

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

UNITED STATES OF AMERICA ,)
)
 Plaintiff)
)
 vs.) **1:17CR34**
)
 REALITY LEIGH WINNER ,)
)
 Defendant.)
)

**DETENTION HEARING
BEFORE THE HONORABLE BRIAN K. EPPS
FRIDAY, SEPTEMBER 29, 2017; 10:01 A.M.
AUGUSTA, GEORGIA**

FOR THE GOVERNMENT:

Jennifer G. Solari, Esquire
U.S. Attorney's Office
Post Office Box 8970
Savannah, Georgia 31412
(912)201-2561

Julie Ann Edelstein, Esquire
U.S. Department of Justice
600 E Street NW, 10th Floor
Washington, DC 20002
(202)233-2260

David C. Aaron, Esquire
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202)307-5190

FOR THE DEFENDANT:

John C. Bell, Jr., Esquire
Titus T. Nichols, Esquire
Bell & Brigham
457 Greene Street
Augusta, Georgia 30901
(706)722-2014

Joe D. Whitley, Esquire
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
3414 Peachtree Road, NE, Suite 1600
Atlanta, Georgia 30326
(404)223-2209

Jill E. McCook, Esquire
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
265 Brookview Centre Way, Suite 600
Knoxville, Tennessee 37919
(865)549-7129

Matthew S. Chester, Esquire
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
201 St. Charles Avenue, Suite 3600
New Orleans, Louisiana 70170
(504)566-5231

OFFICIAL COURT REPORTER:

Lisa H. Davenport, RPR, FCRR
Post Office Box 5485
Aiken, South Carolina 29804
(706)823-6468

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1 (Call to Order at 10:01 a.m.)

2 THE CLERK: The Court calls case number 1:17CR34.
3 The United States of America v Reality Leigh Winner. Jennifer
4 Solari, Julie Edelstein, and David Aaron for the government.
5 John Bell, Joe Whitley, Matthew Chester, Jill McCook, and Titus
6 Nichols for the defendant. Here for a detention hearing.

7 THE COURT: Good morning, everybody.

8 MRS. SOLARI: Good morning, Your Honor. The
9 government is ready.

10 THE COURT: Mrs. Solari, will you be lead counsel
11 today for the government?

12 MRS. SOLARI: Yes, Your Honor. I may defer to my
13 colleagues for a couple of matters, but I am lead today.

14 THE COURT: Okay. Mr. Bell, are you lead counsel
15 today for the defense?

16 MR. BELL: Your Honor, I'll be doing some,
17 Mr. Whitley some, and Titus will be doing some portions. I'll
18 be glad to start.

19 THE COURT: Okay. Well, if you two will maybe take a
20 seat for just a minute, I want to say a couple of things and
21 then we'll begin with the substance of the hearing. First of
22 all, I know I owe you an amended scheduling order. I have that
23 ready, but I'm waiting on -- I wanted to get some information
24 about security clearances from Mr. Whitley and Mr. Chester
25 because, obviously, nothing really kicks off until that occurs

1 and I wanted a better idea of a timeline for that so that I can
2 kind of map out where I think we're going to be in terms of
3 date-certain deadlines and how that coordinates with the
4 holidays and how much time we've got to do all of the
5 preliminary matters before we have the trial itself making sure
6 I give as much time as I can for everybody to do the things
7 that they need to do in the case. So I am going to be getting
8 that to you shortly either today or Monday.

9 Is there anything else in that vein that we all need to
10 talk about today, Mr. Bell, from your perspective?

11 MR. BELL: No, Your Honor.

12 THE COURT: Mrs. Solari, from the government's
13 perspective?

14 MRS. SOLARI: No, sir, Your Honor.

15 THE COURT: Okay. In terms of the number of
16 witnesses, how many will the government calling?

17 MRS. SOLARI: The government expects to call one
18 witness, Your Honor.

19 THE COURT: Okay. And as to the defense?

20 MR. BELL: Two witnesses, Your Honor.

21 THE COURT: Okay. Are any of those witnesses in the
22 courtroom right now, Mr. Bell?

23 MR. BELL: They're out there in one of the conference
24 rooms.

25 THE COURT: Okay.

1 MR. BELL: They were there when I last saw them. I
2 just wanted to make sure they hadn't come in.

3 THE COURT: Okay.

4 MR. BELL: We're keeping them there until called.

5 THE COURT: All right.

6 MRS. SOLARI: And, Your Honor, for the record the
7 government's witness is its case agent, Special Agent Garrick.
8 We would ask -- as part of the government trial team, we would
9 ask that he remain in the courtroom.

10 THE COURT: Okay. Well, that's certainly customary.
11 He's allowed to do that. I imagine he is going to testify
12 first; is that correct?

13 MRS. SOLARI: Well, Your Honor, I don't know. I
14 assume that since the defendants moved to reopen this hearing
15 to present what they claim is new and material evidence, I
16 assumed that the movant would go first. Of course, Your Honor
17 controls the court; so if you want the government to go first,
18 we can do that.

19 THE COURT: That's how we typically proceed,
20 particularly since it's the government's burden with respect to
21 the detention hearing. So that's how I would like to proceed
22 today.

23 MRS. SOLARI: All right.

24 THE COURT: Would you like to make any opening
25 statements or proffers before we begin with the first witness?

1 MR. BELL: Your Honor, if I might, there is one
2 issue. This refers to documents and not testimony, but there's
3 some documents that we wish to introduce that need to be done
4 in the secure environment and whether we do that first or last
5 or whenever the Court wants to do it, we can; though, I don't
6 think it is going to take long and it may make more sense to do
7 that first. The government is aware of what we're putting in
8 the court and all that. It's not like we're going to quote
9 from any of them.

10 THE COURT: Right.

11 MR. BELL: Obviously, not.

12 THE COURT: I just think for the pure sake for the
13 fact we're already in here, we'll just start with what we have
14 unless there is a reason to do the other first. I don't know
15 if you have a particular preference in that regard that we need
16 to consider the classified evidence before we begin here
17 because it sets the proper context for things, Mr. Bell. Is
18 that true?

19 MR. BELL: I think it may make the context more
20 meaningful, but we can -- it's not crippling by any means.

21 THE COURT: Okay. All right. Well, let's just go
22 ahead and proceed then in what I think might be the more
23 efficient manner of beginning here and then taking it upstairs
24 after we're done.

25 So, Mrs. Solari, with that, if you have any -- you said no

1 opening remarks from you?

2 MRS. SOLARI: Not really, Your Honor. I think the
3 Court got the decision right the last time based on the facts
4 that were presented. The government intends to present facts
5 today that weigh even more heavily in favor of the continued
6 detention of the defendant and I would ask that the Court grant
7 us a little bit of leniency with the witness on a couple of
8 occasions. It's something a bit unusual.

9 In response to, I think, two of my questions Special Agent
10 Garrick actually has literally a scripted response because it's
11 been very carefully vetted and approved by the U.S. government
12 agencies that have equities in that information; so I would ask
13 the Court's leniency in allowing Special Agent Garrick to read
14 from a prepared statement in response to two of my questions.

15 THE COURT: Right. And, of course, that means to the
16 extent that he brings any materials with him to the witness
17 stand, the defense ---

18 MRS. SOLARI: I'll have the defense to look at it.

19 THE COURT: Right. Okay.

20 MRS. SOLARI: Yes, sir.

21 THE COURT: Mr. Bell, anything that the defense would
22 like to say before we begin with the first witness?

23 MR. BELL: Yes. If I could present Mr. Whitley for
24 an opening statement.

25 THE COURT: Sure. Good morning, Mr. Whitley. Come

1 on up.

2 MR. WHITLEY: Good morning, Your Honor.

3 THE COURT: Good morning.

4 MR. WHITLEY: It is a pleasure to be here in Augusta
5 and I want to compliment the court security personnel here in
6 Augusta for the courtesy they've afforded me and the entire
7 defense team. It's been nothing short of remarkable. They're
8 a great group of men and women; so the Court knows this, but
9 sometimes when you receive courtesy from a court and the court
10 family, it should be duly noted. So thank you for the courtesy
11 Augusta and the personnel here at the courthouse have shown us.

12 THE COURT: Well, I certainly echo that sentiment.
13 The CSOs we have here are very proud of what they do. They are
14 an integral part of the court and they certainly adhere to the
15 same standard of excellence that's expected in federal court.
16 So we're proud of what they do and I appreciate you mentioning
17 it.

18 MR. WHITLEY: Thank you, Your Honor. We sincerely
19 appreciate the opportunity to be here this morning. I am
20 confident the Court is thoroughly familiar with the briefs
21 filed by the government and filed by the defendant in this
22 case. We only ask the Court to look at this new evidence --
23 the information that we're going to be presenting -- with a
24 view toward the terms and conditions that are set forth in the
25 Bail Reform Act under 18, United States Code, Section 3142(f)

1 and we believe there are considerations that should be taken
2 into account that really have a lot of bearing to do with how
3 this case unfolded, and I think the Court will hear about those
4 in the proceedings that come next.

5 Certainly, upon her arrest and then later detention
6 hearing which took place in just a matter of days later, the
7 defense counsel in this case really did not have sufficient
8 time to pull together information that we now have in our
9 possession that we think may be relevant to the Court.
10 Certainly, the Court will be making that decision and we defer
11 to the Court's decision in that regard. However, these
12 numerous pieces of information we think would be useful for the
13 Court to hear about and that will be happening next.

14 We also think that the facts developed in the first few
15 days of this case and going forward should not move us away
16 from a presumption of innocence. This is, after all, where we
17 start in all these analyses and the Court appreciates that,
18 but, also, her continued confinement, we believe, is manifestly
19 unjust and should not continue. We'll be making that
20 presentation to you.

21 And as the Court will note -- and we'll be making a
22 presentation on this at some point in the proceeding -- in
23 almost every other situation involving the Espionage Act, some
24 of these cases much more severe in terms of the number of times
25 that an individual shared a Top Secret information -- in some

1 cases with a foreign power or other individuals, multiple
2 episodes of sharing this information, including a former
3 National Security Director at the White House, Sandy Berger;
4 including a four-star general -- shared information
5 substantially akin to what was shared in this situation or if
6 the government's assertions were to be proved correct and the
7 Court, certainly, has to consider that as it thinks about this
8 particular proceeding.

9 So I won't go on longer because I know that time is
10 precious. The Court's obligation and the objective of this
11 proceeding this morning is to provide you with information that
12 helps you serve in that obligation that you've been invested
13 with and we respect that. We believe there are conditions of
14 release that the Court could consider that would reasonably
15 assure Ms. Winner's appearance and the safety of the community
16 here in Augusta.

17 Moreover, and I guess I'll mention almost every other case
18 of espionage the defendants have been granted pretrial release.
19 We say in this regard as compared to those cases in terms of
20 the information being shared we're talking about one piece of
21 information, one information news source that was shared with
22 arguably, and on one occasion. So this is what we have here
23 which is -- although, depending on where a person sits in a
24 case, a case is highly complex. There is lots of complexity
25 with this case and, of course, familiar with that in terms of

1 CIPA we are not going to be able to try this case as we all
2 anticipated in the fall of this year but many months from now,
3 perhaps as early as March, and our objective will be to be
4 compliant with the Court's wishes so the case can be tried at
5 that time, but there are many hurdles to overcome. During that
6 period of time this defendant will continue to be confined if
7 she's not permitted to be released on pretrial release subject
8 to your conditions. Thank you, Your Honor. I appreciate the
9 opportunity.

10 THE COURT: Thank you, Mr. Whitley.

11 And I would ask the deputy marshal to maybe remove that
12 from the TV stand. I've got the copy of all those cases and
13 it's kind of distracting as we go through the evidentiary part
14 of this to focus on the legal stuff.

15 All right. Mrs. Solari?

16 MRS. SOLARI: Thank you, Your Honor. The government
17 calls Special Agent Justin Garrick.

18 **(JUSTIN C. GARRICK is duly sworn.)**

19 THE COURT: Mrs. Solari, before we begin for,
20 perhaps, efficiency's sake and ease of administration, have you
21 provided the notebook of exhibits to defense counsel?

22 MRS. SOLARI: Yes, Your Honor, I have. I asked
23 defense counsel to please take a look at our proposed exhibits
24 this morning and in the interest of expediency let me know if
25 they have any objection to me simply moving to admit the bulk

1 of them at the outset of the hearing and they were very kind in
2 taking the time to look at my exhibits and indicating that they
3 had no objections to my moving to admit them. There is one
4 exhibit, however, I'd like to withhold because, although the
5 exhibit itself is not classified, I would not like to discuss
6 its details in an unclassified forum.

7 So at this time, Your Honor, I believe without objection
8 from the defense the government would move to admit into
9 evidence Government's Exhibits 1 through 4 and 6 through 14.

10 THE COURT: And that's 6A, 6B, 6C --

11 MRS. SOLARI: Yes, sir.

12 THE COURT: -- 7 through 14, excluding only
13 Exhibit 5?

14 MRS. SOLARI: Yes, sir, Your Honor.

15 THE COURT: Mr. Bell --

16 MR. BELL: No objection, Your Honor.

17 THE COURT: -- y'all stipulate to the
18 admissibility --

19 MR. BELL: Yes.

20 THE COURT: -- of these --

21 MR. BELL: Yes.

22 THE COURT: -- exhibits she just referenced?

23 MR. BELL: Yes. Not to the probative value on this
24 issue --

25 THE COURT: Right.

1 MR. BELL: -- but to the admissibility, we have no
2 objection.

3 THE COURT: All right. All those exhibits except for
4 5 have been admitted into evidence.

5 (Government's Exhibit Nos. 1-4, 6A-14 are admitted.)

6 MRS. SOLARI: Thank you, Your Honor, and I have just
7 shown Mr. Bell the somewhat scripted response we have for
8 Special Agent Garrick that's been cleared for an unclassified
9 presentation.

10 THE COURT: Okay.

11 MRS. SOLARI: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 **DIRECT EXAMINATION**

14 BY MRS. SOLARI:

15 Q Special Agent Garrick, I am going to leave with you the
16 items that have now been admitted into evidence as Government's
17 Exhibits 1 through 4 and 6 through 14. I'll also leave with
18 you this single piece of paper.

19 I might have been distracted at the outset. Have you
20 already stated your name for the record and told everybody
21 where you work?

22 A I have not.

23 Q Okay. Please introduce yourself to the Court and spell
24 your last name.

25 A My name is Justin Garrick; G-A-R-R-I-C-K. I am a special

1 agent with the FBI in the Augusta Resident Agency of the
2 Atlanta Field Office.

3 Q And in what capacity do you serve as a special agent?
4 What is your assignment?

5 A My assignment is counterintelligence investigation.

6 Q And how long have you been doing that in the Augusta area?

7 A In the Augusta area since May of 2013.

8 Q Were you stationed somewhere else with the FBI prior to
9 2013?

10 A Yes, I was.

11 Q Where was that?

12 A I was in Philadelphia from 2009 to 2013.

13 Q What was the nature of your assignment there?

14 A Counterintelligence investigations.

15 Q Do you have previous experience in the intelligence or
16 counterintelligence field prior to becoming a special agent
17 with the FBI?

18 A I was an intelligence analyst in the counterterrorism
19 division with the FBI from 2005 to 2008.

20 Q And did you work at all in the intelligence field prior to
21 joining the FBI as an analyst?

22 A Yes. I worked in intelligence analysis and emergency
23 response with the World Bank Group in DC from 2002 to 2004.

24 Q And are you the case agent who has handled the
25 investigation of this defendant, Reality Winner?

1 A Yes, I am.

2 Q When did you first hear the name Reality Winner?

3 A It was on June 1, 2017.

4 Q In what context?

5 A I was being given a briefing by a government agency --
6 intelligence agency -- regarding potential release of
7 classified information.

8 Q And at the time you were contacted on 1 June, had that
9 government agency determined that, in fact, their classified
10 information had been compromised?

11 A Yes.

12 Q Was it a document that had been compromised?

13 A Yes, it was.

14 Q What was the level of classification of that document?

15 A It was a Top Secret/SCI document.

16 Q And did it have additional handling restrictions as well?

17 A Yes, it did.

18 Q How many pieces were there to the compromised document at
19 issue?

20 A It was the Intelligence Report and an attachment.

21 Q So according to the government agency that briefed you,
22 did the information that had been compromised pertain to the
23 national defense of the United States?

24 A Yes, it did.

25 Q How did the agency determine that its information had been

1 compromised?

2 A The agency was sent a message electronically by an online
3 news media outlet with photographs of the document and
4 requested verification.

5 Q And the photos that were sent to the government agency,
6 did they include depictions of both the intelligence reporting
7 and the attachment that you said was also a piece of the item
8 at issue?

9 A Yes.

10 Q Did the government agency examine the photos that were
11 sent to them and determine that, in fact, the reporting sent
12 was authentic?

13 A Yes.

14 Q That it was truly a Top Secret/SCI document?

15 A Yes, it was.

16 Q In possession of a news media outlet?

17 A Correct.

18 Q And is it your understanding that that news media outlet
19 has any authority whatsoever to possess that classified
20 information?

21 A They do not.

22 Q How was the defendant employed at that time -- May,
23 June -- of this year?

24 A The defendant was employed as a linguist with Pluribus
25 International.

1 Q And Pluribus International is a contractor?

2 A Yes.

3 Q So pursuant to the contract, where did they assign the
4 defendant to work as a linguist?

5 A At the National Security Agency.

6 Q When did she start with Pluribus International?

7 A On or about February 9, 2017.

8 Q What was her level of security clearance?

9 A She had a Top Secret/SCI clearance.

10 Q Did she receive any training either from Pluribus or from
11 NSA about how to properly safeguard classified information?

