
14 well-developed conspiracy of cooperation, between The Trump
15 Organization and Russian leadership?

16 A. I mean, I would say that is peculiar, yes.

17 Q. That is very peculiar, right?

18 A. Yes.

19 Q. Almost unbelievable, wouldn't you say?

20 A. I don't know if I would say "unbelievable," but I would
21 say "peculiar."

22 Q. Well, what was the evaluation of you and your colleagues
23 at the time?

24 A. Of?

25 Q. Of whether or not it made any sense, whatsoever, that

United States v. Danchenko

538

1 somebody that had never spoken with Mr. Danchenko and vice
2 versa, Danchenko had never spoken with Millian, would call him
3 up out of the blue and start providing information, negative
4 information as to the Trump campaign in a well-developed
5 conspiracy?

6 A. So, as I testified earlier, that I found that the entire
7 Millian thing to be quite peculiar in our three-day interview.
8 And I think it was my estimation at the time that there may
9 have been actually more communication with Millian. And that
10 there was minimization going on.

11 Q. Okay. And did you find out that, in fact, there was no
12 other communication?

13 A. Correct.

14 Q. Now, I want to turn to a different area.

15 Counsel had asked you a question directed from
16 Defendant's Exhibit 482.

17 A. Yes.

18 Q. So this is from Sergei Millian to Zlodorev on July 15,
19 2016, correct?

20 A. Yes.

21 Q. Okay.

22 MR. DURHAM: Can you do that just a little larger?

23 BY MR. DURHAM:

24 Q. Now, I think that Mr. Onorato asked you whether we had
25 shown you this, and you said you haven't seen it, right?

United States v. Danchenko

539

1 A. I don't recall seeing this.

2 Q. Okay. So you've seen it now, right?

3 A. Yes.

4 Q. And so, with respect to this document, does that say
5 anything other than or suggesting anything other than that
6 Millian was a Trump supporter?

7 A. No. (Inaudible) No, what it -- what it says here is
8 that Sergei Millian is meeting with Trump and his people. (As
9 read): "He can raise a question about Belarus when they give
10 me a position in his circle. I'll need to slow down the
11 Consulate in Georgia.

12 Q. Right. Not that he was anti-Trump -- was going to be
13 passing information to Mr. Danchenko that was derogatory as to
14 Mr. Trump, correct?

15 A. Correct.

16 Q. I want to move to another piece. And I know there are a
17 lot of these, and we're getting late, but I want to turn to
18 Mr. Onorato's question about the money that was offered to
19 Mr. Steele to provide information.

20 Now, Mr. -- defense counsel asked you questions
21 about --

22 THE COURT: Before we go on, I just want to be sure
23 that 420 -- 482T has been admitted.

24 It has been admitted, correct?

25 MR. DURHAM: Yeah, I think we can jointly move it,

United States v. Danchenko

540

1 Your Honor.

2 THE COURT: Yeah. Yeah. Thank you.

3 MR. DURHAM: Thank you.

4 BY MR. DURHAM:

5 Q. Do you remember questions about the money that had been
6 offered to Mr. Steele, correct?

7 A. Yes, I do.

8 Q. And I'm interested in asking these questions, counsel's
9 question is kind of -- assumed that the million dollars was
10 being offered for the name of the primary sub-source. That is
11 not true, correct?

12 A. That is correct.

13 Q. In fact, what the FBI was offering Mr. Steele a million
14 dollars for was any information that they -- he could provide
15 that would be corroborative of what was in the dossier,
16 correct?

17 A. Yes, it was up to a million dollars for information that
18 could corroborate the dossier that would lead to a potential
19 prosecution.

20 Q. And do you recall, sir, whether it was up to a million
21 dollars or, say, you know, seven figures or more?

22 A. At this point, I don't know whether or not they said up
23 to a million or seven figures.

24 Q. But as posed by Counsel to you, it wasn't a million
25 dollars to give up the name of this primary -- of this primary

United States v. Danchenko

541

1 source, correct?

2 A. That is correct.

3 Q. And with respect to providing any information that was
4 corroborative that was in the dossier, it was not forthcoming
5 from -- from Mr. Steele, was it?

6 A. No.

7 Q. Counsel had asked you some questions that I think -- this
8 is shortly after the luncheon break, so some time around
9 2 o'clock -- relating to Mr. Danchenko said, I think and I
10 believe, that it was Sergei Millian.

11 Did you understand in that context that he,
12 Mr. Danchenko, was telling you that the information in the
13 dossier report 2016/95, that the jury has seen a portion of
14 that information, was information that he, Mr. Danchenko, had
15 gotten from Millian?

16 MR. ONORATO: Objection.

17 THE COURT: What's the objection?

18 MR. ONORATO: Foundation. Can we approach?

19 THE COURT: Yes.

20 (Side bar.)

21 (Discussions held before court reporter arrived.)

22 THE COURT: -- asking what Mr. Danchenko was telling
23 him, right.

24 MR. DURHAM: Yes.

25 MR. ONORATO: The record doesn't support the fact

United States v. Danchenko

542

1 that everything from Source E was Millian. Special counsel on
2 their direct was supposed to go through --

3 THE COURT: No, but this question was just simply in
4 your conversation with Danchenko, you understood X.

5 MR. DURHAM: Correct.

6 THE COURT: Right.

7 MR. ONORATO: You understood X, but he wants to
8 argue. He wants to use it to argue why.

9 THE COURT: Well, he can argue something else. But
10 in terms of the question, I'm going to allow it.

11 MR. ONORATO: Okay. And just in terms of scope, I
12 didn't ask a single question about the substance of the
13 conversation.

14 THE COURT: You asked what he understood. You asked
15 what he understood Danchenko was saying and you got him to say
16 -- he admitted that he just thought it might be, he wasn't
17 sure, he wasn't this, and going back over that.

18 MR. ONORATO: Just in terms of the content, I never
19 talked once about the content of the conversation, just who
20 the source was. I mean --

21 THE COURT: All right. This all relates to what
22 Danchenko said.

23 MR. DURHAM: I just -- so while we are here. Your
24 Honor might recall that the exhibit was marked as Government
25 Exhibit 109A. You agreed, okay, let's see where the

United States v. Danchenko

543

1 cross-examination goes before the decision is made as to
2 whether the rest of the information in that exhibit can come
3 in.

4 THE COURT: Okay.

5 MR. DURHAM: We think that, based on the
6 cross-examination, we should be able to now submit the fuller
7 version should be admitted.

8 THE COURT: But he hasn't tied the rest of that
9 document to Danchenko, has he?

10 MR. ONORATO: No. And on his direct he didn't --

11 THE COURT: I'm not going to let the rest of that
12 in. All right.

13 MR. DURHAM: I don't want to violate the Court's
14 instruction. May I inquire about? I'm not going to --

15 THE COURT: No, I think just what his -- that one
16 paragraph does come in. And he didn't get into it, so, I'm
17 not going to let you get back into it. All right.

18 (Open court.)

19 MR. DURHAM: Proceed, Your Honor?

20 THE COURT: Yes, please.

21 BY MR. DURHAM:

22 Q. So, again, sir, with respect to the dossier report
23 2016/95, right?

24 A. Yes.

25 Q. And the information that was gleaned from there and put

United States v. Danchenko

544

1 in Carter Page FISA applications, what was your understanding
2 as to who Mr. Danchenko was saying that information came from?

3 A. We were not clear at that point.

4 Q. What was -- what was it that he told you?

5 A. He told us that he had received a telephone call from a
6 Russian male who he assumed to have been or believed to have
7 been Sergei Millian.

8 Q. Right. So when he -- Mr. Danchenko told the FBI he
9 received this call from somebody he believed to be Millian,
10 isn't it, in fact, true that you took that to mean that that
11 information from the report had come from Millian based on
12 what the defendant told you?

13 A. No. I think we believed at the time that we weren't
14 clear and that we would have other opportunities to talk to
15 him about that as well.

16 Q. Okay. So what you are telling this jury is that you all
17 then took information from the affidavit or from the dossier
18 report and put it in an application to a Fiske and you
19 thought --

20 MR. ONORATO: Objection. I don't think this witness
21 ever said he put any information in any FISA application.

22 THE COURT: Well --

23 MR. DURHAM: He testified that he participated in
24 its preparation.

25 THE COURT: Overruled. Go ahead, if you can answer.

United States v. Danchenko

545

1 BY MR. DURHAM:

2 Q. Is that what you're telling the jury?

3 A. Again, as an analyst, I am not involved in putting
4 together the application in a FISA.

5 Q. You looked and reviewed that FISA application, didn't
6 you, sir?

7 A. Which FISA application are we talking about?

8 Q. Sure. The one on October 21, 2016.

9 A. I believe I testified that for that application I looked
10 at it on an ad hoc basis and I also reviewed the footnotes.

11 Q. Right. And you looked at each one of the FISA
12 applications marked as an exhibit, Government's Exhibit 1205,
13 1206, 1207, and 1208?

14 A. In preparation for this, yes.

15 Q. Right. And each one of those affidavits or applications
16 had had that information in there, correct?

17 A. That is correct.

18 Q. And you, yourself, had sat with Mr. Danchenko and
19 Mr. Somma and elicited information about that Report No. 95
20 from Mr. Danchenko, correct?

21 A. That is correct.

22 Q. And then the FBI, you, and your colleagues went ahead and
23 used that information, right?

24 A. Again, I would ask what you're talking about in terms of
25 "used that information."

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

546

1 Q. You put it in a FISA application.

2 A. It was continued on in the FISA application.

3 Q. I'm not sure the distinction you're making. That
4 information was taken and put in the FISA application, right?

5 A. Yes, it was.

6 Q. Take a look at Page 37, if you would, of Government's
7 Exhibit 100.

8 A. Sorry, Page 37?

9 Q. Yup.

10 A. Okay.

11 Q. And the second full paragraph, beginning of that.

12 MR. ONORATO: Your Honor -- I'm sorry.

13 THE WITNESS: Yes. The one that starts with
14 "Altogether"?

15 BY MR. DURHAM:

16 Q. Yes.

17 A. Yes.

18 Q. And read that.

19 A. Yes.

20 (As read): "Altogether, Danchenko and the person he
21 believed and still believes to be Millian had one 10-,
22 15-minute conversation. Danchenko says that, quote, Source E
23 in report 2016/95 sounds like it is from this conversation.
24 During the phone call he remembers making" --

25 Q. That's far enough.

United States v. Danchenko

547

1 A. Okay.

2 Q. So you had written at the time that Mr. Danchenko had
3 told you that he believed that this was Mr. Millian and the
4 one -- the 10- to 15-minute conversation, correct?

5 A. Correct.

6 Q. And that Source E in that report, which the jury has
7 seen, came from this conversation with Millian?

8 A. He sounded like it had come from the conversation, yes.

9 Q. Yeah. And then you-all took it and put it in the FISA
10 application?

11 A. Again, I would -- I would -- the "you-all" there I would
12 have issue with.

13 Q. Okay. So the -- well, in the application that you
14 participated in some degree in preparing and submitted to a
15 federal judge?

16 A. No, I did not actually participate in the carrying over
17 of that in each FISA application.

18 Q. Did I -- was that my question?

19 A. It sounded like your question. I'm sorry, I may have
20 misunderstood.

21 Q. Okay. You and your colleagues put that information in a
22 sworn affidavit, correct?

23 A. Okay. Again, you're saying me and my colleagues. The
24 analyst's role is not involved with the FISA.

25 Q. Is one of the matters that you're under -- you're going

United States v. Danchenko

548

1 to be suspended is because you won't admit your involvement in
2 connection with not making a full and proper disclosure?