12 A Yes. Yes, she did.

13 MR. BELL: I object. This would be pure hearsay on
14 his part.

15 THE COURT: Which is allowed in the context of this
16 hearing.

17 MR. BELL: Okay. That will be fine.

18 Q So, Special Agent, have you reviewed some of the
19 defendant's training records?

20 A Yes, I have.

21 Q Did you find that, for instance, on the 16th of February
22 of this year she was trained in elements of classification and
23 marking?

24 A Yes, she was.

25 Q What does that pertain to?

1 A It, basically, is training to differentiate between a
2 Secret document, Top Secret document, and the different
3 handling caveats and how you handle those.

4 Q What difference does it make, really, whether something is
5 Confidential, Secret, Top Secret?

6 A It directly relates to the amount of damage that it would
7 cause to the U.S. Government if it had been released.

8 Q So Top Secret being that information that could reasonably
9 be expected to cause exceptionally great damage to national
10 security if compromised?

11 A Correct.

12 Q Was the defendant also trained on the 17th of February of
13 this year in CI, OPSEC, and unauthorized disclosure?

14 A Yes.

15 Q What does that CI stand for?

16 A Counterintelligence.

17 Q What is OPSEC?

18 A Operational Security.

19 Q What does that mean?

20 A It is, basically, how to go about securing items, how to
21 be cognizant, be aware of any potential security issues.

22 Q Special Agent, did this defendant enter into any written
23 agreements with the government or with her contract employer to
24 safeguard classified information?

25 A Yes, she did.

1 Q If you could please turn your attention to Exhibit 1 in
2 the box in front of you. What are those documents?

3 A They are acknowledgment of training documents, security
4 agreements, nondisclosures acknowledgments.

5 Q So not to belabor each and every page -- we'll move
6 through them quickly -- but does the first page indicate that
7 on the 9th of February 2017 the defendant went through her
8 Pluribus new hire security briefing?

9 A Yes.

10 Q And does that security briefing, once again, include
11 instruction on how to properly handle and safeguard classified
12 information?

13 A Yes.

14 Q The next document in here, is that entitled "National
15 Security Agency Contractor Security Agreement"?

16 A It is.

17 Q And is this, essentially, the defendant's agreement to
18 properly handle and safeguard classified information so it is
19 not at risk of compromise?

20 A It is.

21 Q On what date did she execute the document?

22 A On 13 February 2017.

23 Q And could you please read paragraph 14 of this document?

24 A "I make this agreement without any mental reservation or
25 purpose of evasion."

1 Q Thank you. Now there's a document in here called "Policy
2 Acknowledgment Status Report". Does this document summon the
3 defendant's additional training?

4 A Yes, it does.

5 Q And on or about the 13th of February does it appear that
6 the defendant went through insider threat awareness training?

7 A Yes.

8 Q What is an insider threat?

9 A An insider threat is an individual who is cleared who was
10 within the agency employed and is attempting to or revealing
11 classified information to an external party.

12 Q So like a Trojan Horse of sorts, fifth column, I guess?

13 A Yes.

14 Q Okay. The remaining documents in here -- are they
15 additional nondisclosure agreements the defendant executed --
16 agreements between herself and the United States?

17 A They are.

18 Q Another one being dated 15 February of this year?

19 A Correct.

20 Q And, finally, there is a document dated 15 February of
21 this year dealing with a counseling acknowledgment. Can you
22 explain what that relates to?

23 A This is a counseling statement in which she was counseled
24 because the defendant mishandled classified information.

25 Q So she was found to have mishandled classified and her

1 employer, once again, reminded her of the proper way to handle
2 and safeguard sensitive and classified documents?

3 A Yes.

4 Q Thank you, Special Agent. You can set Exhibit 1 aside.
5 Now I would like to go back to talking about the intelligence
6 reporting that you were notified had been compromised by the
7 government agency. According to the defendant's employer did
8 that intelligence reporting have anything to do with her job
9 duties or assignment?

10 A It did not.

11 Q But given her level of security clearance would she have
12 had access to it?

13 A She would.

14 Q How, if at all, did the government agency that briefed you
15 identify the defendant as a potential suspect in the
16 compromise?

17 A The photographs of the document suggested that they had
18 been folded in half. There was a crease suggesting that it had
19 been printed out and physically taken out of the facility. An
20 internal audit by the agency revealed that at that time that
21 six individuals had printed out the document. Of those six
22 only the defendant had had contact on an unclassified
23 government computer with the online news media outlet.
24 Subsequent investigation revealed that it was that only two
25 individuals had printed out both the Intelligence Report and

1 the attachment.

2 Q Was one of those two people who had printed the
3 Intelligence Report and the attachment the defendant?

4 A Yes.

5 Q And, again, was she the only one of those two people who
6 appeared to have had any communication with the news media
7 outlet in possession of the report?

8 A Yes.

9 Q On what date was the defendant found to have printed the
10 report at issue?

11 A On May 9th of 2017.

12 Q In addition to the information provided to you on June 1st
13 did the FBI receive any additional information suggesting the
14 defendant might be responsible for the leak?

15 A Yes, we did.

16 Q What was that?

17 A We interviewed a witness in Tampa, Florida who had contact
18 with the online news media outlet during conversations with the
19 online news media outlet.

20 Q Okay. So was there a text message exchange back and forth
21 between the news reporter and a witness in Tampa?

22 A Yes.

23 Q If you could please take a look at Government's Exhibit 2.
24 What is that?

25 A This is a photograph of a cellphone -- of the witness'

1 cellphone and it's a conversation between the witness and the
2 news media outlet.

3 Q Is the text at the bottom of this, I guess, screen
4 capture, was that sent by the representative of the news media
5 outlet?

6 A It was.

7 Q And can you read the last sentence of that text message,
8 please?

9 A I can. "Well, no. If real, different convo. Was mailed
10 May 10 from Augusta, Georgia."

11 Q "May 10 from Augusta, Georgia." And, again, what date did
12 the defendant print the report?

13 A May 9th.

14 Q Where was the defendant living in May of 2017?

15 A Augusta, Georgia.

16 Q Based on the information you just described, did you
17 obtain a search warrant for the defendant's residence, her
18 vehicle, and her person on June 3rd of this year?

19 A I did.

20 Q Did you and other agents execute the warrant the same day?

21 A Yes.

22 Q During the execution of the warrant, did you meet the
23 defendant?

24 A Yes.

25 Q And while other agents were searching, did the defendant

1 agree to talk with you about whether she may have mishandled
2 classified information?

3 A Yes, she did.

4 Q How did you document that conversation?

5 A The document was audio recorded and a 302 was written.

6 Q Would you take a look at Exhibit 3, please, and tell us
7 what that is?

8 A This is a verbatim transcription of the interview.

9 Q Now have you reviewed the entire audio recording of the
10 interview in its entirety?

11 A Yes.

12 Q Have you compared it with this transcript?

13 A I have.

14 Q And in your comparison do you believe this is a true and
15 accurate representation of the conversation that you and others
16 had with the defendant on June 3rd?

17 A It is.

18 Q Thank you. You can set that aside, Special Agent. We're
19 not going to belabor all of the various quotes in that 80-page
20 document. I would like to talk to you about some other
21 evidence that the agents gathered in this case. At the outset
22 of the search on June 3rd, did agents collect the defendant's
23 cellphone or at least one of them?

24 A Yes.

25 Q And have you reviewed its contents pursuant to the

1 warrant?

2 A I have.

3 Q I'd like to direct your attention to Exhibit 4 now if you
4 would take a look at that and please tell us what it is.

5 A This is a screen shot of a Tweet from a non-press.

6 Q And where was it recovered?

7 A From the defendant's cellphone.

8 Q And on what date does it appear the user of the
9 defendant's cellphone captured this image?

10 A On February 7th of 2017.

11 Q What is depicted in the image?

12 A It is entitled, "If you see abuse, leak it." It has a
13 list of eight media outlets and ways to anonymously submit
14 information.

15 Q And you said this was February 7th; so that would be,
16 what, two days before the defendant started in her cleared
17 position with Pluribus International and NSA?

18 A Correct.

19 Q I'd like to also talk to you about the defendant's
20 internet activity on the 9th through the 22nd of May. Have you
21 reviewed that as well?

22 A I have.

23 Q We're not going to offer or refer to that exhibit at this
24 time, but can you please describe at an unclassified level what
25 you observed in the defendant's internet history on those

1 dates?

2 A On the 9th of May we see the defendant researching on web
3 searches on how to anonymously submit information to two news
4 media outlets. After that date we see several searches for
5 those news media outlets and information related to potential
6 leaks of classified information.

7 Q So did it appear -- now when you say on May 9th -- so the
8 defendant actually, I guess, obtained or could have obtained
9 from the web pages she viewed ways to submit anonymously
10 information by mail, for instance?

11 A Correct.

12 Q By internet?

13 A Yes.

14 Q And through other sorts of secure forms of communication?

15 A Yes.

16 Q And then in the subsequent days it appeared she was doing
17 internet searches to see if leaked information had been
18 published by those particular media outlets?

19 A Correct.

20 Q Special Agent, at some point following the search that we
21 discussed and the defendant's arrest did you or another agent
22 obtain recorded phonecalls the defendant made from the Lincoln
23 County Jail?

24 A Another agent did, yes.

25 Q If you would look at Exhibit 6, please. I believe first

1 there is a CD or DVD in there marked 6A.

2 A Yes.

3 Q Does that contain two audio files that were recorded
4 phonecalls made by the defendant?

5 A It does.

6 Q And do those audio files -- can you review them?

7 A I have.

8 Q Do they appear to contain the conversations in their
9 entirety?

10 A Yes.

11 Q And 6B and C, are those transcripts of the two audio files
12 on the disc 6A?

13 A They are.

14 Q Have you compared them with the original audio recordings?

15 A I have.

16 Q And are you satisfied that those are true and accurate
17 versions of the conversations in Exhibit 6A?

18 A I am.

19 MR. WHITLEY: Your Honor, may I comment? I'm sorry.

20 THE COURT: You may.

21 MR. WHITLEY: I understand that this information will
22 be presented ultimately at a trial of this case, but I don't
23 know what this information might have to do with the concerns
24 we might have about the flight risk of this individual
25 defendant or any danger she may pose to the community. It is

1 information that we can't -- we are going to respond to,
2 certainly, in cross and try to get more information from the
3 agent who is ably testifying, but I just wanted to bring that
4 to the attention of the Court just for my purposes. I thought
5 it was relevant. Thank you.

6 THE COURT: So, Mr. Whitley, are you making an
7 objection that it's irrelevant?

8 MR. WHITLEY: Absolutely, Your Honor. I don't know
9 if this goes to the core issues that are before the court.

10 THE COURT: Okay. I mean, looking through the briefs
11 it appeared that these jail conversations were going to be
12 highlighted because of statements that, perhaps, could be
13 interpreted as being admissions on the part of the defendant.
14 If that's the purpose of presenting these, would you agree that
15 goes to the issue of the weight of the evidence for detention
16 purposes?

17 MR. WHITLEY: It does, Your Honor. It does have some
18 bearing on that, certainly. However, the Court will note and
19 duly appreciate that the government and my learned counsel --
20 we're not in a position, really, to rebut or defend much of
21 this because there are certain aspects of CIPA that'll prevent
22 us from access to certain discovery until we are all cleared to
23 have that opportunity to make our request for discovery. So
24 this is kind of in a posture in the case where we don't have
25 that information.

1 THE COURT: Well, as to the conversation itself that
2 was had between the defendant and her sister and mother that
3 was recorded, certainly, you have the ability to call those
4 people -- the people who participated in that telephone
5 conversation. Is that correct?

6 MR. WHITLEY: Thank you, Your Honor. We do.

7 THE COURT: Okay. And nothing in CIPA would prevent
8 you then from fully presenting to the court any information
9 concerning the accuracy of these conversations?

10 MR. WHITLEY: No, it would not, Your Honor.

11 THE COURT: Okay. Thank you.

12 MR. WHITLEY: Thank you very much. Thank you.

13 MRS. SOLARI: Your Honor, and I won't belabor them.
14 In particular, 6B goes to the weight of evidence against the
15 defendant, and I will say 6C I included because there was some
16 dispute about the actual content of the conversation that was
17 represented at the first hearing and to the extent I may have
18 misrepresented or misconstrued any of that call, I sincerely
19 apologize to the Court, to counsel, and to Ms. Winner. It was
20 never my intent to do so. So I won't belabor 6C. I simply
21 wanted the Court to have the full transcript of that
22 conversation so the Court can see for itself how the
23 conversation went.

24 THE COURT: Okay. Well, I guess, formally, I need to
25 overrule the objection and allow 6B and C into evidence.

1 MRS. SOLARI: Thank you, Your Honor.

2 Special Agent, I'd like to direct your attention to 6B
3 which is a transcript of one of the two phonecalls. This is a
4 conversation between the defendant and whom?

5 A Britty Winner, her sister.

6 Q And in some portion of the conversation does the
7 defendant's sister Britty ask the defendant to some extent what
8 this is all about -- her arrest and the whole event?

9 A Yes.

10 Q And does she ask whether it's because the defendant put a
11 wrong birthday for someone on a security background form?

12 A She does.

13 Q And how does the defendant respond?

14 A "No. I leaked a document and they were able to trace it
15 back to me and it's kind of an important one."

16 Q Thanks, Special Agent.

17 And, Your Honor, again, we're not going to belabor 6C
18 which is a transcript of another phonecall. I just wanted the
19 Court to have it.

20 THE COURT: Okay.

21 Q Again, back to the search, Special Agent -- the search of
22 the residence -- did agents find notebooks and writings that
23 belonged to the defendant?

24 A Yes.

25 Q And have you been able to review the contents of those

1 notebooks and other writings?

2 A Yes, I have.

3 Q I am going to be talking to you right now about Exhibit 7,
4 if you would retrieve that, please. That first document in
5 order -- what is that?

6 A This looks to be handwritten notes taken during --
7 handwritten notes regarding employment position.

8 Q And does it refer to education cost, possible dental,
9 employments -- it looks like the name of Pluribus
10 International, an employee portal link? Like you said,
11 job-related, appointment-related things?

12 A Correct.

13 Q But in reviewing this particular page did you come across
14 any handwritten notations that were of concern?

15 A Yes.

16 Q What was that?

17 A It was handwritten notes: "I want to burn the White House
18 down. Find somewhere in Kurdistan to live or Nepal. Ha, ha,
19 maybe."

20 Q All right. Well, perhaps that was, you know, said in jest
21 or off the cuff. I'd like to direct your attention to the next
22 item in order. What does the note on that page pertain to?

23 A These are notes on how to unlock your cellphone and switch
24 out the SIM card.

25 Q And if one were to follow these instructions and do that

1 successfully, what would be the practical effect?

2 A The practical effect is that you remove yourself from your
3 network. You can get on either another network, a prepaid
4 account.

5 Q So if you were to do that, for instance -- remove the SIM
6 card from your phone and insert another one you bought at, say,
7 Dollar General -- if I were to subpoena your subscriber records
8 would I be able to see what phonecalls you had made or received
9 during the time your original SIM card was missing?

10 A No.

11 Q Or who had sent you text messages or who you had sent
12 messages to?

13 A No.

14 Q Now to be sure, Special Agent, there have to be, you know,
15 some innocent reasons why people do this -- unlock their
16 phones; right?

17 A Sure.

18 Q What are some of those reasons?

19 A If someone doesn't like their cell carrier and they want
20 to switch but they like their phone, that's a way to move on to
21 a carrier that you prefer or if you travel overseas and you
22 want to keep your phone, that way overseas you can get on their
23 network and use it.

24 Q Okay. Fair enough. Let's look at the next page. What
25 are the notations you see there?

1 A These are instructions on how to download and to set up
2 the preferences for the Tor network.

3 Q And are these how to set the preferences at the most
4 secure security setting?

5 A Yes.

6 Q What is Tor? What is the Tor network?

7 A Tor network is a method in which someone can access the
8 internet -- not only the internet, but also the deeper, dark
9 web on a completely anonymous level.

10 Q Were agents able to examine the computers that were
11 recovered from the defendant's residence?

12 A Yes.

13 Q Did any of them have Tor software installed?

14 A Yes.

15 Q And how many computers?

16 A One.

17 Q When was the Tor software installed on that computer?

18 A On February 1st of 2017.

19 Q What effect does Tor have on whether agents are able to
20 see someone's internet history, email history, or other
21 activity on their computer during the time they ran the
22 software?

23 A While they're running the software we cannot see any
24 activity.

25 Q So you wouldn't know if I sent or received emails?

1 A No.

2 Q Or went to particular websites either on the regular
3 internet or the dark web?

4 A No.

5 Q Made any purchases, banking transactions, anything like
6 that?

7 A No.

8 Q We can see nothing.

9 A No.

10 Q Would you look at the next page, please? What do those
11 notes pertain to?

12 A These are -- it's a text string for a Slippery.email
13 account.

14 Q What is Slippery.email?

15 A Slippery.email is -- it's a -- as per the website, it's a
16 one-way burner email that allows you to receive email
17 anonymously that's not linked to your -- it's not linked to you
18 or to any of your other email accounts.

19 Q So what would an address look like if I wanted to send an
20 email to someone who had a Slippery.com inbox?

21 A It is an alphanumeric followed by @slippery.net or there's
22 a couple of different endings to it, but it's a completely
23 anonymous email address.