3 A. No, I don't believe that's in the write-up in terms of a
4 full disclosure.

5 Q. In terms of a full disclosure to this jury, you believed
6 and your colleagues believed that that information was coming
7 from Sergei Millian based on what Mr. Danchenko told you;
8 isn't that correct?

9 A. I believe that's how it's articulated in the FISA
10 application.

11 Q. Right. That's how it's articulated --

12 A. Yes.

13 Q. -- in the FISA application?

14 A. That is how it's articulated in the FISA application.

15 Q. Right. And assuming you weren't purging yourselves when
16 you said that?

17 A. It's in the FISA application.

18 Q. Right. It came from Mr. Danchenko, correct?

19 MR. ONORATO: Objection.

20 THE COURT: I'm going to sustain that objection. I
21 think you're misstating his testimony. Go ahead. You --
22 you -- I think you've gone over this.

23 MR. DURHAM: Yes, Your Honor.

24 BY MR. DURHAM:

25 Q. Now, let me see. With respect to questions on

United States v. Danchenko

549

1 cross-examination, Mr. Onorato asked you about toll records
2 and whether any toll records were reviewed by you.

3 Let me ask you this: Do you recall whether or not
4 you or any of your colleagues had asked Mr. Danchenko to look
5 for or to produce records relating to the purported call?

6 A. I believe in the second day there was a -- I remember
7 some sort of comment in the write-up regarding -- he was going
8 to go back and look to see if he had emails of some sort.

9 Q. And did anything get produced?

10 A. I don't know whether that the two emails that are the
11 Zlodorev emails were out of that. I don't know if that's the
12 case.

13 Q. Well, you were looking for the record of the call; not an
14 email, the record of the call.

15 A. Oh, sorry. The record of the call -- no, there were no
16 record -- there were no call -- I misunderstood. There were
17 no call records.

18 Q. Nothing was produced?

19 A. No.

20 Q. Do you remember if you went back to look yourselves to
21 see if there was such a call?

22 A. I don't believe they went back to review that.

23 Q. And is there some particular reason why experienced FBI
24 personnel wouldn't go and look to see what the phone records
25 reflected?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

550

1 A. Again, you would have to talk to somebody that was in the
2 investigative side of things. I -- as an analyst, I can't --
3 I can't ask for phone records. That has to be --

4 Q. You want this jury to believe that analysts don't
5 participate in investigative decisionmaking?

6 A. Analysts participate, but analysts aren't the ones that
7 are going to make the decision to go out and actually get
8 phone records or obtain NSLs or the like.

9 Q. Can you think of any good reason -- not any reason, but
10 any good reason not to have gotten those records and analyzed
11 them?

12 A. No.

13 Q. Do you believe whether -- with respect to this
14 information, if people were much too ready, willing, and able
15 just to accept it?

16 A. I don't know if I would articulate it that way.

17 Q. Well, you didn't have any corroborative evidence,
18 correct?

19 A. Correct.

20 Q. From FBI data banks, correct?

21 A. Corroborative evidence.

22 Q. Right?

23 A. For what was in the dossier material.

24 Q. Correct.

25 A. Correct.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

551

1 Q. Or from the other intelligence agencies in this country?

2 A. That is correct.

3 Q. And Steele couldn't provide any or didn't provide any
4 corroborative information?

5 A. That is correct.

6 Q. And it still went into the affidavit?

7 A. It carried over into the affidavit.

8 Q. Right. Because you believed, based on what Mr. Danchenko
9 had said, it was accurate?

10 A. Again, I wasn't the one that carried it over into the
11 FISA application.

12 Q. Okay. Well, counsel had asked you questions related to
13 Government's Exhibit -- the report, the FISA report, which was
14 2016/105, and it's Government's Exhibit 112 in this matter.
15 And I ask that we pull that up.

16 (A pause in the proceedings.)

17 THE WITNESS: I have 112.

18 BY MR. DURHAM:

19 Q. You have 112?

20 A. I have 112.

21 MR. DURHAM: It's 112. I thought we had moved 112,
22 Your Honor. Can we just request -- see if 112 has been moved
23 as a -- as a full exhibit?

24 This is the report relating to Mr. Dolan.

25 THE COURT: I don't have 112.

United States v. Danchenko

552

1 MR. DURHAM: Okay. We'd ask then just to go over --
2 I thought we had moved it.

3 BY MR. DURHAM:

4 Q. Sir, are you looking at Government's Exhibit 112?

5 A. I am, yes.

6 Q. And what is Government's 112?

7 A. Government 112 is the company intelligence report
8 2016/105.

9 Q. And with respect to Government's Exhibit 112, do you
10 recognize the information that's in there?

11 A. Yes.

12 Q. And that's information that you had reviewed, correct?

13 A. Correct.

14 MR. DURHAM: We move 112 as a full exhibit, Your
15 Honor.

16 THE COURT: Any objection?

17 MR. ONORATO: So, Your Honor, just one second.

18 (Counsel confers.)

19 THE COURT: The 112 I have is a redacted copy.

20 MR. ONORATO: Right. When you say the full --

21 (Counsel confers.)

22 MR. ONORATO: Okay.

23 THE COURT: All right. The redacted 112 is
24 admitted.

25 (Government's Exhibit No. 112 was admitted into evidence.)

United States v. Danchenko

553

1 Q. I'd ask that 112 be pulled up. And with respect to --
2 why don't we do this initially? Would you just pull up and
3 blow out the top part of the first page of Government's
4 Exhibit 112?

5 This is Russia/Ukraine, the demise of Trump's
6 campaign manager, Paul Manafort, correct?

7 A. Correct.

8 Q. And you've seen this previously?

9 A. I have, yes.

10 Q. Now, a series of questions were asked of you on
11 cross-examination relating to then the substantive
12 information, which is contained in the paragraph that appears
13 on the second page of the numbered Paragraph 3.

14 I'd ask that Ms. Arsenault bring that up.

15 A. Yes.

16 Q. Okay. Now, is that information -- there's some
17 discussion about whether at least some of the information in
18 there was open source, correct?

19 A. Correct.

20 Q. I believe on direct examination you, in fact, said that
21 there was attached to the email a POLITICO article?

22 A. Yes.

23 Q. Which is open source, correct?

24 A. Correct.

25 Q. With respect to the significance of the report, 105, in

United States v. Danchenko

554

1 Paragraph 3, would you read the first sentence?

2 THE COURT: 105 or 112? Are we talking about 105 or
3 112?

4 MR. DURHAM: Did I say 103? 105, I apologize, Your
5 Honor.

6 It's Report 105, Exhibit 112. Thank you, Your
7 Honor.

8 THE COURT: All right.

9 THE WITNESS: (As read): "Speaking separately, also
10 in late August 2016, an American political figure associated
11 with Donald Trump and his campaign outlined the reasons behind
12 Manafort's recent demise."

13 BY MR. DURHAM:

14 Q. So with respect to the import of that paragraph, it
15 wasn't the open source information, correct, that was
16 significant?

17 A. I'm sorry, I would say that it was significant, but I'm
18 not sure -- I guess --

19 Q. Sure.

20 A. -- what are you asking for --

21 Q. Sure. With respect to that report and that information,
22 the significant part is that it purports to say that an
23 American political figure associated with Donald Trump and his
24 campaign outlined this information, correct?

25 A. Yes. And the rest of it is describing exactly what was

United States v. Danchenko

555

1 brought about by the recent demise or how -- what caused the
2 recent demise.

3 Q. Right. And much of that, not all, but much of that was
4 open source and in the POLITICO article, correct?

5 A. Correct.

6 Q. But for the FBI's purposes in evaluating 105,
7 Government's Exhibit 112, was of significance this reportedly
8 was coming from, quote, an American political figure
9 associated with Donald Trump and his campaign, closed quote?

10 A. Yes, that was important.

11 Q. So with respect, then, to that information, that person
12 that was providing the information, was Donald -- was Charles
13 Dolan, would that be import to you?

14 A. Yes, that would be of import.

15 Q. And would it be of import to you that Mr. Dolan was not
16 somebody who was an American political figure associated with
17 Donald Trump and his campaign but, in fact, was a Democratic
18 operative for a long period of time? Would that have been
19 significant to you?

20 A. Yes, we were interested in all of the --

21 Q. Right.

22 A. -- sources.

23 Q. So if you knew that that was the case, it wasn't some
24 Republican insider or some associate of Donald Trump's, what,
25 if any, impact did that have on your evaluation of the

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

556

1 validity and credibility of the information that's being
2 conveyed in these dossier reports?

3 A. Well, it helps -- it would have helped to understand kind
4 of accuracy and things of that sort for the dossier reports.

5 Q. Now, counsel spent some time talking about referring to
6 Page 20 of Government's Exhibit 100. I'd ask you to turn to
7 Page 20 of Government's Exhibit 100.

8 A. I have Page 20.

9 Q. Okay. Now, you look at -- and this specific page that
10 counsel was referring to was incorporated in his question was
11 that you had been asked on direct examination about apps and
12 you -- I think you said yes.

13 Do you recall whether or not the questions that were
14 initially asked of you relating to this matter was whether or
15 not Mr. Danchenko had indicated what kind of facility or phone
16 that he had received it on?

17 You said it only had said -- that you only said it
18 was a telephone. You went to check, and you said, yeah, I
19 just said it was a telephone.

20 Do you remember that was the context of the
21 questions?

22 A. Yes, I believe so.

23 Q. Right. And -- but if you actually read carefully
24 Page 20, he did identify what kind of phone it was, correct?
25 It wasn't just a telephone.

1 A. What part of --

2 Q. If you read the very bottom --

3 A. Bottom of the page?

4 Q. Bottom of the page going on 21.

5 A. (As read): "The call was either a cellular call or it
6 was a communication through a phone app."

7 Q. Right. A cellular call, a cellular telephone, correct?

8 A. Correct.

9 Q. Was that of import to you?

10 A. Yes.

11 Q. Because -- and do you recall whether or not from your
12 view of the cellular -- the review of the email that
13 Mr. Danchenko sent to Millian on July 21st of 2016 had a
14 cellular telephone number on it?

15 A. That is correct.

16 Q. And that's how he, Mr. Danchenko, told Millian he could
17 get a hold of him, right, on a cellular telephone?

18 A. I mean, the tele- -- the signature block at the end of
19 the email had email and telephone.

20 Q. Right. Nothing about any app, right?

21 A. It did not.

22 Q. Do you know whether or not Mr. Danchenko practiced when
23 he wanted somebody to reach him or communicate on an
24 application that he would say so?

25 A. I don't know what his -- what his approach or policy is

1 on that.

2 Q. Did you or your colleagues with Crossfire Hurricane ever
3 look at that?

4 A. I don't recall looking at that after the three-day
5 interview, and I don't know if it was covered once
6 Mr. Danchenko became a CHS.

7 Q. Well, did you -- have you ever been made aware of the
8 fact that anybody at the FBI bothered to look at that at the
9 time?

10 A. I don't recall sitting here whether or not people looked
11 at that.

12 Q. Okay. I wonder if we can pull up, if we might, Defense
13 Exhibit 497. And you were asked to look at a particular Bates
14 number, which is Page 067270.

15 A. 497.

16 Q. 497, 067270.

17 A. I'm sorry, one more time with the Bates. 270 at the end?

18 Q. Yup. 067270.

19 A. Got it.

20 Q. Do you remember looking at that?

21 A. Yes, I do.

22 Q. And those are your notes from the interview, right?

23 A. Correct.

24 Q. And they are a little bit hard to read here, but the very
25 bottom part of that -- okay. Thank you for blowing that up.

United States v. Danchenko

559

1 The very part of that says, "Look back on phone,"
2 correct?

3 A. Correct.

4 Q. And do you recall what that was about?

5 A. Yes, I believe that either we asked Mr. Danchenko or
6 Mr. Danchenko indicated that he would look back on his phone.