24 Q Were you able to tell in analyzing the notations on this
25 page whether the defendant created or at least had access to a

1 Slippery.com inbox?

2 A It appears so, yes.

3 Q How long do those inboxes last?

4 A Eight days.

5 Q And at the end of eight days, do they, essentially,
6 self-destruct?

7 A They do.

8 Q And obliterate all the information contained therein?

9 A Correct.

10 Q Special Agent Garrick, as someone with about 13 years
11 experience in the field of intelligence and
12 counterintelligence, did you have any concerns when you viewed
13 in their entirety these notes about switching the SIM cards,
14 installing Tor at its high security setting, and establishing a
15 self-destructing, anonymous inbox at Slippery.email?

16 A Yes, I did.

17 Q What concerns did you have?

18 A When taken into its totality, it appears as though it's a
19 covert communications package or could be one.

20 Q A covert communications package being what, essentially?

21 A That is a way in which an individual can communicate
22 anonymously with another.

23 Q Next page in order, please. Is this another page of
24 handwritten notes?

25 A Yes, it is.

1 Q In general, what are these about?

2 A These appears to be musings regarding the Taliban.

3 Q And does the defendant make reference to a couple of
4 different Taliban leaders both, I think, alive and believed to
5 be deceased?

6 A Yes.

7 Q And in reference to Mullah Omar and Akhtar Mansour does
8 she state, "They both understood the need for peace, yet were
9 pushed too far by western demand for unconditional surrender"?

10 A Yes.

11 Q Again, she's referring to Taliban military leaders?

12 A Yes.

13 Q Does she also state that "Perhaps Bin Laden was the Judas
14 to Omar's Christlike vision of a fundamental Islamic nation"?

15 A Yes, she does.

16 Q Thank you, Special Agent. Now did you find anything in
17 the defendant's internet search history pertaining to an
18 apparent interest in the Taliban?

19 A Yes.

20 Q If would you take a look at Exhibit 8, please. Have you
21 previously reviewed that exhibit?

22 A I have.

23 Q And are these excerpts of the defendant's web search
24 history in October, November, and December of 2016?

25 A Yes.

1 Q And do you find in there, among other searches, searches
2 for the Taliban media website?

3 A Yes.

4 Q Taliban media network?

5 A Yes.

6 Q I don't know if I am pronouncing this correctly; so
7 forgive me. This Zabiullah Mujahid --

8 A Yes.

9 Q -- who is that or what is that?

10 A He is a Taliban spokesperson.

11 Q Did you find searches for the Taliban office in Qatar?

12 A Yes.

13 Q Did you find the defendant searching for the Twitter
14 account of that Taliban spokesperson we've just mentioned?

15 A Yes.

16 Q As well as his Facebook?

17 A Yes.

18 Q As well as the Taliban's YouTube channel?

19 A Yes.

20 Q And I'd like to talk to you, Special Agent, about one
21 other item that was recovered from the defendant's residence
22 during the search on June 3rd, but before we talk about it, I'd
23 like you to sort of revisit that piece of paper on which you
24 found the Slippery.email address. You've already described the
25 content, but describe the actual piece of paper on which those

1 notes were written.

2 A It was a small piece of paper torn out with the months
3 printed at the top and across almost like a calendar.

4 Q So was it an unusual size?

5 A Yes.

6 Q Kind of tiny?

7 A Yes.

8 Q Okay. Did you find any other pieces of paper just like
9 that in the home?

10 A Yes.

11 Q How many?

12 A One other.

13 Q Where did you find it?

14 A I found it with that other piece of -- that other piece of
15 paper.

16 Q So you found a piece of paper with the Slippery.email
17 address and then the second piece of paper we're about to talk
18 about?

19 A Yes.

20 Q Did the second piece of paper contain handwritten notes as
21 well?

22 A Yes, it did.

23 Q Now I understand that some of the information is
24 classified in the context of this case and I think you've been
25 presented with a cleared statement that we can present in an

1 unclassified setting. If you would refer to the single piece
2 of paper I gave you. Again, to the extent that you can
3 describe it unclassified, please describe what you found on
4 that second piece of notebook paper that was accompanied by
5 these Slippery.email notes.

6 A "The defendant's notes contained specific identifying
7 information related to foreign intelligence targets associated
8 with terrorism activity being followed by the U.S. Government
9 as part of its national security mission. The information
10 which the defendant obtained by virtue of her access to
11 government systems has no logical bearing on or connection to
12 the duties that were assigned to the defendant and should not
13 have been taken outside of U.S. Government control."

14 Q Thank you, Special Agent. Set that aside. Now back to
15 Exhibit 8 for a moment, the defendant's internet search
16 history, to what places did it appear the defendant was
17 interested in traveling, working, or living based on her
18 research during that time?

19 A Kurdistan, Iraq, Afghanistan, Jordan, Palestinian
20 territories.

21 Q The defendant actually researched flights to Kurdistan and
22 to Erbil?

23 A Yes, she did.

24 Q Did the defendant research buying homes in Jordan?

25 A Yes.

1 Q Did she query whether she could move to Palestine?

2 A Yes.

3 Q Among the other searches that you mentioned. Did the
4 defendant appear, based on your review of her internet usage,
5 her communications -- did she appear to have researched or
6 taken any affirmative steps to establish a relationship with
7 Kurdistan?

8 A Yes.

9 Q What were those?

10 A Based off of Facebook messages she told her sister that
11 she was looking to apply for a visa and then she told another
12 individual that she had a visa.

13 Q To work in Kurdistan?

14 A To visit Kurdistan.

15 Q Okay. Is that an exceptionally difficult thing to do to
16 obtain a visa to visit Kurdistan?

17 A Based off of internet searches, it appears as though you
18 can actually apply for one when you land at the airport in
19 Erbil.

20 Q And on or about December 10, 2016, again, based on the
21 defendant's internet search history, did you find she also
22 researched how to obtain a work visa in Afghanistan?

23 A Yes.

24 Q Now moving away from the defendant's internet usage for a
25 minute, I'd like to take you back to the defendant's security

1 training with Pluribus International which I think you
2 testified began on February 9, 2017. Did you notice in
3 reviewing the defendant's communications any comments the
4 defendant made about that training?

5 A Yes. She did.

6 Q If you could look at Exhibit 9, please.

7 THE COURT: Actually, I think at least in my notebook
8 Exhibit 9 was the internet searches that we just covered.

9 MRS. SOLARI: I'm sorry, Your Honor. I goofed in
10 your notebook. That should be 8 and then 9 should be an
11 extraction report that contains a single --

12 THE COURT: All right.

13 MRS. SOLARI: -- message. I will fix that for Your
14 Honor.

15 THE COURT: No. That's okay. I am fine.

16 Q Okay. So Exhibit 9 in the box you have -- I may have it
17 in different folders and I'm sorry about that. What is that?

18 A It is an Extraction Report from the defendant's cellphone
19 and it's a Facebook message.

20 Q And what was the date the defendant sent this message?

21 A On February 9th of 2017.

22 Q And did she send it to her sister Britty Winner?

23 A Yes.

24 Q Could you read it aloud, please?

25 A "I just had my security training and the security officer

1 was talking about threats and how the insider threat is
2 actually the largest and it was hard not to laugh when he was
3 like, 'Yeah, so, we have guys like Edward Snowden who thought
4 they were doing the right thing, but, you know, they weren't;
5 so, we have to keep an eye out for that insider threat,
6 especially with contractors.'"

7 Q And the defendant was, in fact, a contractor at that time?

8 A Yes.

9 Q But she said it was hard not to laugh when she was
10 actually counseled in her security training about that insider
11 threat?

12 A Yes.

13 Q If you could look at Exhibit 10. Actually, let's skip
14 Exhibit 10; although, I still wish for it to be admitted, but
15 in the interest of time let's go to Exhibit 11. Before we
16 address that one, just to give it some context, Special Agent,
17 was the defendant required to take polygraph examinations to
18 maintain her clearance with Pluribus?

19 A Yes.

20 Q Had she done that as of May 9, 2017?

21 A No, not yet.

22 Q Was she granted some sort of conditional clearance and
23 access?

24 A Yes.

25 Q Did you see in the defendant's cellphone history any

1 conversation about her upcoming polygraph exam?

2 A Yes.

3 Q Now, again, referring you to Exhibit 11. Skipping that
4 first message, I'd like to talk about the chain following the
5 first message. What is the date of this chain -- the
6 conversation chain?

7 A This is February 25, 2017.

8 Q So just, I guess, a couple of weeks after the defendant
9 started work?

10 A Yes.

11 Q And, again, is this a conversation with her sister Britty?

12 A Yes.

13 Q If you could read what the defendant wrote in this
14 conversation, I will read the other responses.

15 A "I have to take a polygraph where they're going to ask if
16 I've ever plotted against the government. #gonnafail".

17 Q "LOL. Just convince yourself you are writing a novel."

18 A "Look, I only say I hate America like three times a day.
19 I'm no radical. It's mostly just about Americans' obsession
20 with air conditioning."

21 Q "But you don't actually hate America; right?"

22 A "I mean, yeah, I do. It's literally the worst thing to
23 happen to the planet. We invented capitalism, the downfall of
24 the environment."

25 Q Thank you, Agent. You can set that aside.

1 MR. BELL: Excuse me. Which exhibit is that?

2 MRS. SOLARI: Eleven, unless I've ---

3 MR. BELL: I was on 12. Okay.

4 MRS. SOLARI: Eleven. It starts there.

5 MR. BELL: Okay.

6 Q Have you ever heard of something called "Vault 7"?

7 A Yes.

8 Q Is that WikiLeaks alleged compromise of classified
9 government information?

10 A Yes, it is.

11 Q Did you see anything in the defendant's chats about Vault
12 7?

13 A Yes, I did.

14 Q Let's look at Exhibit 12, please. Is this another
15 conversation between the defendant and her sister?

16 A Yes, it is.

17 Q On March 7th of this year?

18 A Correct.

19 Q And if you could read the portions written by the
20 defendant.

21 A "Vault 7."

22 Q "OMG. That Vault 7 stuff is scary, too."

23 A "It's so awesome though. They just crippled the program."

24 Q "So you're on Assange's side?"

25 A "Yes. And Snowden."

1 Q Now we established that this conversation happened on the
2 7th of March 2017. Did you see in the defendant's internet
3 search history any searches of note on that same date?

4 A Yes.

5 Q What was that?

6 A Tor email.

7 Q Thank you. Now let's go back just a little bit further --
8 I think we're nearly done here -- and talk about the
9 defendant's employment prior to her time with Pluribus
10 International and the NSA. How was the defendant previously
11 employed?

12 A She served in the U.S. Air Force.

13 Q And her rank was that of a Senior Airman?

14 A Correct.

15 Q What was her general nature of her military assignment?

16 A She was a linguist.

17 Q And did she maintain a security clearance in that
18 capacity?

19 A Yes.

20 Q At what level?

21 A Top Secret/SCI.

22 Q Essentially, the same clearance that she maintained when
23 she worked for Pluribus and the NSA?

24 A Yes.

25 Q If you could turn your attention to Exhibit 13, please.

1 Are the beginning documents in this series the defendant's
2 email in which she submits her active duty member exit
3 questionnaire?

4 A Yes.

5 Q And what was the date she submitted her questionnaire
6 according to the email?

7 A Thursday, August 25, 2016.

8 Q And according to her exit questionnaire at that time how
9 many years of total service had the defendant had in the Air
10 Force?

11 A Total years, six.

12 Q And when was she planning to begin her terminal leave?

13 A November 18, 2016.

14 Q And just for people who may not have had a government or
15 military job, is terminal leave, essentially, when someone's
16 period of active duty obligation has not run out but they
17 simply leave before that date because they have so much stored
18 leave they are just going to go ahead and go --

19 A Yes.

20 Q -- probably not to return?

21 A Yes.

22 Q Okay. In this exit questionnaire according to the
23 defendant what were her career plans following active duty?

24 A Fitness instructor.

25 Q I'd like you to turn to the next document in order which

1 is captioned "National Security Agency Access Termination
2 Statement". Just in general, what is this?

3 A It's, basically, you're being what we call read out of
4 your accesses and you still agree that you have to abide by the
5 nondisclosure agreements that you previously signed.

6 Q So even if you never returned to government service or
7 never have a security clearance again, you promise that you'll
8 never ever disclose that classified information you learned
9 while you did that?

10 A Correct.

11 Q All right. But at some point when each of us leaves our
12 cleared position, our access to classified has to be cut off;
13 right?

14 A Correct.

15 Q Okay. So based on the date of this document, when was the
16 defendant read out of her classified access?

17 A 15 November 2016.

18 Q Now in the course of your investigation have you
19 discovered any workplace activity by the defendant in the days
20 prior to November 16th -- I'm sorry; November 15, 2016 -- that
21 seemed to be any cause for concern?

22 A Yes.

23 Q What was that?

24 A On or about November 9th of 2016 on a Top Secret computer
25 the defendant Googled something to the effect of "Does a top

1 secret computer detect a thumb drive?" At that point she
2 inserted a thumb drive into the computer for approximately two
3 minutes.

4 Q Has the government's review of system logs determined
5 conclusively whether the defendant was able to move any data
6 onto that thumb drive?

7 A No.

8 Q Did the government ever recover the thumb drive?

9 A No.

10 Q Are you aware of something in particular the defendant did
11 right after she removed the thumb drive from the Top Secret
12 computer? And I believe you have a scripted answer to that
13 one.

14 A Yes. It's a scripted answer provided.

15 Q Cleared for unclassified use?

16 A Correct.

17 Q What is that?

18 A "Winner printed an Intelligence Report that was classified
19 at the Top Secret level. The classified intel reporting was
20 not associated in any way with the defendant's
21 duties/assignments and we do not know what she did with it."

22 Q Thank you, Special Agent. Now back for just a moment to
23 that October, November, December timeframe reflected in the
24 defendant's web history which should be Exhibit 8. Now you
25 just testified the defendant stated in Exhibit 13 she was

1 planning to be a fitness instructor when she left the Air
2 Force. Did there come a time, though, judging from her online
3 activity she seemed to turn her attention in earnest to jobs
4 involving access to classified information?

5 A Yes.

6 Q Would that have been about mid-November of 2016?

7 A In earnest in mid-November.

8 Q Okay. And during that time and after into December was
9 she searching for positions requiring clearances such as
10 linguists, intel analysts, signals intelligence specialist,
11 counterintelligence support specialist, and lots of jobs listed
12 on Clearancejobs.com and similar sites?

13 A Yes.

14 Q And were those positions listed both in the U.S. and
15 overseas?

16 A Yes.

17 Q Was that during the same time the defendant was
18 researching Taliban social media and how to follow Taliban
19 spokespersons online?

20 A Yes.

21 Q Did you also find amidst all these searches for cleared
22 jobs, particularly on or about November 28, 2016, the defendant
23 entered a search strain to her browser "How to support
24 Anonymous"?

25 A Yes.

1 Q Did she then view a page called, "How to join Anonymous"?

2 A Yes.

3 Q What is Anonymous?

4 A Anonymous is a list affiliation of hackers.

5 Q Based on your experience as an investigator, are they
6 known to be generally friendly to the U.S. or its intelligence
7 community?

8 A No.

9 Q Now, finally, Special Agent, the defendant's motion
10 mentioned some, I guess, deterioration of her physical
11 condition because of the quality of her diet at the Lincoln
12 County Jail. I think we understand she is vegan and maintains
13 a kosher diet. Have you personally spoken with anyone at the
14 jail about how they are attempting to accommodate that?

15 A Yes, I have.

16 Q And what did they tell you?

17 A They said that they're making special trips to the grocery
18 store for additional food.

19 Q So are they buying her things like fresh fruit, things
20 like that?

21 A Fruit cups, various items.

22 Q And did you have occasion recently to physically review
23 some of the defendant's outgoing mail from the jail?

24 A Yes.

25 Q And, particularly, if you look at Exhibit 14, were these

1 letters dated 11 September and 18 September of this year?

2 A Yes.

3 Q And in some of the letters -- the first one, for instance,
4 does the defendant say "Dinner was pretty dope. Lots of peas,
5 corn, and canned fruit. I am grateful to be able to maintain
6 my spirituality in here with regards to my diet"?

7 A Yes.

8 Q In another letter does the defendant tell a fellow inmate
9 that the women get double patties, twice the cake; she gets
10 canned tropical fruit twice a day, leftover grits from
11 breakfast with peanut butter for lunch?

12 A Yes.

13 Q Now she mentions she still can't digest bread. Do you
14 know what the jail has done to accommodate that?

15 A For the bread, one of the things was the giving her grits
16 from breakfast for lunch.

17 Q Okay. So instead of bread now she gets grits. So do the
18 folks at the jail, based on your conversations with them,
19 appear to be, basically, going above and beyond to satisfy the
20 defendant's dietary needs and preferences?

21 A Yes.

22 Q And based on these letters would you say that the
23 defendant appears to be quite pleased with the results?

24 A Yes.

25 Q And do you know whether the defendant is also able to

1 complete her workout regimen? You know, she's a CrossFit fan.
2 She practices yoga, all that stuff.

3 A Yes. She is able to work out.

4 Q Okay. So there is no, I guess, infringement on her
5 ability to do any of that either?

6 A Not that I'm aware of.

7 Q All right. Thank you, Special Agent.

8 If I may have a brief moment, Your Honor.

9 THE COURT: You may. Take your time.

10 MRS. SOLARI: Thank you, Your Honor. That's all the
11 government has for Special Agent Garrick at this time.

12 THE COURT: All right. Mr. Bell?

13 MR. BELL: Your Honor, I don't know what -- if the
14 Court intends a break, but it might be a good time to take a
15 break because we've covered an awful lot in this short time.