7 Q. And with respect to his looking back on his phone, do you
8 recall whether he produced anything?

9 A. Not that I was aware of.

10 Q. Didn't produce any toll records or screenshots or
11 anything of that sort?

12 A. Not that I'm aware of.

13 Q. Nothing from any application that he may have had on the
14 phone? Nothing?

15 A. Not that I'm aware of.

16 Q. Now, there's a series of questions that was asked on
17 cross-examination relating to the defendant's travel. Do you
18 recall those?

19 A. I do.

20 Q. And Mr. Onorato had asked whether you had seen some of
21 those records, correct?

22 A. Correct.

23 Q. As you told the jurors, you weren't working for this part
24 of the investigation, correct?

25 A. Your current investigation, no, I was not.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

560

1 Q. Right. And then with respect to -- I want to turn your
2 attention specifically to Defendant's Exhibit 480. I would
3 ask that you would pull that up.

4 And with respect to the Defendant's 480, this is
5 from -- this is a LinkedIn message, correct, from Millian to
6 Papadopoulos, correct?

7 A. Correct.

8 Q. And it reads -- would you just read that for the written
9 record?

10 A. LinkedIn messaging -- oh, sorry -- from LinkedIn
11 messaging sent Friday July 15, 2016, 3:40 p.m., to Sergei
12 Millian, subject: "George sent you a new message."

13 Q. Okay. And then I think --

14 MR. DURHAM: Can I just consult with counsel for a
15 quick moment, Your Honor?

16 THE COURT: Yes.

17 (Counsel confers.)

18 BY MR. DURHAM:

19 Q. So you were shown this and you looked at it during
20 cross-examination, correct?

21 A. Correct.

22 Q. So the date of this is what, July 15?

23 A. July 15.

24 Q. And with respect to the information that's contained in
25 here -- and I think we're going to have a redacted exhibit at

United States v. Danchenko

561

1 some point. But if you read the last portion of the
2 highlighted section --

3 A. This is on the second page?

4 Q. Second page.

5 A. So -- starting with "please do."

6 (Counsel confers.)

7 BY MR. DURHAM:

8 Q. Do you see that?

9 A. Starting with "please do"?

10 Q. Correct?

11 Would you read that into the record?

12 A. (As read): "Please do not hesitate to contact me at
13 +1-212-844-9455 or my personal email, millianguroup@gmail.com.
14 Best regards, Sergei Millian. P.S. I'm currently on business
15 trip to Asia. Please leave a VM sent from LinkedIn for iPad."

16 Q. So this particular exchange or LinkedIn message to
17 Papadopoulos on July 15 of 2016, Millian is not even in the
18 country, correct?

19 A. That's what it looks like from this, yes.

20 Q. And with respect to any communications, Mr. Millian,
21 while he's in Asia, has said you can call that 212 number, but
22 leave a voicemail, correct?

23 A. Yes. Contact me on 212 number or my personal email and
24 please leave a voicemail.

25 Q. Right. Do you recall whether or not the FBI ever did --

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

562

1 in Crossfire Hurricane ever run that number down to see what
2 the records might show?

3 A. The 212 number?

4 Q. Correct.

5 A. It's possible. I don't have a recollection of that while
6 I sit here now.

7 Q. If you had done that, if the investigators had done that,
8 is that something you think you would recall?

9 A. Not necessarily.

10 Q. There's some probability that if you had actually run the
11 numbers to the ground, you would remember that?

12 A. No. But, I mean, for a number trace, that may have been
13 one of the analysts that I had under me. If we did it, again,
14 I don't know whether it was run or not.

15 Q. But in any event, he's out of the country on July 15,
16 according to this?

17 A. According to this, yes.

18 Q. And if you call this number, leave a voicemail?

19 A. That is what this looks like, yes.

20 Q. And that's on July 15. Do you know when Mr. Millian came
21 back into the country?

22 A. Precisely, no. I mean, based upon what we looked at here
23 with respect to travel records, there's a possible date.

24 Q. Okay. And that was my next question. With respect to
25 the travel records, do you recall whether or not you folks --

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

563

1 you folks had ever run that to ground?

2 A. I don't know if the investigators pulled that or not.

3 Q. Well, you, as the supervisory intelligence analyst, would
4 recognize toll records, travel records would be important,
5 correct?

6 A. Right.

7 Q. You have no recollection of that having been done?

8 A. I don't recall if we pulled those records or not.

9 Q. Okay. Let me go next. Counsel had asked you some
10 questions relating to Mr. Danchenko having provided some
11 source information that was of assistance, correct?

12 A. Yes.

13 Q. Would it have been of assistance to you if he had
14 provided the Dolan information?

15 A. Yes.

16 Q. And he didn't, did he?

17 A. At that time, no.

18 Q. When you say "at that time," you are talking about
19 January of 2017 when you are interviewing him about sources,
20 correct?

21 A. Correct.

22 Q. And he didn't provide that information?

23 A. Yes.

24 Q. And that would have been important to you?

25 A. Yes.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

564

1 Q. Nor did he provide the emails that he had sent to
2 Mr. Millian, correct?

3 A. Correct.

4 Q. Would those have been of value to you?

5 A. Yes.

6 Q. Now, then Mr. Onorato had asked you some questions
7 relating to -- I think it was Government's -- or rather
8 Defense Exhibit 445. And he had incorporated in his question
9 he had no reason to doubt defendant's supposed belief.

10 Do you remember along those lines and there was an
11 objection because you had said at the time you had no reason
12 to believe?

13 A. Yes.

14 Q. Counsel had asked you a series of questions relating to
15 whether or not the government, this, you know, prosecution in
16 this particular matter had shown you some documents, correct?