16 THE COURT: Right.

17 MR. BELL: If we could have a few minutes, we'd
18 appreciate it.

19 THE COURT: Sure. If you need some time to prepare
20 for cross examination, then I'll give you that. It would be
21 nice if we could not take more than 15 minutes, but just let
22 Mrs. Widener know when you're ready and we'll reconvene.

23 MR. BELL: Okay. That should be fine. Thank you.

24 (A break is taken.)

25 THE COURT: Mr. Bell?

1 MR. BELL: Yes. Thank you, Your Honor.

2 **CROSS-EXAMINATION**

3 BY MR. BELL:

4 Q Agent Garrick, you take your job quite seriously, don't
5 you -- FBI agent?

6 A Yes, sir.

7 Q And, certainly, in something such as counterintelligence,
8 that's a very important area of FBI work today, is it not?

9 A Yes, sir, it is.

10 Q And you, certainly -- when you do report, you want to get
11 the whole story and not just pick and choose little bits that
12 might give a very inaccurate picture. You agree, don't you?

13 A Yes, sir.

14 Q You're not here as an advocate. You're here as a
15 truth-teller, are you not?

16 A Correct, sir.

17 Q And I bet you've even heard that famous old Ben Franklin
18 phrase that half a truth can be a whole lie. Is that correct?

19 A I think I've heard that before, sir, yes.

20 Q You agree with that, don't you?

21 A Yes, sir.

22 Q In fact, sometimes you have to interview people at great
23 length before you get the whole truth and not just little
24 snippets that might lead to a very different conclusion;
25 correct?

1 A Yes, sir.

2 Q Now you talked about Reality being in the Air Force;
3 correct?

4 A Yes, sir.

5 Q Six years?

6 A Yes, sir.

7 Q Did not mention that she got an honorable discharge, did
8 you?

9 A I did not say her discharge.

10 Q Okay. Did you tell us about any commendations she got for
11 her work in the Air Force?

12 A I did not.

13 Q Okay. Could you tell us about them?

14 A I believe she received a commendation, yes.

15 Q Okay. She freely left; correct?

16 A Yes.

17 Q Okay. Are you aware from looking at the various documents
18 that she -- and her mail and everything else in her house --
19 that she has expressed interest in, perhaps, going into the
20 Peace Corps at some time?

21 A Yes, yes.

22 Q But did not mention that?

23 A No.

24 Q And you don't think it's anything questionable for a
25 person -- American citizen or veteran honorably discharged

1 serving their country -- to want to go work for the Peace Corps
2 and perhaps help the less fortunate in a foreign land -- the
3 American Peace Corps?

4 A Correct.

5 Q And you didn't mention that, did you?

6 A No, I did not.

7 Q Okay. Are you aware that -- do you know what an
8 organization named Médecins Sans Frontières is?

9 A That is Doctors Without Borders.

10 Q That is correct. It is a French-based organization. We
11 normally use the English one here. Are you aware that Reality
12 has expressed interest in going to work with Doctors Without
13 Borders -- Médecins Sans Frontières?

14 A I don't remember any specifics about it.

15 Q Okay. And tell me what do you understand that
16 organization to be?

17 A It's -- as I understand Doctors Without Borders is a
18 non-governmental non-profit that goes to areas with either war
19 zones or the like or famine to do medical work.

20 Q It's certainly not a terrorist organization, is it?

21 A No.

22 Q Though the people who work with that may well be putting
23 their own lives in danger to help those in great need; correct?

24 A Correct.

25 Q And could be the same way with the Peace Corps; correct?

1 A Correct.

2 Q Do you -- are you aware that some of these
3 non-governmental and I think maybe even the Peace Corps -- if
4 you're coming out of the service for some reason they would
5 generally not take you for about a year after you're discharged
6 from the service?

7 A I wasn't aware of that.

8 Q Okay. But you were aware that Reality had an interest in
9 these do-gooder, foreign organizations in the dangerous and,
10 perhaps, most needy part of the world?

11 A Yes.

12 Q Okay. Now Reality doesn't have any criminal record before
13 this, does she?

14 A Correct.

15 Q And when she was indicted y'all had seized all of her
16 computers, all of her old cellphones, and had gone through her
17 house tip to top; correct?

18 A Correct.

19 Q And, yet, I think the day after that or two days after she
20 was indicted; is that correct? Maybe three or four days?

21 A I don't remember the exact date of the indictment but --

22 Q Okay.

23 A -- in the days and a couple weeks following.

24 Q She was indicted before you had gone through all of these
25 computers and cellphones in her house; is that correct?

1 A Correct.

2 Q And she was -- in fact, the prior pretrial release hearing
3 occurred before you had been able to go through and analyze
4 every computer and every cellphone and every scrap of paper in
5 her house; correct?

6 A Correct.

7 Q And she has now been reindicted, hasn't she?

8 A Correct.

9 Q And it's the exact same charge for which she was indicted
10 the first time; correct?

11 A Correct.

12 Q Now we've talked a lot -- we heard a lot about these SIM
13 cards in cellular telephones and her having instructions how to
14 take one out and put one back in; is that correct?

15 A Correct.

16 Q How many times have you taken a SIM card out of one of
17 your cellphones?

18 A I don't think I ever have. I am trying to think. I have
19 never swapped a SIM card out on a phone.

20 Q You haven't?

21 A No, sir.

22 Q The last time my cellphone broke they sent me a new one
23 and with instructions on how to take the SIM card out of that
24 and put it in a new one. Was I doing something sinister or
25 some evidence of future illegal activity when I put the old

1 card in the new phone?

2 A No, sir.

3 Q Okay. My son works for NBC News. He has several
4 cellphones and often he travels the world. He'll get different
5 cards in different countries and put them in. Is he doing
6 anything sinister or wrong?

7 A No, sir.

8 Q Should there be any inference that an American who changes
9 a cellphone card or perhaps even has instructions how to take
10 the card out of one phone and put it in another or just change
11 cards is doing something -- is likely to flee the United States
12 and hide from prosecution?

13 A When just -- when just the SIM card is taken into
14 consideration, that is not in and of itself alarming.

15 Q Okay. Now do you have any concern about data breaches of
16 your -- things that are on your computer?

17 A Yes.

18 Q You have concerns about data breaches of, perhaps, your
19 banking relations and your financial things?

20 A Sure.

21 Q Okay. Do you have concerns that perhaps every time you do
22 Google somebody is recording where you are and what you're
23 looking at and selling that information to others who might
24 have some use of it?

25 A I'm not overly concerned, but there's --

1 Q Uh-huh.

2 A -- always a possibility.

3 Q Okay. Does it comfort you that if you look up something,
4 whether it's a car or a mattress, on your computer for weeks
5 thereafter you keep getting popped, you know, ads for that
6 particular mattress or that particular type of car on your
7 computer when you just go to Google?

8 A I guess it's the way that Google works.

9 Q Okay. They're selling -- they're telling you what you're
10 looking at, what you're doing, where you are all the time.
11 Right?

12 A They do have software. I don't know the ins and outs of
13 their software.

14 Q Now if I found that offensive that not big brother the
15 government, but big brother Google is watching everything I do
16 and everything I look at on the internet and I don't like it --
17 is that evidence that I intend to commit a felony in the
18 future?

19 A No.

20 Q Is it evidence that I intend to flee the United States and
21 not show up for a court appearance such as I was required to
22 show up for this court hearing today?

23 A No.

24 Q Okay. Is it evidence of guilt of any kind?

25 A No.

1 Q Now we've heard Tor and dark web both at the first hearing
2 and at this one. Tell me what you know about Tor.

3 A Tor is a very strong anonymizer that allows you to go on
4 the web and act completely anonymously.

5 Q In other words, it doesn't produce the data of where you
6 are, what time it is, and what you're looking at on your
7 computer the way Google and Yahoo do?

8 A Correct.

9 Q Do you know how many American citizens have used the
10 privacy they can get from using Tor?

11 A I do not have that number.

12 Q Isn't it true that it's in the millions?

13 A I don't know that number either way.

14 Q Now is there any evidence of intent to commit espionage if
15 somebody wants to be able to get on their computer without big
16 brother Google knowing everything they're looking at?

17 A No. That alone is not the indicator.

18 Q And did you, before you testified and before you told us
19 about the evils of Tor website, do any research into how many
20 legitimate uses there are for that?

21 A I did not research legitimate uses of Tor. No.

22 Q Okay. And you didn't research how many just ordinary
23 American citizens use it because they want a little privacy?

24 A No, I did not.

25 Q And do you have blinds or curtains at your home?

1 A Yes.

2 Q And do you close those when you don't want folks looking
3 in your window?

4 A Yes.

5 Q It's nice to have some privacy, isn't it?

6 A Yes.

7 Q And you aren't doing anything evil or sinister and nothing
8 like that should be drawn because you want some privacy, do
9 you?

10 A Correct.

11 Q And the fact if Reality may do what an awful lot of young
12 people do today who are far more computer literate than am I
13 and most folks my age of wanting to be able to simply get on
14 the computer without big brother spying on everything you're
15 doing -- is that anything wrong?

16 A Could you phrase the question again? I'm sorry.

17 Q Well, let me just ask you this: Do you know what Snapchat
18 is?

19 A Yes.

20 Q You got children?

21 A Too young for Snapchat.

22 Q Okay. Well, tell us what Snapchat is.

23 A As I understand it, it is a messaging service where you
24 can send photos to one another temporary fashion.

25 Q Okay. An awful lot of young people -- people my kids' age

1 and younger than that -- they use Snapchat, do they not?

2 A I believe so.

3 Q Many of them far prefer it to Facebook, do they not?

4 A If you say so.

5 Q And isn't that because you can send somebody something and
6 after a certain short period of time it disappears so that
7 you're not ending up with these Facebook pages that just where
8 the whole world has access to everything you did and every
9 silly picture and perhaps things you -- silly things and old
10 boyfriends and old girlfriends and everything else. Is that
11 anything wrong if somebody uses Snapchat?

12 A No.

13 Q And going back to Tor, if somebody wants to use a browser
14 where the whole world doesn't get your information and then
15 sells it to everybody like Google and Yahoo and these others
16 are doing -- Bing -- is that any evidence of criminal conduct?

17 A Taken in a specific instance, no.

18 Q Okay. Now how many years is this that you've been in
19 counterintelligence?

20 A I have been in counterintelligence 2008/2009 to the
21 present.

22 Q Okay. And how many separate cases of espionage have you
23 been involved in in that period of time?

24 A It's been a significant number. I couldn't give you the
25 exact number.

1 Q Well, try to take a moment and think because I want to
2 know whether it's 5, 3, or 500. I think it would be helpful to
3 us. As accurate as you can feel comfortable with.

4 A You're referring to overall counterintelligence
5 investigations?

6 Q I'm talking about espionage.

7 A Okay. To include other cases that I've worked on and
8 assisted with, probably 10 to 12.

9 Q Okay. And how many of those resulted in an indictment for
10 espionage?

11 A For espionage, just one.

12 Q Okay. Is that Reality's?

13 A Correct.

14 Q Okay. So you don't know of anybody that you've been in
15 contact who is a first offender, American citizen,
16 honorably-discharged veteran with commendations who was denied
17 pretrial release on an espionage charge?

18 A That is correct.

19 Q Okay. Now tell me what do you understand the word
20 "espionage" to mean?

21 MRS. SOLARI: Objection, Your Honor. That's a legal
22 question.

23 THE COURT: Sustained.

24 MR. BELL: Your Honor, I think he's given all this
25 testimony about guilt. If he doesn't know what espionage is, I

1 think it goes to his competency on these other issues.

2 THE COURT: It is sustained.

3 MR. BELL: I understand.

4 Q Do you understand that Reality has been indicted under the
5 Espionage Act of 1917?

6 A Correct. Yes.

7 Q Now do you have any information about Reality ever having
8 been involved in a violent altercation?

9 A No.

10 Q Have you any information of Reality ever as much as
11 pointing a firearm to another -- at another human being?

12 A No.

13 Q Do you have any information that would cause you to fear
14 that Reality would hold up a liquor store if on pretrial
15 release?

16 A No.

17 Q Do you have any information that would lead you to think
18 that she might rob, burglarize someone else's house?

19 A No.

20 Q And you have absolutely no suspicion that she would be
21 engaged in drug deals or anything like that if released on
22 pretrial -- if given pretrial release?

23 A No.

24 Q You've talked -- have you talked with her mother?

25 A On a couple of occasions, yes.

1 Q Have you any reason to believe that she -- Reality -- does
2 not have strong ties to her mother?

3 A I believe she does.

4 Q Okay. And have you ever any reason to suspect at all that
5 her mother has ever engaged in any illegal or criminal
6 activity?

7 A I don't know her criminal history.

8 Q Okay. Have you any reason -- we hear about evidence of
9 someone being dangerous or not. Any evidence to think that
10 anyone in Reality's family is engaging in illegal criminal
11 conduct such as drug dealing or something?

12 A I'm not aware of any.

13 Q Okay. And do you know her sister?

14 A I've never personally met her, but I'm aware of her
15 sister.

16 Q Okay. Are you aware her sister has a PhD in pharmacology?

17 A I didn't know it was pharmacology. I know it was a PhD.

18 Q And are you aware that Reality has strong ties with her
19 sister?

20 A Yes.

21 Q And, likewise, do you know what her stepfather did, who
22 really raised her?

23 A I do believe I remember his employment based off of a
24 previous hearing.

25 Q Tell us what that was.

1 A I believe it was substance abuse counseling.

2 Q Okay. He's trying to help folks who need help; right?

3 A I believe so.

4 Q Okay. And are you aware whether or not Reality has strong
5 ties to him?

6 A I believe so. Yes.

7 Q Okay. And you certainly don't have any reason to suspect
8 him of any criminal or illegal activity on an ongoing basis?

9 A No.

10 Q Okay. Now have you any information about Reality ever
11 leaving the United States illegally?

12 A No.

13 Q Do you have any information about her ever entering the
14 United States illegally?

15 A No.

16 Q You mentioned that she inquired about travel to Jordan?

17 A Yes.

18 Q Okay. Are you aware of her having an interest in,
19 perhaps, in the future working in the Peace Corps in Jordan or
20 some other area of the Middle East?

21 A I know the Peace Corps. I don't know any information
22 either way on what location she wanted.

23 Q You are aware that she speaks and reads and writes several
24 mid-Eastern languages, do you not?

25 A Yes.

1 Q If she were in the Peace Corps, wouldn't it be logical to
2 expect the Peace Corps would strongly consider assigning her to
3 places where she can use her unique language skills?

4 A You'd have to ask the Peace Corps how they decide where
5 they send people.

6 Q But that would make sense, wouldn't it?

7 A It might seem logical.

8 Q Okay. Now you've been in counterintelligence for a long
9 time, have you not?

10 A Yes, sir.

11 Q Do you have any interest in knowing what it is that the
12 bad guys are doing?

13 A Yes.

14 Q I bet you've spent hours and hours reading books, studies,
15 maybe even online reading about the entities that might be
16 posing a threat to the United States, have you not?

17 A I have. I was on my work computer.

18 Q Okay. Never at home?

19 A No.

20 Q Would it be anything wrong if you did it at home?

21 A It may not be the best idea, but it's not illegal.

22 Q Okay. And, certainly, there is no evidence that you,
23 Mr. Garrick, are about to commit a future crime or fail to show
24 up for court because you want to know about these entities that
25 you're working against in your work, is it?

1 A Correct.

2 Q Now are you aware of the presence -- now we heard the word
3 "Taliban" a lot; correct?

4 A Correct.

5 Q Tell us, who is the Taliban?

6 A Taliban is a designated terrorist organization that's
7 based in Afghanistan and was in control of Afghanistan prior to
8 the 2001 -- the attacks of September 11th.

9 Q Okay. Have you ever read the book, "Charlie Wilson's
10 War"?

11 A About half of it.

12 Q Did you see the movie?

13 A I did.

14 Q Do you know Charlie Wilson was a real congressman from
15 Texas?

16 A Yes.

17 Q Did you know that he was a close friend of Doug Barnard
18 who used to be the congressman from Augusta, Georgia?

19 A I was not aware of that.

20 Q Okay. And, certainly, would be aware that Doug Barnard
21 said Charlie Wilson could strut sitting in a chair. Now do you
22 know what the United States Government was doing in Charlie
23 Wilson's War?

24 A Yes.

25 Q They were funding millions of dollars ---

1 MRS. SOLARI: Your Honor, I am not sure of the
2 relevance of this line of inquiry to the defendant's flight
3 risk or risk of danger to the community.

4 THE COURT: Mr. Bell?

5 MR. BELL: Your Honor, they have made their case on
6 the Taliban and I think there are two sides to the story and
7 I'd like to bring it out. We've had half the story.

8 THE COURT: Well, certainly, we want to explore the
9 full story today, but I am not sure how Ms. Winner's story
10 relates to Charlie Wilson's story.

11 MR. BELL: I am worrying about Mr. Garrick's story
12 that anybody who has interest in the Taliban must be a threat
13 of future criminal acts or flight and that's what they put it
14 up on and I want to explore it. That's why I'm exploring it.

15 THE COURT: Well, let's focus on this case and his
16 testimony and not so much Charlie Wilson's War and the book and
17 movie.

18 MR. BELL: Whatever -- let me make a one-sentence
19 proffer.

20 THE COURT: I guess just get to the point. Ask him a
21 question that you're trying to get to --

22 MR. BELL: Okay.

23 THE COURT: -- instead of going around the bend --

24 MR. BELL: Okay.

25 THE COURT: -- and talking about Hollywood.

1 Q Isn't it true that the United States Government financed
2 the Taliban in their efforts to throw the Russians out of
3 control in Afghanistan?

4 MRS. SOLARI: Your Honor, again, I object. I am
5 really not sure whether this witness has any firsthand
6 knowledge of that. To the extent that he might, it may, in
7 fact, be classified. I would rather not get into that.

8 MR. BELL: I read the book and movie.

9 THE COURT: Right. I am not worried about the
10 classified part. I am worried about the relevance.

11 MR. BELL: Okay. Well, I mean, the inference is if
12 you look on a website about the Taliban you must be a flight
13 risk or something, and I think there is a much richer story
14 there.

15 THE COURT: Well, I think it is best to maybe ask him
16 direct questions that relate more to the case and then if you
17 want to argue that in closing, you're welcome to do that.

18 MR. BELL: Okay. If I could get one more question.

19 THE COURT: Sure.

20 Q Are you aware that the export of opium from Afghanistan
21 has skyrocketed since the United States has wrested control of
22 Afghanistan from the Taliban?

23 MRS. SOLARI: Your Honor, I can't understand the
24 relevance of that.

25 THE COURT: Sustained.

1 Q Okay. Would you agree with me that somebody showing
2 interest and wanting to learn more about the Taliban, good and
3 bad, and that complex land of Afghanistan is absolutely no
4 evidence that they're going to commit a future crime in the
5 United States?

6 A Correct.

7 Q And you would agree with me that the fact that someone,
8 particularly, whose work involves it and they speak the
9 languages, might have a lot of interest in learning about
10 things going on in that complex land of Afghanistan including
11 the Taliban is no evidence that they intend to flee the United
12 States?

13 A Sure.

14 Q Now have you -- have you ever heard from any public
15 sources -- not drawn from any confidential ---

16 MRS. SOLARI: Your Honor, may I ask for a quick
17 timeout, Your Honor? I think there is an exhibit about to be
18 addressed here and I just want to make sure it's okay for this
19 forum.

20 THE COURT: You may.

21 And while she's doing that, Mr. Whitley slipped you a
22 note. I don't know if you saw that or not. I think you may
23 have covered it up.

24 MR. BELL: You're right, Your Honor. Thank you.

25 THE COURT: You were so focused on cross you didn't

1 see him do it.

2 MR. BELL: Okay.

3 MRS. SOLARI: I think we may be about to go into
4 matters that would require a classified forum, Your Honor.

5 THE COURT: Okay. Well, I think that's enough in
6 terms of that issue. We can certainly reconvene his testimony
7 upstairs --

8 MR. BELL: Okay. We'll do that.

9 THE COURT: -- to handle anything that might.

10 MR. BELL: I'll move past that.

11 THE COURT: Okay.

12 MR. BELL: I'll represent I do not believe so because
13 she hasn't heard what questions I would ask.

14 THE COURT: Well, look, I'd rather ---

15 MR. BELL: Okay. That's fine.

16 THE COURT: When we're dealing with classified
17 information --

18 MR. BELL: We're good.

19 THE COURT: -- I'd rather act out of an abundance of
20 caution and, certainly, we'll give you in that classified
21 setting the opportunity to ask him anything you want to about
22 those documents and issues, but for this purpose, let me
23 exercise caution.

24 Q Mr. Garrick, have you ever traveled abroad?

25 A Yes.

1 Q Do you like traveling abroad?

2 A I do.

3 Q Do you hope to do a lot more in the future if you can?

4 A One day.

5 Q Okay. Where all -- would you like to see the whole world?

6 A A good portion of it.

7 Q Okay. And have you ever traveled to the Middle East?

8 A For work, yes.

9 Q Okay. And is there anything wrong about wanting to travel
10 the world to see the world and perhaps even the Middle East?

11 A No.

12 Q And that, certainly, is not evidence that someone intends
13 to engage in espionage, is it?

14 A Correct.

15 Q And it's certainly not evidence that they intend to flee
16 the United States and never return?

17 A No.

18 Q Okay. Certainly, not evidence they wouldn't show up for a
19 court hearing, is it?

20 A I don't see how the two are related, but, okay.

21 Q Now we live in a country with a lot of different political
22 views, do we not?

23 A We do.

24 Q Do you know what the term "tree hugger" means?

25 A Yes.

1 Q And what does that mean to you?

2 A An environmentalist.

3 Q Okay. And there are some people who care about the
4 environment and for some people, that is, they care deeply, do
5 they not?

6 A Correct.

7 Q With very strong feelings, do they not?

8 A Yes.

9 Q Many feel, correctly or incorrectly, that the United
10 States as the largest industrial country, not only in the world
11 but that the world has ever known, is contributing excessively
12 to climate damage, are they not?

13 A They are.

14 Q Okay. Now regardless of whether or not you agree with me,
15 you agree with me there are a lot of people who believe that
16 sincerely, do you not?

17 A Sure.

18 Q Now the fact that someone is a deeply-committed
19 environmentalist, is that any evidence that they intend to flee
20 the United States?

21 A No.

22 Q And the fact that someone is a deeply-committed
23 environmentalist, is that any evidence that they are unwilling
24 to show up for court?

25 A No.

1 Q And is the fact that someone is a deeply-committed
2 environmentalist evidence that they're going to -- if on
3 pretrial release commit some crime -- sell drugs, burglarize,
4 steal -- is it?

5 A No.

6 Q And you will agree with me that Reality no longer has
7 access to confidential information, does she?

8 A She does not have access to current U.S. Government
9 facilities.

10 Q Period. Confidential or no confidential?

11 A She doesn't have access to classified facilities.

12 Q Now and you've gone through all of her computers, have you
13 not?

14 A Yes, we have.

15 Q And you've gone through all of her cellphones, have you
16 not?

17 A Correct.

18 Q And you've gone through every scrap of paper you could
19 find out of her home, have you not?

20 A Correct.

21 Q Now how many computers have you in your home, whether you
22 are using them or not?

23 A Two.

24 Q You use both of them?

25 A No.

1 Q Okay. Does the fact that you have more than one computer
2 create suspicion that you're about to do something illegal?

3 A No.

4 Q How many cellphones have you in your house, if you know?

5 MRS. SOLARI: Your Honor, I don't think we need to do
6 this. The government agrees that someone's possession of more
7 than one cellphone doesn't indicate necessarily that they're
8 dangerous or won't show up for a court appearance.

9 MR. BELL: Thank you very much. It's a welcome
10 change.

11 Now what that -- how much time did you spend with Reality
12 the day y'all came out with the search warrants?

13 THE WITNESS: All in all I would say a few hours.

14 Q Okay. Did she attempt to flee?

15 A No.

16 Q What would you have done had she attempted to flee?

17 A She was free to go. She could have left.

18 Q Did you ever tell her she was free to go?

19 A I told her that her interaction with us was voluntary.

20 Q Did you tell her she was free to go, sir?

21 A No, I did not.

22 Q Okay. And are you telling us that if she had taken off
23 running you would not have pursued her?

24 A After the execution of the initial warrant -- search
25 warrant -- letting her know why we were there, if she didn't

1 want to be there, then, no.

2 Q Now the warrant included a search of her person; correct?

3 A Correct.

4 Q And you can't -- tell us what search of a person means
5 when it's directed towards a female person.

6 A A search of her person was put in there just in case there
7 was a cellphone -- if she didn't want to hand over the
8 cellphone.

9 Q Tell me what -- I didn't ask why. What all can the
10 government do when they have a search warrant to search
11 someone's person?

12 MRS. SOLARI: Your Honor, I object to the relevance
13 of this and to the extent it requires a Fourth Amendment primer
14 I don't know that we need that here.

15 THE COURT: What is the relevance to detention?

16 MR. BELL: Your Honor, I think she's got -- they've
17 got an unexecuted search warrant of a person and I think it --
18 well, let me just keep going and I'll come back to it. They've
19 gone into all of this stuff, the res gestae, and we're going
20 into the same thing they're going into, but I am trying to get
21 the whole story instead of just the tidbits brought out.

22 THE COURT: I am trying to understand how this
23 execution of the search warrant relates to the detention issues
24 we're addressing today, and, certainly, Mrs. Solari spent a lot
25 of time with the agent, but every single question I remember

1 them asking pertained to the issue of detention specifically
2 whether she's a flight risk, danger to the community, et
3 cetera. This seems to be outside of the scope of that.

4 Q Well, let me ask you, did she attempt to flee while you
5 were there?

6 A No.

7 Q Did she show any desire to flee?

8 A No.

9 Q Were you ever fearful that she was going the flee?

10 A She made no attempts. I wasn't fearful one way or the
11 other.

12 Q Were you fearful for your life that she was some dangerous
13 person?

14 A No.

15 Q Have you any reason to think that Reality Winner is a
16 dangerous person?

17 A Physical danger, no.

18 Q Now you referred to a Slippery.com computer thing?

19 A Slippery.email.

20 Q Excuse me. Slippery.email. Now do you know how many
21 people use that?

22 A I do not.

23 Q And it allows you to get emails without creating a
24 permanent record; right?

25 A Correct.

1 Q And when you receive a phonecall and talk to somebody you
2 don't keep a recording device on your telephone, do you?

3 A No.

4 Q Okay. And you don't keep a permanent record verbatim of
5 every telephone call conversation you have, do you?

6 A No, I don't.

7 Q In fact, you don't do any, do you?

8 A No.

9 Q Okay. And what's wrong with not keeping a written
10 permanent record every time you use an email or receive an
11 email?

12 A Can you restate the question? I'm sorry.

13 Q What is it about not wanting to keep a permanent record of
14 every email that leads one to think somebody is going to engage
15 in criminal activity if released on pretrial release?

16 A The issue was taken in totality of the information.

17 Q I'm talking about each of the pieces of your puzzle, sir.

18 A Okay.

19 Q Okay? What is it about having an email thing that keeps
20 you from having a permanent record of email -- junk emails,
21 everything you get -- if you don't want to keep permanent
22 records of those emails?

23 A In and of itself, nothing.

24 Q Certainly, not evidence of intent to, you know, engage in
25 future criminal activity while on pretrial release, is it?

1 A In and of itself, no.

2 Q And, certainly, not evidence that someone is going to move
3 to a foreign land and not come back to court, is it?

4 A In and of itself, no.

5 Q And that's the same as not having a recording of every
6 telephone conversation or even face-to-face conversation you
7 have with anybody?

8 A I could see the similarity.

9 Q Now you said she inquired about a visa. Now when you do a
10 visa, you have to have a passport, do you not?

11 A Correct.

12 Q And y'all have taken her passport, have you not?

13 A Correct.

14 Q She can't travel or get visas now, can she?

15 A She would have to apply for a new passport.

16 Q Okay. Now you indicated that she had career plans to be a
17 fitness instructor when she left the Air Force?

18 A Yes.

19 Q Anything suspicious about that?

20 A No.

21 Q Any indication of future criminal conduct or flight to a
22 foreign land?

23 A No.

24 Q Do you know how much fitness instructors make?

25 A No idea.

1 Q They don't make much, do they?

2 A I don't know what their salary is.

3 Q Do you realize she was working both as a linguist and as a
4 fitness instructor?

5 A She was.

6 Q You asked -- you saw something about how to join what you
7 called the "association of hackers". What's the name of it or
8 is that your colloquial name?

9 A No. The name is -- of the group, the association -- is
10 Anonymous.

11 Q Did she join that group?

12 A I have no information either way on that.

13 Q So you don't have any information she did that?

14 A No, I don't.

15 Q If you are kind of a computer nerd and want to know about
16 all the different programs out there, anything wrong with that?

17 A You have to talk to a computer guy.

18 Q Okay. Are you a computer guy?

19 A Not really.

20 Q Now we had P-4 you went through which is a screen shot:
21 "If you see abuse, leak it." Do you know what a whistleblower
22 is?

23 A I do.

24 Q Is it something dishonorable for a government employee to
25 be a whistleblower when they see inappropriate conduct?

1 A Whistleblowers are -- it is a legal protection.

2 Q Okay. Now we have here these websites that are on that

3 P-4. One of them is to the New York Times. Do you ever read

4 the New York Times?

5 A I do.

6 Q Okay. Do you view that as a respectable publication?

7 A I do.

8 Q The Washington Post. Do you ever read The Washington

9 Post?

10 A I do.

11 Q Do you view that as a respectable publication?

12 A I do.

13 Q Do you have strong support for the ---

14 MRS. SOLARI: Your Honor, I've got to object. I

15 don't think that Special Agent Garrick's opinions about

16 particular news agencies bear relevance.

17 MR. BELL: They presented P-4 as evidence of future

18 criminal conduct, danger, and flight, and it's innocuous, Your

19 Honor, and I'm going into it. If they didn't think it was

20 relevant, they shouldn't have tendered it into evidence.

21 THE COURT: I'll allow you a little leeway.

22 Q Do you know what The Guardian is -- that English newspaper

23 now active in the United States?

24 A Yes.

25 Q Respectable publication?

1 A It has good articles.

2 Q Okay. And amongst them, The Intercept. Do you review
3 that as respectable?

4 A No, I do not.

5 Q Okay. Now are you aware of -- now The Intercept doesn't
6 have a security clearance, does it?

7 A No, it does not.

8 Q And so ---

9 MRS. SOLARI: Your Honor, if I may.

10 (A bench Conference is held off the record.)

11 Q You've got the exhibits, do you not?

12 A I do, sir.

13 Q If you could look at No. 7.

14 A Yes, sir.

15 Q If you could look at No. 7. If you could go to the last
16 page of 7.

17 A Yes, sir.

18 Q And you mentioned several of the things on this page, did
19 you not?

20 A Yes.

21 Q You didn't mention anything in that first four lines, did
22 you?

23 A No.

24 Q So we get the full story, could you, please, Investigator
25 Garrick, read for all of us the first four lines which I think

1 is itself a paragraph of that page -- last page of P-7?

2 A Sure.

3 Q Thank you.

4 A "If Christ were to be on planet Earth today, where would
5 he be? Who would he be? What would he say or do? Would
6 people like him? When would he reveal himself?" Pardon me.
7 "To whom would he reveal himself?" My apologies.

8 Q Okay. Thank you. Do you ever wonder what Christ would
9 think if he came again today?

10 MRS. SOLARI: Objection, Your Honor. Relevance.

11 THE COURT: Overruled. I mean, sustained.

12 Q Do you find those four words to be evidence of intent to
13 commit future crimes?

14 A No.

15 Q Do you find those words to be evidence that Reality
16 wouldn't show up for court?

17 A That paragraph, no.

18 MR. BELL: Your Honor, I think, given the Court's
19 ruling, we'd like to adjourn this until we're in the secure
20 room.

21 THE COURT: Okay. And just for the sake of everyone
22 here, there is a portion of this Mr. Bell wants to pursue -- he
23 discussed at sidebar -- that is classified and we'll discuss it
24 when we convene upstairs.

25 Mrs. Solari you also had that document that you had

1 concern about in discussing in open court. Could I see that
2 before I make a final determination we need to move upstairs to
3 discuss it?

4 MRS. SOLARI: Your Honor, may I approach at sidebar?

5 THE COURT: You may.

6 (A bench conference is held off the record.)

7 THE COURT: Mr. Bell, does that conclude your
8 unclassified questions for this witness?

9 MR. BELL: Yes, it is, and I think Mr. Nichols has
10 got -- wait a minute. The government hadn't finished yet
11 unless they ---

12 MRS. SOLARI: I have some unclassified redirect. I
13 don't know if the Court would prefer to get that out of the
14 way.

15 THE COURT: Yeah, anything we can do in open court, I
16 absolutely want to do here and I only want to restrict the
17 closed portion to items that are -- and questions -- that are
18 truly classified in nature, and so I want everybody to get
19 those unclassified questions on the record in open court before
20 we go upstairs.

21 MRS. SOLARI: Absolutely, Your Honor, and I won't be
22 very long.

23 **REDIRECT EXAMINATION**

24 BY MRS. SOLARI:

25 Q Special Agent Garrick, I believe Mr. Bell talked with you

1 about the fact that people might use anonymizing software
2 because they don't want Google or their search browsers to
3 figure out what they're doing or what they're buying or
4 searching for. In your examination of the defendant's computer
5 and her cellphones, did you find that Google Chrome appeared to
6 be her preferred internet browser?

7 A Yes, I did.

8 Q Did she appear to use that browser extensively?

9 A Yes.

10 Q With regard to the Tor browser, have you ever used a Tor
11 browser?

12 A Not outside of work purposes, no.

13 Q So for work, though, you physically use Tor in your
14 capacity as an agent for official purposes?

15 A Correct.

16 Q Does Tor have any effect on the way that one's computer
17 runs when you're actually using the software?

18 A My experience is it's very slow.

19 Q Okay. Did you talk to the defendant on June 3rd about
20 whether she had Tor software installed on her computer?

21 A Yes.

22 Q Did she actually volunteer to you the fact she did?

23 A Yes.

24 Q And why did she tell you she had installed it?

25 A She said she installed it so that she could visit and look

1 at WikiLeaks.

2 Q When did she tell you she had installed it?

3 A After leaving the Air Force.

4 Q Just after leaving the Air Force?

5 A Yes.

6 Q And I think earlier you testified that she left the Air
7 Force in about mid-November is when she began her terminal
8 leave?

9 A Yes.

10 Q However, I think you also testified that the actual date
11 that the Tor software was installed on her computer was the
12 first of February?

13 A Correct.

14 Q Which would actually have been several months after her
15 departure from the Air Force?

16 A Yes.

17 Q And eight days before she started work at Pluribus?

18 A Yes.

19 Q Okay. With regard to the defendant's sister, you don't
20 know her; right?

21 A No.

22 Q You know of her; she appears to be very smart, very
23 capable person?

24 A Yes.

25 Q But isn't she also the person to whom the defendant told

1 she expected to fail her intelligence polygraph?