17 A. Correct.

18 Q. You were shown documents including the Millian emails
19 that Mr. Danchenko had sent to Mr. Millian, correct?

20 A. That is correct.

21 Q. And with respect to those particular emails, and most
22 particularly the August 18, 2016, email, where he says -- he
23 is asking Mr. Millian to get back to him -- we can pull that
24 up if would be helpful. Why don't we pull that up so not to
25 confuse?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

565

1 Now, if you look at 207T, the translation -- and you
2 can blow that up for Mr. Auten.

3 It's dated Thursday, August 18, 2016, correct?

4 A. That is correct.

5 Q. And it says (As read): "Hello, Sergei. I wrote you
6 several weeks ago. We are contacts on LinkedIn." Correct?

7 A. Correct.

8 Q. The very first sentence.

9 A. Correct.

10 Q. If Mr. Danchenko had provided you that email, the
11 introduction that I wrote to you several weeks ago, nothing
12 about going to New York to meet with him, correct?

13 A. Correct.

14 Q. Nothing about an anonymous call or I got your call,
15 anything like that?

16 A. That is correct.

17 Q. If you had known that at the time, would that have been
18 of import to you?

19 A. Yes.

20 Q. So when counsel asked you the question about you had no
21 reason to doubt defendant's supposed belief, having looked at
22 this Government's exhibit where he says -- it doesn't say
23 anything about a call, it doesn't say anything along those
24 lines, or trips to meet with Mr. Millian in New York, would
25 that have created some concerns on your part?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

566

1 A. I mean, yes. The way that this email is structured at
2 the beginning, I -- as you say, if there had been a meeting or
3 if there had been some sort of discussion, one might assume
4 that there would be some sort of reference to that in the
5 beginning.

6 Q. And there's no reference there, correct?

7 A. There is no reference there.

8 Q. And, in fact, when you look at the email that
9 Mr. Danchenko did provide from August 24, there's a repetition
10 of that basically, right? When he's talking to -- on the 24th
11 with Mr. Zlodorev, he says that Millian hadn't responded to
12 him, right? How do I talk to this guy, I don't want to pester
13 him and so forth, right?

14 A. Something along those lines, yes.

15 Q. And with respect to if you had both of those emails in
16 combination, would that have raised, in your mind, doubt as to
17 what the defendant had been telling you about this anonymous
18 call?

19 A. It would help us to weigh kind of an assessment as to
20 whether or not it happened or did not happen, certainly.

21 Q. And then with respect to what Mr. Danchenko had told you
22 about going to New York to meet with somebody, do you recall,
23 sir, whether or not it seemed at all peculiar to you that he
24 was going to be going to New York to meet some unidentified
25 person in some unidentified bar?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

567

1 A. I actually didn't find that altogether too concerning
2 given the fact that I work in counterintelligence.

3 Q. Well, is counterintelligence not intelligent enough to
4 think that somebody going to New York City to a bar of 8
5 million people might make it difficult to find the person?

6 A. Unless some other way of communicating, yeah, it would be
7 difficult.

8 Q. Fair point. And did Mr. Danchenko say anything about any
9 other way he had of communicating with this person?

10 A. Not in our discussion, no.

11 Q. Well, other than your discussion, did it ever come to
12 your attention in any way or by any means that he was somehow
13 going to be able to meet an unidentified person in a
14 unidentified bar in a city of 8 million people?

15 A. Not in our discussion, no.

16 Q. Was that a matter that was something of interest to you?

17 A. Certainly.

18 Q. With respect to the email that was sent on August 18,
19 okay, that's the one that we just talked about, I believe you
20 had indicated that Mr. Danchenko had used a ruse in that,
21 correct?

22 A. Yes. This is the email, yes, that discusses the land
23 deal and the real estate issue.

24 Q. And that was a deception, correct?

25 A. Well, it was a -- yes, I mean, it's a ruse interview -- I

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

568

1 mean -- sorry -- a ruse email.

2 Q. Okay. Now, I want to turn your attention to the next
3 matter, which is Defendant's Exhibit 420T. And that's going
4 to be the full exhibit in this matter.

5 It's on the screen, if that will be helpful to you.

6 A. I have it here as well.

7 Q. All right. And I would ask that that be blown up.

8 So this is from May 26. This is Zlodorev to
9 Mr. Millian, correct?

10 A. That is correct.

11 Q. And in context, Millian is reached out to on July 21,
12 that's the first time based on the records, by Mr. Danchenko,
13 correct?

14 A. I'm sorry? Reached out?

15 Q. Mr. Danchenko reaches out to Mr. Millian by email on
16 July 21?

17 A. Correct.

18 Q. And this email from Zlodorev to Millian on May 26 of
19 2016, makes a certain request, right, or ask a question?

20 A. Yes.

21 Q. If you look at the very bottom, right, it says, "Can I
22 give him your contact information?" Correct?

23 A. Yes. "Can I give him your contact information, email,
24 phone, or just email?"

25 Q. Right. Then I wanted to ask you: When you were being

United States v. Danchenko

569

1 asked about this on cross-examination and you readily adopted,
2 it does say, "Can I give him your contact information,"
3 correct?

4 A. That is correct.

5 Q. But what contact information was it that was given to
6 Mr. Danchenko, according to this, as to how to reach Millian?

7 A. It says email, phone, or just email.

8 Q. Any reference to any apps?

9 A. No. There's no reference to any apps in this.

10 Q. Can you tell the ladies and gentlemen of the jury, if you
11 know, if there's like one, more than one, dozens of apps?

12 A. Oh, yeah, there are a multitude of apps.

13 Q. Like hundreds of them, correct?

14 A. I don't know how I would characterize that.

15 Q. Okay. But lots of them?

16 A. Correct.

17 Q. And the only information that Mr. Zlodorev is going to
18 pass on, according to the email, was email, phone, or just
19 email for Mr. Millian?

20 A. That is what this says, yes.

21 Q. And the outreach by Mr. Danchenko was by way of email,
22 correct?

23 A. Yes.

24 Q. And there's nothing about anything -- anything here about
25 apps being used?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

570

1 A. Correct.

2 Q. And I think I asked you, but if I neglected to, I just
3 want to make sure. You don't know one way or another whether
4 when Mr. Danchenko wanted to communicate with somebody by way
5 of app he would tell them that?