2 A Correct.

3 Q "#gonnafail"?

4 A Yes.

5 Q And whom she told, whether it was hyperbole or not, that,
6 "Yes, I really do hate America"?

7 A Yes.

8 Q And as far as you know is the defendant's family aware or
9 maybe not of the minutiae of what she does but that she held at
10 that time a cleared position?

11 A Yes.

12 Q And dealt with classified information?

13 A Yes.

14 Q To the best of your knowledge did Brittany Winner ever
15 report that to anyone that her sister thought she might fail a
16 polygraph when asked if she ever plotted against the U.S.
17 Government?

18 A No.

19 Q Or that her sister had expressed in any form hatred for
20 the United States?

21 A No.

22 Q Do you remember an internet search the defendant performed
23 that contained words to the effect of "military what happens
24 when you leave the country without permission"?

25 A Yes.

1 Q And would that have been in the fall of 2016 sometime?

2 A Yes.

3 Q And with regard to the defendant's access to classified,
4 since we've talked about movies, have you seen Men in Black?

5 A Yes.

6 Q Do you know the little memory-erasing device where they
7 just flash the flashlight in your face and you forget
8 everything?

9 A Right.

10 Q I doubt -- as far as I know, anyway, the government hasn't
11 created that technology, have they?

12 A Not that I'm aware of.

13 Q Okay. And the defendant spent, what, over six years with
14 access to Top Secret and SCI information?

15 A In that neighborhood.

16 Q Okay. Is it safe to assume then that she knows things in
17 her head that if disclosed could cause exceptionally great
18 damage to national security?

19 A Yes.

20 Q And I believe you talked about a handwritten note you
21 found right next to the note with the Slippery.email inbox?

22 A Yes.

23 Q That information -- has the equity holder, the owner of
24 that information, told you that information is actually
25 classified in the context of this case?

1 A Yes.

2 Q So, Special Agent Garrick, does this investigation remain
3 ongoing?

4 A Yes, it does.

5 Q Are you 100 percent certain that the defendant does not
6 have any further access to classified information?

7 A No, I'm not.

8 MRS. SOLARI: Thank you. That's my redirect, Your
9 Honor.

10 THE COURT: Mr. Bell?

11 MR. BELL: Just very briefly.

12 **RECROSS EXAMINATION**

13 BY MR. BELL:

14 Q Do you have any information that she does? You said you
15 don't have any information she doesn't. That's a negative.

16 A I have no information that she does.

17 Q Thank you. That's a positive thing. Now you have Tor
18 yourself; correct?

19 A No, I don't.

20 Q But you use Tor?

21 A At one time for work purposes.

22 Q Okay. And do you think that's indicative of you being
23 someone who is hiding access to the internet in a dark web,
24 illegal sense?

25 A It was an authorized use by my agency.

1 Q Okay. And so your agency uses Tor?

2 A It was -- I can't go into the details of that, but I don't
3 use Tor, never have on a personal basis.

4 Q Okay. But you didn't tell us that when you were talking
5 about it's there for the dark web, did you?

6 A What was your question? I'm sorry?

7 Q When you were testifying on direct that the purpose of Tor
8 is to access the dark web in your words, you didn't tell us but
9 the FBI uses -- I use it in my business with the FBI, did you?

10 A No, I did not.

11 Q And you don't know how many millions of Americans use it
12 simply because they don't want Google and everybody else
13 knowing all their business?

14 A I don't know the number who use it. No.

15 Q And you didn't think you were doing anything sinister when
16 you used Tor, did you?

17 A No. I was doing it in furtherance of my position.

18 Q Okay. Thank you. Now you also mentioned that Reality may
19 know things in her head; correct?

20 A Yes.

21 Q You know a lot of things in your head, don't you?

22 A Sure.

23 Q Lots of people -- do you know how many NSA agents work out
24 at Fort Gordon?

25 A I don't know the exact number.

1 Q It's thousands, is it not?

2 A That sounds about right.

3 Q Would it be fair to say they all have things in their
4 heads?

5 A Yes.

6 Q Do you propose all of them be locked up in the Lincoln
7 County Jail because they might still have things in their head?

8 A No.

9 Q Then you would agree with me that General Petraeus had a
10 lot of things in his head when he was ---

11 MRS. SOLARI: Objection, Your Honor. I don't think
12 we need to ask -- did you work on the General Petraeus case?

13 I don't think this witness has any firsthand knowledge.

14 MR. BELL: That's not -- she's testifying.

15 MRS. SOLARI: I just don't think this witness has any
16 firsthand knowledge of the investigation pertaining to General
17 Petraeus and the outcome.

18 MR. BELL: I'll withdraw the question.

19 THE COURT: All right. Mrs. Solari, any follow up to
20 that?

21 MRS. SOLARI: No, Your Honor. I don't want to get
22 into anything that might be potentially classified; so not in
23 this forum.

24 THE COURT: All right. Thank you very much for your
25 time and testimony. Agent, you may step down.

1 Does the government have any further witnesses it would
2 like to call?

3 MRS. SOLARI: No, Your Honor.

4 THE COURT: At least in this public setting?

5 MRS. SOLARI: No, sir.

6 THE COURT: All right. Mr. Bell?

7 MR. BELL: Your Honor, we have a couple of witnesses,
8 and if Mr. Nichols can do that, I'd appreciate it.

9 THE COURT: Okay. Sure.

10 MR. NICHOLS: Your Honor, at this time we ask that
11 Brittany Michele Winner be called to the courtroom.

12 THE COURT: Good morning, Mr. Nichols.

13 MR. NICHOLS: Good morning, Your Honor.

14 **(BRITTANY M .W INNER is duly sworn.)**

15 THE CLERK: Please state your name for the record.

16 THE WITNESS: Sure. Do I need to spell it, too?

17 THE CLERK: Please.

18 THE WITNESS: Brittany, B-R-I-T-T-A-N-Y; Michele,
19 M-I-C-H-E-L-E; Winner, W-I-N-N-E-R.

20 THE CLERK: Thank you.

21 **DIRECT EXAMINATION**

22 BY MR. NICHOLS:

23 Q Good morning, Ms. Winner.

24 A Morning.

25 Q Where do you currently resides?

1 A I live in Okemos, Michigan.

2 Q And what do you do for a living?

3 A I just received my PhD in pharmacology and toxicology.

4 Q And we understand that you're related to Reality. How
5 long did you all live in the same home?

6 A Until I went to college. That was when I was 17 years
7 old.

8 Q And who is the oldest sibling? You or her?

9 A I am older.

10 Q By how many?

11 A About 15 months.

12 Q I see you have the number down specifically.

13 A Yes.

14 Q Let's talk about your relationship with Reality. How
15 would you describe her personality?

16 A She's very creative, super smart. She has kind of an
17 interesting sense of humor and so do I. So we're always making
18 jokes and we watched a lot of the same TV. So we talked about
19 that kind of stuff, but also very caring, very loving. Yes,
20 she's a really special person.

21 Q Have you ever known her to act out of violence?

22 A No, definitely not.

23 Q Have you ever seen her commit an act of violence?

24 A No.

25 Q What about her temperament? Does she hold grudges?

1 A No. I mean, she's always emphasized forgiveness, not
2 holding grudges, and she's helped me actually in my life try to
3 forgive people.

4 Q How long -- are you aware of her service in the military?

5 A Yes.

6 Q Do you know why she joined the military?

7 A She wanted to serve our country. A lot of her peers went
8 to college and that kind of seemed like the obvious thing to do
9 once you get out of high school, but she decided that she
10 wanted to join the Air Force so she could make a difference.

11 Q Had anyone in your family pressured her to join the
12 military or was it voluntary?

13 A No. It was voluntary.

14 Q Do you know how long she served in the military?

15 A She served for six years.

16 Q And do you know if she had ever been reprimanded or
17 punished for any type of behavior in the military?

18 A No, she was not.

19 Q Do you know if she ever had gone AWOL or away without
20 leave in the military?

21 A No, she did not.

22 Q How long -- do you know when she left the military?

23 A I can't remember the year off the top of my head.

24 Q And was it a voluntary separation or involuntary?

25 A It was voluntary.

1 Q Do you know if she ever received a commendation to her
2 service in the military?

3 A She did, yeah. She gave my mom a plaque and my mom was
4 really excited about that.

5 Q What was the commendation for, if you know?

6 A I can't remember off the top of my head. I'm sorry.

7 Q Not a problem. When she was in the military, what were
8 her -- was there a specific part of the world that she was
9 trained in regards to?

10 A Yes. She was, like, a translator for the Air Force and
11 the first language that she was cleared to do was Farsi.

12 Q Now the government has described her knowledge as a
13 fascination with Middle East and terrorism. When she was in
14 the military, did she ever go to any schools in regard to the
15 Middle East?

16 A What do you mean by schools?

17 Q Like, did the military train her on anything regarding
18 Middle Eastern culture and language?

19 A I believe that the Defense Language Academy Institute -- I
20 know that she learned the language, but as far as anything
21 else, I am not really sure.

22 Q As a linguist, what part of the world was she focused on
23 in the military?

24 A Sure. She was focused on the Middle East -- so, Iran,
25 Afghanistan.

1 Q Do you know if she had studied other languages before
2 going into the military?

3 A I don't recall other than Spanish. We were raised, you
4 know, south Texas and a lot of us -- we learned Spanish in
5 school.

6 Q Did Reality have any views in regards to humanitarian
7 work?

8 A Oh, definitely.

9 Q What do you know about her desire to do humanitarian work?

10 A Well, she was -- I think that she thought one of her
11 life's missions and it became one of her life's goals to go to
12 Afghanistan and help, you know, with humanitarian aid. Now
13 that she knew the languages, that she felt that she was in a
14 unique position to help people there and that was something
15 that she really wanted to do.

16 Q Now when she said help in Afghanistan, did you interpret
17 that as to help the terrorists or to help the people?

18 A Helping people.

19 Q How often would she talk to you about her desire to do the
20 humanitarian work in Afghanistan?

21 A Quite often. I know that she was trying to go through,
22 like, different charities and trying to figure out how she
23 could get, you know, clearance that allowed being allowed over
24 in Afghanistan to do that. We talked about it pretty
25 frequently. It was something that she really, really wanted to

1 do.

2 Q Do you know if she ran into any difficulties in joining
3 the charities to go work in Afghanistan?

4 A I believe for one of them -- and I can't remember which
5 one -- there was a language thing. She had to know French to
6 go to Switzerland to get trained. I can't remember what --
7 which one that is, but, yes, so she faced some difficulties in
8 trying to do that, but I don't think she really gave up.

9 Q There's also been discussion about Reality writing in her
10 notebook about members of the Taliban or Islam. Do you know
11 what Reality's view on Islam was?

12 A Yeah. So my sister liked to study religion, just kind of
13 like in general. So we were raised Christian; so she knew
14 about, like, the Bible. She also read the Torah. She was
15 interested in Judaism. She was interested in Buddhism. So
16 she's kind of a yoga fanatic; so she's really into sort of the
17 sayings, the philosophies, sort of the ethics of things, and
18 then, of course, because of her connection to, you know, the
19 language that she learned for her job, part of some of her
20 training and the people that she interacted with were Moslems
21 and so she was introduced to the religion, the culture. I know
22 that she had read the parts of the Koran. So she was very
23 knowledgeable about Islam, but also about other major world
24 religions. So I am not sure that she was fixated on Islam, but
25 she definitely knew a lot about it.

1 Q Did she have any opinions in regards to the Taliban and
2 Al-Qaida?

3 A Definitely -- she was definitely against the kind of
4 destructive things that Al-Qaida was doing. The thing about
5 the Taliban is that they're, basically, just religious leaders
6 in the Middle East and most of them haven't committed any act
7 of terrorism. It is the rogue people. It is the terrorists
8 within a normally-peaceable organization who are committing
9 these acts and so I don't think she viewed the Taliban as a bad
10 entity by itself. I mean, they're religious leaders within
11 Islam.

12 Q Did she ever -- from your conversations with her, did she
13 ever express any type of enjoyment whenever she heard about a
14 terrorist attack against the United States?

15 A Of course not. The only thing that they're doing -- I
16 mean, they're making Islam look bad and I think that she was
17 really frustrated that people were equating Moslems with
18 terrorists and that's something that we talked about a lot and
19 sort of the religious intolerance, you know, the Islamophobia.
20 It's something that we both -- we both shared beliefs that that
21 was so wrong.

22 Q Did Reality have any political views on environmental
23 issues?

24 A Oh, definitely. Yes.

25 Q Would you all talk about them from time to time?

1 A We did. Both of us have tremendous respect for the earth,
2 for animals, and so since it's a philosophy that we shared, we
3 would discuss that quite often.

4 Q How did she view America's handling of enviromental
5 issues?

6 A Well, as a very large sort of industrialized capitalist
7 nation, I think that -- well, both of us agreed that there are
8 times when we don't use our resources wisely -- that sort of
9 the, like, not taking care of the earth -- this is the only
10 earth we have. This is our home. You have to honor it,
11 respect it, and I think that what we saw is that America was
12 just -- it was not putting the environment first where it
13 should be; so making decisions about people's quality of life
14 over kind of using the resources correctly and respecting the
15 earth, I think that -- yeah, we just really -- we talked about
16 it and we really didn't like that.

17 Q Did Reality ever talk about committing acts of terrorism
18 because she had political views on the environment?

19 A Of course not.

20 Q Do you know if Reality ever tried to speak to her elected
21 officials about her views on the environment?

22 A She did. She had a meeting with Senator Perdue and they
23 discussed climate change and issues related to that. So, I
24 mean, she tried to -- she wanted to make a difference in a good
25 way -- in a way where she could talk to somebody who could, you

1 know, vote to promote sort of environmentalism, and that was
2 the kind of way that she wanted to do that.

3 Q How would you describe Reality's sense of humor?

4 A Well, it's kind of like mine. We're kind of weird in our
5 -- we have a lot of inside jokes, a lot of things that, you
6 know, we would say to each other that would look really strange
7 to somebody kind of outside of our relationship. We -- it kind
8 of borders on sort of like not appropriate sometimes, but, I
9 mean, you know, we're sisters. We're very close. It becomes
10 -- so we just -- we're odd. How about that?

11 Q You said "not appropriate". So in your knowing Reality,
12 does she frequently make inappropriate jokes?

13 A Sure. I do, too. I mean, there is a time and a place for
14 them with, you know, your family members. It was never
15 anything, you know, really horrible in my opinion. It was just
16 nobody else would really understand our humor.

17 Q Now the government has made mention of writings she made
18 where she said "burn the White House down" and flee to
19 "Kurdistan". Did you believe that she was actually going to
20 burn or wanted to burn the White House down?

21 A Of course not.

22 Q Is there anything in your relationship with Reality that
23 made you think that she would ever commit an act of arson?

24 A Never.

25 Q Anything that would make you think that she would actually

1 flee the country to go to Kurdistan?

2 A No.

3 Q When she went to go see Senator Perdue do you know if she
4 said, "Well, I don't agree with his political views; I am going
5 to burn his office down"?

6 A No.

7 Q Did she ever say that she was going to be hostile or
8 disrespectful to Senator Perdue because she didn't agree with
9 him?

10 A Of course not.

11 Q Do you have any reason to believe that if granted bond
12 Reality would not come back to court?

13 A I have no believe that she would not come back to court.

14 Q Do you know if Reality owns property outside of Georgia?

15 A No, she does not.

16 Q Does she own property outside of this country?

17 A No, she does not.

18 Q Do you know if she has any personal contact with anyone in
19 Afghanistan or Kurdistan?

20 A No, she does not.

21 Q The government made mention of a prior online conversation
22 you and Reality had regarding a polygraph test. Did you
23 believe that Reality actually hated America because of that
24 conversation?

25 A No.

1 Q Why did you not think she hated America?

2 A Oftentimes when we would talk to each other, kind of joke
3 with each other, we assumed it was, you know, a safe place to
4 kind of talk about, you know, our views and things. We used a
5 lot of hyperbole. So, I mean, you have a bad day; you say,
6 "Man, you know, I want to quit my job" or "I want to" -- you
7 know, stuff that we would never do, stuff that we didn't really
8 think was true and I think that she was just being really
9 dramatic in that particular exchange.

10 Q Well, based on that exchange and others, did you feel that
11 you had a need to alert the authorities as to what Reality
12 said?

13 A Of course not.

14 Q There is another conversation the government refers to
15 involving Vault 7 and Eric Snowden. Reality agreed with
16 Mr. Snowden and Julian Assange, did she not?

17 A Yes.

18 Q Do you know if she ever had personal contact with him?

19 A No.

20 Q Do you know if she's ever had any personal contact with
21 any of the representatives?

22 A No.

23 Q Do you know if they provided her with any type of
24 financial or substantial support since this has taken place?

25 A No.

1 MR. NICHOLS: And, Your Honor, those are all the
2 questions I have for Ms. Winner at this time.

3 THE COURT: Okay. Any cross?

4 MRS. SOLARI: Thank you, Your Honor.

5 **CROSS-EXAMINATION**

6 BY MRS. SOLARI:

7 Q Hey.

8 A Good morning.

9 Q My name is Jenna. I appreciate your being here today. I
10 just want to ask you a few questions that pertain to this case.
11 Your name is Brittany. Do you go by Britty?