6 A. Yeah, I have no way of knowing one way or the other.

7 Q. But you do know here that with respect to the July 21,
8 2016, email, that Mr. Danchenko provided to Millian, if he
9 chose to respond, did not include any app reference, correct?

10 A. There were no app references in the email, no.

11 Q. Okay. Now, I want to turn to another portion of what
12 defense counsel is asking about travel records. I guess with
13 respect to the Amtrak records, you don't know what those are,
14 right? You didn't see -- haven't seen those?

15 A. I have not seen those, no.

16 Q. And so when counsel was making reference -- this is on
17 the second page of -- what's Government's Exhibit 1300.

18 MR. DURHAM: I believe the Court allowed in 1300 and
19 its corresponding defense.

20 THE COURT: Yes.

21 BY MR. DURHAM:

22 Q. On the back, the second page of Government's 1300,
23 counsel was asking you questions about 25 July, 5:56 p.m.?

24 A. Yes, 5:56 p.m., 25th of July, yes.

25 Q. That's when the receipt was printed or what have you,

United States v. Danchenko

571

1 right?

2 A. Correct.

3 Q. Does that tell you anything about when the reservation
4 was actually made?

5 A. It says when -- when -- yeah, it says the receipt was
6 printed and it was purchased.

7 Q. Right. So that's when the credit card was charged?

8 A. I don't know if that's when the credit card, but it's
9 when it was purchased.

10 Q. All right. But with respect to this document, it doesn't
11 tell you if and when a reservation was made?

12 A. No, there's -- I don't see anything on here about a
13 reservation.

14 Q. Okay. I'm going to ask you to take a look, if you
15 would -- because the date of that document is July 25,
16 correct?

17 A. Correct.

18 Q. And counsel was talking about this appears to have been
19 made in haste or last minute or however it was characterized,
20 you remember that, right?

21 A. I do remember that, yes.

22 Q. And you sort of -- you said, yeah, that's what it looks
23 like to you, right?

24 A. It had that feeling to it, yes.

25 Q. Had that feeling to it. Okay. So let's look at

United States v. Danchenko

572

1 Government's Exhibit 204T. We can just pull it up on the
2 monitor, if that's easier.

3 And if you look at the last full paragraph, just
4 before the sort of closing line, the jury has seen this
5 before. We spoke about this before. And it reads (As read):
6 "In any case, it would be interesting if and when possible to
7 chat with you by phone or meet for coffee, beer in Washington
8 or in New York, where I will be next week." Did I read that
9 correctly?

10 A. That is correct, yes.

11 Q. And then counsel asked some question about, well, you
12 know, that's how some people schmooze, you know, I'll meet you
13 when I can. Do you remember questions along those lines?

14 A. Yes, I do.

15 Q. All right. I want to ask you to -- and you kind
16 of bought that, right?

17 A. Sorry?

18 Q. You kind of said, well, yeah, that's how things work?

19 A. That is one possibility, yes.

20 Q. Okay. I want to ask Ms. Arsenault to pull up just enough
21 for -- don't put it on the monitor. I'd ask that Government's
22 Exhibit 901 be provided to Mr. Auten to review.

23 A. Is 901 in my book? I'm not sure.

24 Q. Do you have 901 in front of you?

25 A. I don't think I have 901. I don't have 901.

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

573

1 THE COURT: This is Government's Exhibit 901.

2 MR. DURHAM: Yes, Your Honor.

3 BY MR. DURHAM:

4 Q. Do you see that document, sir?

5 A. I do.

6 Q. And what's the date of that document?

7 A. That document is dated -- well, it actually has a couple
8 different dates on it. The top date is July 18, 2016. And
9 then there is a -- there's a -- an earlier message that's
10 attached to this dated -- I believe it says Thursday, July 14,
11 2016.

12 Q. And then looking at the July -- Monday, July 18, 2016,
13 11:47 a.m. email, correct?

14 A. Correct.

15 Q. Have you read that?

16 A. Have I read this before or have I read it right now?
17 Sorry.

18 Q. Right now.

19 A. Yes. I -- yes.

20 Q. And with respect to that document, you would agree, would
21 you not, that July 18, 2016, would have occurred before
22 July 21 when Mr. Millian sent an email to -- I'm sorry -- when
23 Mr. Danchenko sent an email to Mr. Millian, correct?

24 A. Correct.

25 Q. This is earlier in time?

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

United States v. Danchenko

574

1 A. That is correct.

2 Q. And in the July 21 email that the jurors just looked at
3 and you looked at, Mr. Millian was told in that email that
4 Mr. Danchenko was going to be traveling to New York the next
5 week, correct?

6 A. Right. You may have to go to New York next week, yeah.

7 Q. Might have to go to New York.

8 And now looking at Government's Exhibit 901, which
9 was earlier in time than the July 21 email from Mr. Danchenko
10 to Mr. Millian, does it have information contained on there in
11 Mr. Danchenko's own words relating to his having planned to go
12 to New York?

13 A. Yes, it does.

14 MR. DURHAM: We move 901 as a full exhibit, Your
15 Honor.

16 THE COURT: Any objection?

17 MR. ONORATO: No objection.

18 THE COURT: All right. Without objection, 901 is
19 admitted.

20 (Government's Exhibit No. 901 was admitted into evidence.)

21 BY MR. DURHAM:

22 Q. Now, if we pull that up and ask -- thank you very much.
23 So, again, so the jurors can see this. But will you read it
24 at the top part?

25 This is from who to who on what -- on what date?

United States v. Danchenko

575

1 A. This is from Mr. Danchenko to -- I don't know how his
2 first name is pronounced, Cenk, I believe, Sidar, and it's on
3 Monday, July 18, 2016, at 11:47 a.m.

4 Q. Do you know who Cenk Sidar is?

5 A. It's referenced here and I've seen it referenced.

6 Q. But you don't remember offhand who Mr. Sidar is?

7 A. I wouldn't have been able to tell you, but it's listed
8 here on this email.

9 Q. If we could show you, to refresh your recollection, if
10 you take a look at Government Exhibit 100 -- if we can find it
11 ourselves.