12 A On Facebook and -- yeah, like, that's kind of my nickname.

13 Q So, like, just with your sister?

14 A Yeah.

15 Q What should I call you?

16 A Brittany is fine.

17 Q Brittany. Okay. Great. So I'm sure you probably
18 remember the couple or few or however many conversations you've
19 had with your sister since she's been incarcerated?

20 A Right.

21 Q Okay. And there was one in particular and I think you
22 were very wisely trying to be cautious about talking with your
23 sister about whatever it was she may have done to cause her to
24 be arrested. Do you remember that conversation?

25 A Yes.

1 Q And you were a little confused, obviously, because I don't
2 think really anybody in your family knew exactly what had
3 happened at that point; right?

4 A Right.

5 Q Okay. You just knew that she had been arrested; it was
6 sort of a big deal; and you would find out later -- that the
7 FBI would call and give you more information, that sort of
8 stuff?

9 A Right.

10 Q Okay. And I think you thought at first maybe that this
11 might have been something that had to do with her background
12 security questionnaire?

13 A Yeah.

14 Q That she might have -- I don't know -- put a wrong
15 birthday for someone or something?

16 A Yes.

17 Q Okay. But in that conversation your sister actually
18 clarified for you with some detail what she had done?

19 A What I was trying to do when I asked her about that was
20 also lighten her mood. I realized she wouldn't have gotten
21 arrested for doing that. Like, she got his birthday wrong
22 because she forgot the day in December of my husband.

23 Q Oh, sure. No, I am certainly not trying to suggest that,
24 you know, your sister was trying to commit espionage or
25 something because she got somebody's birthday wrong -- not at

1 all, but I think you asked her in the conversation, "It's not
2 because you put the wrong birthday for Chris?" And, in fact,
3 she answered you, "No, I leaked a document and they were able
4 to trace it back to me and it's kind of an important one." Do
5 you remember her responding that way to you or words to that
6 effect in that phonecall?

7 A Yes.

8 Q So do you understand that to you -- and I understand you
9 may not know what she's admitted to anybody else, but to you
10 she, essentially, admitted committing the offense with which
11 she's charged?

12 MR. BELL: Your Honor ---

13 MR. NICHOLS: Your Honor ---

14 MR. BELL: Your Honor, we -- I object to that.

15 MRS. SOLARI: I'll rephrase it.

16 MR. BELL: She's talking about a legal opinion.

17 MRS. SOLARI: I'll rephrase it.

18 THE COURT: Sustained. It is sustained.

19 Q She admitted to you she leaked a document. I can show you
20 the transcript if you'd like. I don't know if you remember it.

21 A I've seen it.

22 Q Okay. So she admitted to you, "I leaked a document"?

23 A That was her explanation for what was happening.

24 Q And that they were able to trace it back to her?

25 A That's what she said.

1 Q And that it was kind of an important one?

2 A That's what the transcript says.

3 Q Is that, in fact, what she said to you?

4 A Yes.

5 Q Okay. Later on in the call -- and I know you were trying
6 to cheer her up, and, certainly, of course, I appreciate that
7 as I'm sure she did being her sister and trying to keep her in
8 good spirits -- it seemed like she was kind of down in that
9 conversation. Did she at some point tell you "Like I don't
10 want a rest of my life if it's not what I have"? Was she
11 concerned about what would come after she was released from
12 confinement one day?

13 A I don't recall her specifically saying that. Is that a
14 direct quote?

15 Q It is. I can show you the transcript. I don't want to
16 put the words in anybody's mouth.

17 A Oh, can you rephrase the question?

18 Q I am just trying to confirm that you were talking with her
19 about, you know, keeping her chin up. She said to you, "I
20 don't know what I am getting through this for." You said,
21 "What do you mean?" She said, "What's going to be on the other
22 side?" And you very rightly said, "The rest of your life",
23 right, because your sister will get through this one way or the
24 other and then she responded to you ---

25 MR. WHITLEY: Your Honor, I don't know why we have --

1 the transcript should speak for itself, and we have the
2 counselor or the government is asking her questions about the
3 transcript. If the Court wants the witness to look at the
4 transcript and say that's, in fact, what she said, that would
5 be fine, but it seems to me that we have double testimony here
6 going on regarding the transcript.

7 THE COURT: If your concern is that she ought to have
8 a copy of it in front of her --

9 MR. WHITLEY: Yes.

10 THE COURT: -- certainly we can allow her to have
11 that copy. But I do think that going through that conversation
12 on record here today to the extent that it relates to the
13 detention issues is certainly within the realm of what both
14 sides would be allowed to do.

15 MR. WHITLEY: Right. But I do think her having the
16 transcript would be quite useful.

17 THE COURT: Sure.

18 MR. WHITLEY: Thank you.

19 MRS. SOLARI: I have no problem with that, Your
20 Honor. I do think that's fair. May I approach the witness?

21 THE COURT: You may.

22 Q Brittany, I am going to hand you what's admitted as
23 Government's Exhibit 6B on the bottom there and it is
24 paginated -- I think it is a 7-page document. So I was talking
25 about the conversation that starts on the bottom of page 5 with

1 your sister saying "I don't -- this sounds really dumb, but I
2 don't know what I am getting through this for." Have you found
3 that place in the transcript?

4 A I did.

5 Q Was your sister sort of -- I don't know -- musing what
6 would be on the other side of this and then saying to you on
7 the next page, page 6, "Like I don't want a rest of my life if
8 it's not what I have."

9 THE COURT: Ms. Winner, have you ever seen this
10 transcript before today?

11 THE WITNESS: No, sir.

12 THE COURT: Do you want some time to look at it
13 before you continue the questions?

14 THE WITNESS: Well, maybe like a minute.

15 THE COURT: We can take a break and give you ten
16 minutes if you want that.

17 THE WITNESS: Yes, please.

18 THE COURT: Okay. Let's do that. Let's take a break
19 and after you're done looking at that and you're ready to
20 proceed, just let Mrs. Widener know and we'll start again. I
21 want to give you the time you need to look through it.

22 THE WITNESS: Thank you. Am I staying here?

23 THE COURT: Well, if you need a private setting, we
24 got a jury room right there. You can look at it in there.

25 (A break is taken.)

1 THE COURT: All right. Dr. Winner, have you had a
2 chance to review that transcript in full now?

3 THE WITNESS: Yes, I have, sir.

4 THE COURT: All right. Mrs. Solari, you may proceed.

5 Q All right. Again, so referring to the top of page 6 of 7,
6 is this generally a conversation where you're trying to give
7 your sister some words of encouragement?

8 A Of course. She's my baby sister.

9 Q Sure. And so you're trying to tell her, again, that which
10 is true -- I agree, you agree -- however this turns out, she'll
11 come through on the other side. There is life after this;
12 right?

13 A That's right.

14 Q But she's expressed some concerns like saying "Like I
15 don't want the rest of my life if it's not what I have." Was
16 that a concern that she expressed to you?

17 A She did say that.

18 Q But then, of course, you know, quickly acknowledges that
19 there are certainly a lot of other people in the world that
20 have things a lot worse than she did?

21 A Yeah and she was very aware because she definitely
22 sympathized with those people -- Syrian refugees.

23 Q Sure. I've seen that in her history. I know she's very
24 interested in humanitarian work and all those sorts of things
25 and I don't take any of that away from her. I totally

1 understand that. Slightly after that conversation maybe a
2 quarter of the way down the page, did your sister tell you,
3 "Yeah, I keep telling myself to act more like I think I did
4 something wrong" with sort of a laugh?

5 A Yes, I see that.

6 Q And you asked her, "What?" And she said, "Like pretend
7 like I really feel in my heart regret what I did and that I did
8 something wrong. Not because I'm in jail right now because
9 what I did was inherently wrong." Did she say that to you?

10 A Yes.

11 Q Did that sort of suggest to you that your sister was
12 struggling to really feel any regret or any contrition for what
13 she told you she had done?

14 A I didn't really know how to interpret that at the time.

15 Q All right. Fair enough. We can get past that. I put in
16 front of you -- you can set Exhibit 6B aside. I put in front
17 of you Exhibits 11 and 12 and, certainly, you can take your
18 time looking at those. I think they're relatively brief.

19 So I'd like to talk to you about Exhibit 11 and I think
20 Mr. Nichols already discussed this one with you. This was a
21 Facebook chat in which you and your sister discussed her
22 chances of passing the polygraph exam as part of her security
23 clearance. Do you remember that one?

24 A Yes.

25 Q And she figured she was "#gonnafail"?

1 A That's what it says.

2 Q Okay. And then you had kind of an "LOL" because, like you
3 said, you guys sort of had our own sisterly sense of humor
4 going on?

5 A Yes.

6 Q Now she said -- and, again, perhaps this was hyperbole or
7 joking -- "You know, I only say I hate America like three times
8 a day. I am no radical. Mostly because Americans are obsessed
9 with air conditioning." But then you asked her, didn't you,
10 "But you don't actually hate America; right?"

11 A That's right.

12 Q I mean, because this was your safe place and you guys
13 joked sometimes and say things like "I am going to quit my job"
14 or "I am going to kill that guy", but you actually asked her to
15 clarify that one, didn't you?

16 A What I was trying to do was be conceding like, okay, well,
17 you know, you're talking about this, but, like, you don't
18 actually, you know, hate America.

19 Q Right. Because a lot of people say things like that and
20 they don't, but what she came back with was, "I mean, yeah, I
21 do. It's literally the worst thing to happen to the planet.
22 We invented capitalism, the downfall of the environment." When
23 your sister expressed to you some degree of actual -- I don't
24 want to say hatred, but those were her words -- after she
25 expressed that to you, did you have any concern about her as a

1 security risk to or did you report her as such to anybody?

2 A I didn't interpret her statement to mean that she actually
3 hated America. Even though I clarified -- even though I said,
4 "You don't actually hate America", she was making a joke. She
5 said, "I mean, yeah, I do. It's literally the worst thing to
6 happen to the planet." It's something that if we were in
7 person, she would be rolling her eyes. She'd be saying, you
8 know, "Wow, you know, I really hate how the planet is being
9 abused."

10 Q Okay. So understanding at the time that she worked in a
11 cleared position because you understood that; right?

12 A Yes.

13 Q You just wrote that off as a joke -- didn't feel the need
14 to report it to anybody?

15 A Of course not.

16 Q All right. Take a look at Exhibit 12 then. This is
17 another Facebook Instant Message chat between you and your
18 sister. Do you remember when she called your attention to
19 something called Vault 7?

20 A Yes.

21 Q And did you look at all on the internet after she pointed
22 it out to you to see, like, what is that because it is kind of
23 a random name?

24 A I looked it up, but I didn't -- I was mainly relying on
25 her for some information because it's -- you know, security is

1 something that she cared about and it was something that, you
2 know, she dealt with on a daily basis and so one of the ways --
3 one of the things that we used to talk about would be, you
4 know, current events, stuff like that. So I was relying on her
5 for information about that.

6 Q Okay. And this was a current event because I think
7 WikiLeaks published what they called Vault 7 on this same day
8 on March 7th?

9 A Right.

10 Q Does that sound right? And you told her, I guess, after
11 you got some information about it, "That's scary stuff"; right?

12 A Right.

13 Q Okay. And your sister for some reason came back with
14 "It's so awesome, though. They just crippled the program."
15 Did you interpret that to be your sister sort of championing
16 someone from WikiLeaks who claimed that they had damaged U.S.
17 intelligence programs?

18 A I think that's part of her sense of humor. She might have
19 meant awesome just in terms of a catastrophic sort of breach;
20 right? So, oh, that's awesome that it was something that -- I
21 mean, if you think about the word "awesome", right, inspiring
22 awe, I don't think that she meant that it was necessarily --
23 she wasn't championing it. She wasn't saying this was a great
24 thing. She was just saying -- she was just making a comment
25 about the scope.

1 Q I can see where perhaps you thought that and I think maybe
2 you do because you wrote back to her, once again, with some
3 incredulity like you did in the last chat: "So you're on
4 Assange's side?" And rather than your sister responding to
5 you, "Well, no, of course, I am not," or, "No, this was a
6 really serious thing," or "It sounds terrible", her response
7 was, "Yes and Snowden". Correct?

8 A That's correct.

9 Q So, once again, you tried to clarify saying, like, you
10 can't possibly mean what you're saying, and for the second time
11 your sister came back and told you, yes, absolutely, I do. I
12 am on the signed of WikiLeaks and I am on the side of Edward
13 Snowden.

14 A Yes. Can I clarify something?

15 Q Sure.

16 A My tone is not incredulous. It is hard to tell tone over
17 Instant Messages.

18 Q Sure.

19 A So what Reality and I would talk about often would be our
20 political opinions, our views on things, and so when you have
21 people who have leaked information or like Snowden or Assange,
22 it is a common thing -- it's a common debate. I mean, there
23 are lots of people in America who think that what they did was
24 correct and there are a lot that think that what they did was
25 incorrect and so we're having a conversation --

1 Q Sure.

2 A -- about that -- about our opinions.

3 Q Right. And I think that matters to some extent here. So
4 was your sister of the opinion that these folks who leaked or
5 were alleged to have leaked damaging classified information
6 that that was the right thing to do?

7 A What I wanted to know was her opinion. Being in a
8 position of, you know, where she has security clearance she's
9 handling, you know, information. I wanted to see her side of
10 things because I don't really deal with that kind of stuff in
11 my daily life. I am a scientist. So I got my news from her
12 and I wanted to know her opinion on that.

13 Q And she gave you her opinion when you asked her, "So
14 you're on Assange's side?" and she said, "Yes, and Snowden".

15 A Right. That was something that I was interested in
16 learning more about her opinions, how she viewed things because
17 she had a really unique perspective on that.

18 Q How did you typically communicate with your sister?

19 A Mostly Instant Messaging.

20 Q Did you guys email at all?

21 A No. We did not.

22 Q Didn't use any email. Okay. So no Gmail, no Hotmail,
23 nothing like that?

24 A I believe she emailed me. I can't remember what it was.

25 It was a link that was more easily accessible with a computer;

1 so she did email it to me, but I can't remember what that was.

2 Q But it sounds like it was really rare that you guys would
3 communicate over emails?

4 A That's right.

5 Q Did you guys ever communicate using any sort of
6 self-destructing type thing like untraceable email accounts or
7 self-destructing inboxes, Tor email, or anything like that?

8 A No.

9 Q Okay. You mentioned your sister doesn't own any property
10 outside of the state of Georgia. She doesn't own any property
11 inside of the state of Georgia either, does she?

12 A She rents a home.

13 Q Right. But she doesn't own anything here?

14 A Right.

15 Q She has some kind of lease on a small house here in
16 Augusta?

17 A Oh, sorry. Does a car count as property in this state?

18 Q Not exactly. I guess I am talking about real estate.

19 A Got it.

20 Q Doesn't have any real estate here; right?

21 A Right.

22 Q And I don't think any other member of your family owns any
23 real estate here?

24 A No.

25 Q Okay. And your sister was previously employed here in

1 Augusta; correct?

2 A That's right.

3 Q But due to the circumstances you're aware that she's
4 previously not employed by anybody in the State of Georgia; is
5 that right?

6 A Since when? Can you give me some dates?

7 Q Since the date of her arrest?

8 A That's right.

9 MRS. SOLARI: Okay. One moment, Your Honor. That's
10 all I have, Your Honor.

11 THE COURT: All right. Any redirect?

12 MR. NICHOLS: One moment, Your Honor. Your Honor, we
13 have no further questions.

14 THE COURT: Okay. Dr. Winner, thank you very much
15 for your love of your sister and taking time out of your busy
16 schedule to be here today.

17 THE WITNESS: Thank you.

18 THE COURT: Any further witnesses from the defense?

19 MR. NICHOLS: Yes, Your Honor. We would call Billie
20 Winner-Davis to the stand.

21 THE COURT: Is this your final witness, Mr. Nichols?

22 MR. NICHOLS: Yes, Your Honor.

23 **(BILLIE W . DAVIS is duly sworn.)**

24 THE COURT: You may be seated.

25 THE CLERK: Please state your name for the record.

1 THE WITNESS: Billie Winner-Davis.

2 DIRECT EXAMINATION

3 BY MR. NICHOLS:

4 Q Good morning, Mrs. Davis.

5 A Good morning.

6 Q You previously testified at the original hearing that we
7 had in June; correct?

8 A Yes, I did.

9 Q Okay. I don't want to belabor any points that we
10 previously went over; so I'll try to focus on different areas.
11 There has since -- since the pretrial hearing the government
12 has clarified previous statements they made in regards to your
13 conversation with Reality. Are you aware of that?

14 A Yes. I read it on Facebook and on the news.

15 Q Let's talk about one of the issues -- the \$30,000. When
16 Reality was first placed in confinement did you have a
17 conversation with her about \$30,000?

18 A It actually wasn't with her. It was with another cell
19 mate, I believe, the way that I am remembering it, and Reality
20 was right next to this woman and this woman called and she was
21 frantic saying that Reality needs for you to transfer the money
22 out of her account as soon as possible.

23 Q What was the reason for Reality wanting to transfer the
24 money out of her account?

25 A I -- she said that because Reality had been told that the

1 government was going to freeze all of her accounts and she
2 needed money to pay her bills and she was afraid that they
3 would freeze her accounts. She would have no way to pay her
4 bills.

5 Q Did you interpret it as Reality trying to scam the
6 government to get a free lawyer?

7 A No. Absolutely not, no.

8 Q Did Reality tell you that she wanted you to take out the
9 money so she could get a free lawyer?

10 A No.

11 Q Once the money was transferred -- when she said "pay
12 bills", what type of bills did Reality expect to be paying
13 while she was in confinement?