12 Well, we're just looking for that. 100.

13 Do you recall, sir, an entity known as Sidar Global
14 Advisors?

15 A. Yes, I do. Yes, I do.

16 Q. And is Sidar Global Advisors -- what can you tell the
17 jury about Sidar Global Advisors?

18 MR. ONORATO: I'm going to object.

19 THE COURT: Sustained. I don't see any relevance --

20 MR. DURHAM: Okay.

21 THE COURT: -- in light of the Court's earlier
22 rulings.

23 MR. DURHAM: I'm sorry, Your Honor?

24 THE COURT: I said, in light of the Court's earlier
25 rulings, I sustain the objection.

United States v. Danchenko

576

1 MR. DURHAM: I just want to be sure I don't ask a
2 question you don't want me to ask. Can I ask about this
3 document?

4 MR. ONORATO: No objection asking about the time
5 frame.

6 THE COURT: Right. No, you can. Right. I don't
7 think we need to get into Mr. Sidar.

8 MR. DURHAM: Yes, Your Honor.

9 BY MR. DURHAM:

10 Q. So looking at Government's Exhibit 901 then, it's the
11 full exhibit, this is Monday, July 18, 2016, correct?

12 A. Correct.

13 Q. And this is from Mr. Danchenko to Mr. Sidar?

14 A. Correct.

15 Q. And would you read into the record what it is that
16 Mr. Danchenko is telling Mr. Sidar in this July 18th email
17 about New York?

18 A. Would you like me to -- oh, about New York?

19 Q. Uh-huh.

20 A. (As read): "I may have to go to New York. I have to --
21 I may have to go to NYC, so let's play it by ear. If I don't
22 go, we will meet then."

23 Q. Okay. So prior to ever contacting or sending an email to
24 Mr. Millian, right, he, Mr. Danchenko, in his own words, is
25 telling Sidar that he had to go -- or let me see -- he had --

1 he may have to go to New York City the next week.

2 A. Yes. Correct.

3 Q. But wouldn't have anything to do with an anonymous call.

4 This is dated July 18th, correct? Would you consider

5 July 18th to be late July?

6 A. I usually characterize July 18th as mid July.

7 Q. Mr. Danchenko said this supposed call came in late July.

8 A. Yes.

9 Q. Okay. And so on July 18th, prior to any communication
10 being sent to Mr. Millian, Mr. Danchenko is acknowledging he
11 may have to travel to New York the next week?

12 A. That's correct.

13 Q. Would you deduce from that that his travel to New York
14 was not the result of an anonymous call but he had other
15 business?

16 MR. ONORATO: Objection to the characterization.

17 THE COURT: Sustained.

18 BY MR. DURHAM:

19 Q. Do you know whether or not, based on any of this
20 information, that Mr. Danchenko expected to have to work in
21 New York or meetings in New York the following week?

22 A. It appears from this that the possibility was that he
23 might be going to New York.

24 Q. Prior to any contacts with Millian?

25 A. Correct.

United States v. Danchenko

578

1 Q. Prior to any contacts with a supposed anonymous caller,
2 correct?

3 A. Correct.

4 Q. And do you know, sir, whether or not this was ever
5 explored or investigated or looked at by the FBI, by Crossfire
6 Hurricane?

7 A. I don't know -- I don't believe so with Crossfire
8 Hurricane. I don't know if it was covered once Mr. Danchenko
9 became a confidential human source.

10 Q. Okay. And if it had been explored where the FBI
11 investigators had looked at it, you would remember that,
12 wouldn't you?

13 A. If it was covered under Crossfire, yes, probably. If it
14 was covered as CHS, not necessarily.

15 MR. DURHAM: Okay. Thank you, sir. I have nothing
16 further.

17 THE COURT: All right. May the witness be excused?

18 MR. ONORATO: Will Your Honor give me, like, two
19 recross?

20 THE COURT: No.

21 MR. ONORATO: Okay. Thank you. The defendant can
22 be excused.

23 THE COURT: Yes. May the witness be excused,
24 Mr. Durham?

25 MR. DURHAM: Yes, Your Honor.

United States v. Danchenko

579

1 THE COURT: All right. Mr. Auten, you are excused.

2 Do not discuss your testimony outside the courtroom or with

3 any other witness.

4 All right. Let me see counsel at the bench.

5 (Side bar.)

6 THE COURT: Who is your next witness?

7 MR. DURHAM: Charles Dolan.

8 THE COURT: How long do you think he is going to be?

9 MR. KEILTY: 25 minutes on direct.

10 MR. ONORATO: Mr. Sears is doing the

11 cross-examination.

12 MR. SEARS: Not very long.

13 MR. DURHAM: Less than an hour.

14 THE COURT: All right.

15 MR. DURHAM: If you're asking whether we should

16 start him tonight, my thoughts is it's probably not a good

17 idea.

18 THE COURT: Let's start fresh in the morning. All

19 right. Good.

20 (Open court.)

21 THE COURT: Ladies and gentlemen, we're going to go

22 ahead and recess for the day before we start the next witness.

23 You're excused until tomorrow at 9:30. Again, please do not

24 discuss this case outside the courtroom. And, with that, I

25 will see you tomorrow morning. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Jury dismissed.)

THE COURT: Anything before we adjourn? All right.
I'll see counsel at 9 o'clock tomorrow. The Court is now in
recess.

(Proceedings adjourned at 5:42 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Jury Trial in the case of the **UNITED STATES OF AMERICA versus IGOR Y. DANCHENKO**, Criminal Action No.: 1:21-cr-245, in said court on the 12th day of October, 2022.

I further certify that the foregoing 167 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, my computer realtime display, together with the backup tape recording of said proceedings to the best of my ability.

In witness whereof, I have hereto subscribed my name, this October 15, 2022.



Tonia M. Harris, RPR
Official Court Reporter