14 A Well, her house and her regular bills. She has a credit
15 card that she was very concerned about paying for; so...

16 Q And did you actually make that transfer?

17 A Yes, I did.

18 Q And has that money been used to pay those bills?

19 A Yes.

20 Q Where are you currently staying now?

21 A I am staying at her home here in Augusta.

22 Q When did you come to Augusta?

23 A On Saturday. I arrived on Saturday afternoon.

24 Q Why did you come to Augusta from your home in Texas?

25 A I am going to be temporarily living here as long as I need

1 to.

2 Q And what about your employment? Were you previously
3 employed in Texas?

4 A Yes, I was.

5 Q And why would you leave your employment to come to
6 Augusta?

7 A Because I need to be here for my daughter.

8 Q And you're staying in her home. Do you have modes of
9 transportation?

10 A I have her vehicle here at this point and if at some time
11 I need another vehicle my husband will drive my vehicle up and
12 then fly home.

13 Q Since she was placed in confinement, who has made payments
14 on her home?

15 A I have.

16 Q And is there any risk that home -- that she's going to be
17 evicted from that home in the near future?

18 A No, none whatsoever. I put my name on the lease.

19 Q What is the value of your property in Texas?

20 A It's about 130 to \$150,000 from what I understand.

21 Q Would you be willing to put up that property in lieu for
22 Realty to receive a bond?

23 A Yes, I would.

24 Q Do you have any fears that if you put up that property
25 Realty would flee?

1 A No, absolutely not.

2 Q Do you have any fears that Reality would commit some type
3 of act of violence if released?

4 A No, she would not.

5 Q In your conversations with Reality has Reality discussed
6 her dietary issues?

7 A Yes, she has.

8 Q Would you say she's happy with the food she received?

9 A No, she's -- and I am very concerned about her nutrition.

10 Q Are you concerned about any medical issues she may have
11 inside of confinement?

12 A Yeah. She's had a skin condition as well and she told me
13 that she hates taking the medication and having to be on
14 medication for digestive issues.

15 Q And what digestive issues is she experiencing?

16 A She's not regular.

17 MR. NICHOLS: And just, Your Honor, one moment. The
18 Court's indulgence. Your Honor, I have no further questions
19 for this witness at this time.

20 THE COURT: Mrs. Solari?

21 MRS. SOLARI: Briefly, if I may, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MRS. SOLARI:

24 Q Good morning, Mrs. Winner-Davis. How are you?

25 A Not very good.

1 Q Under the circumstances, to be expected. I'm sorry about
2 that. And I guess I can't say I know because we haven't spoken
3 directly, but I certainly get the impression and understand
4 that to the extent I may have misrepresented anything about the
5 conversation between you and your daughter at the initial
6 hearing, I apologize to you for that. That was certainly not
7 my intent. My only job here is to present the facts as they
8 are and I never want to do otherwise. So, again, I want to
9 apologize to you.

10 In talking about the \$30,000, I am not here to argue with
11 you about where it was moved or why it was moved or anything
12 like that, but where did Reality get \$30,000?

13 A She's very good with money. She lives on minimal. So she
14 saved and she worked. I mean, she's worked.

15 Q I understand, but did she -- did she come into a large sum
16 of money, say, after about February of this year?

17 A Not to my knowledge, no.

18 Q Okay. So did she have any sort of inheritance or any sort
19 of sign-on bonus with Pluribus or anything else that would have
20 granted her, let's say, a payment in excess of \$10,000?

21 A I don't know. I wouldn't have knowledge to that.

22 Q And with regards to this ongoing case, obviously, you
23 support your daughter and I would want my mom to do that as
24 well and so I commend you for that. Have you been involved in
25 some fundraising efforts for, I guess, yourself, your family,

1 your daughter, legal defense?

2 A No.

3 MR. NICHOLS: Your Honor, I am going to object as to
4 any question that goes into any fundraising efforts that may
5 have anything to do with legal defense.

6 THE COURT: What's the relevance, Mrs. Solari?

7 MRS. SOLARI: Your Honor, I think Your Honor needs to
8 know if Your Honor is going to consider any sort of bond
9 whatsoever what assets are available to the family and whether
10 they are, in fact, secured by the family's own assets or if
11 these are donations by other contributors. I think the source
12 of anything that would be posted is relevant.

13 MR. NICHOLS: And, Your Honor ---

14 MRS. SOLARI: I don't want to get into who is paying
15 for the legal defense.

16 THE COURT: We'll get into those issues if the bond
17 is ordered in the case. Right now I don't think it's relevant.
18 So it is sustained.

19 MRS. SOLARI: Understood. I will forego that, Your
20 Honor.

21 As part of your other efforts to support your daughter,
22 have you aligned yourself with organizations such as "Stand
23 with Reality" and I think there is another one called maybe
24 "Resist" or what are some of the other ones? I can't remember.
25 I see them online.

1 A The "Courage to Resist Foundation" is -- they took on
2 Reality's case.

3 Q Okay.

4 A I am not really aligned with them, but I did give them
5 permission to go ahead and they do have a StandWithReality.org
6 campaign. I have that on my Facebook. I put it out there. I
7 have an event in Kingsville to raise awareness.

8 Q Okay. Nothing wrong with that.

9 A No fundraising.

10 Q Okay. And I guess I've seen some comments that you've
11 made or reposted or whatever in connection with the case and I
12 guess I'll ask you have you accepted the fact or do you believe
13 the fact that your daughter leaked a classified document to the
14 media?

15 A No. I don't know that to be a fact.

16 Q I'm a little confused then by your online postings.
17 Haven't you expressed the opinion that what your daughter did
18 was quite heroic and patriotic because whatever she disclosed
19 was information America needed to know?

20 A No. I have not done that.

21 Q Okay. Thank you very much. That's all I have for you.

22 THE COURT: Any redirect?

23 MR. NICHOLS: Briefly, Your Honor.

24 THE COURT: All right.

25 **REDIRECT EXAMINATION**

1 Q Mrs. Davis, the government spoke about the \$30,000 that
2 Reality had in her account. How long did Reality serve in the
3 military?

4 A Six years.

5 Q Do you know what she had been paid in the military?

6 A I do not, but I know that she had a sizable lump sum for
7 her language.

8 Q Do you know if Reality had excess credit card debt?

9 A No.

10 Q Did Reality have student loans?

11 A No.

12 Q Did Reality have a high-interest car note she had to pay?

13 A No, she had already paid it off.

14 Q What about when she moved to Georgia? Did she have -- is
15 her rent particularly high?

16 A No, it's not.

17 Q Does she have any children?

18 A No.

19 Q Well, having raised a family, do you believe that you
20 would be able to save \$30,000 if you didn't have to pay for
21 children?

22 A Absolutely, yes.

23 Q And do you have any reason to believe that Reality had
24 \$30,000 in her bank account because somebody gave her a large
25 sum of money at one time?

1 A No, I do not.

2 Q Thank you. No further questions.

3 THE COURT: Any follow up to that, Mrs. Solari?

4 MRS. SOLARI: No, sir, Your Honor.

5 THE COURT: Mrs. Davis, I think I said this last time
6 that you were here with your husband, but I think it bears
7 repeating again that, certainly, the love you have for your
8 child is exceptional and I think that's a great example for
9 other people of what you do when a parent is in a situation
10 like that. Early retirement and moving here to be with her is
11 impressive. So I thank you very much for your dedication to
12 her and your being here today to testify on her behalf.

13 THE WITNESS: Thank you. I appreciate that.

14 THE COURT: You may step down and be seated.

15 MR. NICHOLS: Your Honor, we have no further
16 witnesses to call at this time.

17 THE COURT: Okay. Any factual proffers from the
18 defense?

19 MR. BELL: There will be, but I think it all ought to
20 be done ---

21 THE COURT: Okay.

22 MR. BELL: In an abundance of caution, I think we'll
23 do it all in there and sift it out rather than ---

24 THE COURT: Okay. Mrs. Solari?

25 MRS. SOLARI: The government has one proffer as well,

1 but it's only suitable for a classified forum.

2 THE COURT: Okay. So is there any further business
3 that we can conduct in open court, Mrs. Solari?

4 MRS. SOLARI: I don't believe so at this time, Your
5 Honor.

6 THE COURT: Mr. Bell?

7 MR. BELL: Only if the Court wants -- and I assume
8 brief summations after we have the other portion.

9 THE COURT: Right. That's probably appropriate. So
10 we'll convene upstairs to have the classified portion. Then
11 we'll reconvene here for any closing remarks the lawyers want
12 to make and then a ruling in the case.

13 MR. BELL: Thank you, Your Honor.

14 MRS. SOLARI: Thank you, Your Honor.

15 THE COURT: All right. So let's take a 15-minute
16 break and I'll see you all upstairs.

17 (The hearing is adjourned. A closed hearing is held and
18 this hearing then resumes as follows:)

19 THE COURT: Mrs. Solari, do you want to begin with
20 your closing remarks?

21 MRS. SOLARI: Yes, Your Honor. Thank you. Your
22 Honor, as I briefly noted at the outset, the Court's findings
23 with regard to this defendant's risk of flight and her
24 potential for dangerousness to the community were correct in
25 the first instance, were founded in the evidence presented, and

1 have been even better supported today by evidence further
2 presented by the government and should not be disturbed.

3 This defendant with regard to the nature and the
4 seriousness of the crime purposely and with forethought
5 betrayed our nation's trust by stealing classified national
6 defense information and sending it to a news outlet. She did
7 that with the stated intent that our most closely-held secrets
8 would be published for the entire world to see and she did it
9 knowing that she could compromise U.S. intelligence sources and
10 methods and she did it knowing as anyone with the proper
11 training would simply looking at the marking on the document
12 that the disclosure of that document or any compromise of that
13 information could reasonably be expected to cause exceptionally
14 grave damage to U.S. national security.

15 So the defendant violated and it certainly appears had
16 planned to violate -- every oath she swore was taken, just as
17 the oaths that Your Honor and I have taken, without any mental
18 reservation for purpose of evasion. It seems that even at the
19 time she took that oath she knew that it was false and that she
20 always intended to violate that oath. So the defendant was
21 then and is now somebody other than both the government at the
22 time it hired her and her family have believed her to be.

23 The defendant relies somewhat on her time in the military
24 to show the Court the content of her character, but in so many
25 of her words and her actions, Your Honor, she's shown nothing

1 but contempt for our country and its security. She mocks her
2 security training. She celebrates people and organizations
3 whose aim is to harm us. She captions her inability to pass a
4 polygraph exam "#gonnafail" and told her sister even after her
5 sister asked her, "You don't really hate America, do you?" and
6 she responded, "Well, yeah, I do. America is literally the
7 worst thing to happen on the planet." Your Honor, even if that
8 is, to some degree, hyperbole, it is certainly a disconcerting
9 statement from someone who is believed at that time to be a
10 valued and trusted member of our intelligence community who
11 held our most precious secrets.

12 So the Court was right in the first instance, Your Honor,
13 to wonder who this defendant really is, and, certainly, her
14 parents who I think, and her sister as well, are lovely people
15 and they have seen the best parts of her. They have seen her
16 altruistic nature, her curiosity about other cultures and
17 religions, the fun side of her, the kind side of her, and,
18 certainly, hardly anybody in this world is all bad, and the
19 government is not trying to say that this defendant is all bad,
20 inherently evil, or anything like that, but the evidence in
21 this case exposes quite literally, and not to be too pun'y
22 about it, an alternate Reality.

23 The Reality that we can see through the evidence had a Tor
24 browser installed eight days before she undertook her
25 classified assignment at Pluribus. She had a self-destructing

1 email inbox. She had phone anonymizing instructions, a list of
2 eight media outlets seeking leaked information, and she had the
3 details of sensitive U.S. counterterrorism targets stored in
4 her home with that information. The person we can see was
5 searching for classified positions that would have given her
6 access to classified information at the same time she was
7 running queries about how to help Anonymous and wondering
8 whether WikiLeaks had been compromised.

9 The defendant we see lied to the FBI. She lied first
10 about her commissioning offense, then about when she installed
11 her Tor browser, and then about the circumstances of her
12 inserting a thumb drive into a classified computer, and perhaps
13 has even lied about the number of media outlets to which she
14 has disclosed classified information. So, Your Honor, there is
15 just a clear duality here that can't be explained away as just
16 a series of bizarre coincidences. There is something much more
17 at play here.

18 We do know also that the defendant researched quite a bit
19 about travel, employment, and residence overseas which I agree
20 with Mr. Bell is not, per se, illegal, but she researched and
21 had a strong interest in going to, living in, gaining
22 employment in countries that would not be eager to hand her
23 back to us. Given her language skills and her cultural
24 knowledge and the extremely sensitive information she would
25 have to trade, there is little doubt that she would be welcomed

1 with open arms by a number of our adversaries, and, Your Honor,
2 just a single disclosure of the sensitive information that the
3 defendant knows could potentially be catastrophic to our
4 national security.

5 The strength of the evidence in this case is overwhelming.
6 The defendant, despite how the defense would like to
7 characterize it, confessed to the FBI in a recorded,
8 non-custodial, voluntary interview. She admitted her conduct
9 to her sister in another recorded conversation, and
10 notwithstanding those two items, Your Honor, the forensic
11 evidence alone establishes that the defendant was the culprit
12 in this case. So the likelihood of the defendant's conviction
13 and the severity of her potential sentence really leave her no
14 reason to hang around the Southern District of Georgia,
15 especially where her only contacts here are a rented home in
16 which her mother moved four or five days ago.

17 This supposed new and material information authored by the
18 defense, Your Honor, I would respectfully submit is neither
19 really new nor material and it just doesn't do anything to tip
20 the scales at all in favor of granting this defendant a bond,
21 and, again, we have even more information now to justify
22 detention. So, Your Honor, I, again, respectfully submit the
23 Court simply can't trust this defendant to abide by any promise
24 that she could make to the Court regarding bond. She's already
25 shown a willingness to place her own judgment before that of

1 the U.S. Government, place her own judgment ahead of the
2 security of our country, and cause damage to the national
3 security at the risk of her own liberty.

4 Your Honor, the government put its trust in this defendant
5 once already and has paid a price for it and I submit that
6 under the circumstances and based on what we know of the
7 defendant, we simply can't risk it again. So, Your Honor, I
8 respectfully ask that the Court, once again, order the
9 defendant be detained based on the fact that she is by a
10 preponderance of the evidence a risk of flight and by clear and
11 convincing evidence a continuing danger to the community.

12 THE COURT: Thank you, Mrs. Solari.

13 Mr. Bell?

14 MR. BELL: Your Honor, I'll try to be brief. The
15 Court has been quite patient with us today. It's not just
16 argument. When we had the previous hearing we heard
17 "documents" instead of "document". We heard about all sorts of
18 computers and phones and all -- phones and computers that may
19 have recordings of contacts with foreign and enemy countries or
20 organizations. We didn't know a lot. And I think the Court
21 out of caution ruled as it did rule.

22 The Reality Winner that her folks know and her sister
23 describes and the others describe is the real Reality. She's a
24 dedicated environmentalist. She cares deeply about other
25 people. She is somebody who would like to travel to distant

1 and, perhaps, dangerous places to aid those in great need. She
2 has some sense of adventure.

3 She's been active in the welfare thing and as we heard
4 before she even goes to the Church of the Good Shepherd where
5 my family goes and I go. I can't imagine anyone who would feel
6 endangered knowing that Reality Winner was living down the
7 street or in their neighborhood. Those -- we heard a lot
8 today. We heard information about curiosity as to things going
9 on in other parts of the world -- parts of the world that
10 involved her daily work. Who wouldn't have that?

11 I'm a news junkie. I wish I knew -- I read a lot of
12 books. I like reading books about things and even people I may
13 not like, but I learn a lot. There is nothing wrong with not
14 -- with having -- particularly, when it's your work, wanting to
15 know about the different parties and what's going on in
16 Afghanistan or Kazakhstan or France or England.

17 What we've heard is innuendo, suspicion, and what the
18 court requires to deny someone their constitutional right to
19 bail -- a right that they're presumed to have and they're
20 presumed innocent until proven guilty -- is not speculation and
21 innuendo, much of which turned out to be unsubstantiated. The
22 issue that, well, maybe she might do something but then she
23 might not, that's not clear and convincing evidence. That's
24 not evidence by a preponderance of the evidence.

25 Using a computer browser that's used by the FBI and used

1 by millions of people is not clear and convincing evidence. It
2 takes a vivid imagination to find that that is even evidence at
3 all. Using whether it's Snapchat or whatever else that doesn't
4 create a permanent record of everything you put on your
5 cellphone is not clear and convincing evidence of anything.
6 Wanting privacy from Google and Amazon and all those they sell
7 their stuff to is not clear and convincing evidence of
8 anything.

9 What is clear and convincing evidence is no criminal
10 record, an honorable discharge, medals, a clear record, no
11 priors or anything, a family -- good family ties. That's
12 compelling evidence. Her family is here with her and they'll
13 be with her 'til the end. We got a tree hugger here, not a,
14 you know -- regardless of her politics or what you agree or
15 disagree with, in this land we honor it. We don't draw
16 suspicions based on what book someone reads or what world --
17 parts of the world affairs one has interest in.

18 Dropping left and right the word "Taliban". This isn't an
19 examination, but let's explain something. If you go watch
20 Charlie Wilson's War, our hero and alibi -- ally -- in that
21 were the Mujahideen and the Taliban. America financed their
22 overthrow of the government of Afghanistan that was appointed
23 by the Russians. They were our allies then and who knows what
24 people there were. Now we consider them maybe an enemy or
25 maybe a party to a peace accord in Afghanistan. Hopefully,

1 that happens.

2 There are parts of the country they control and there are
3 parts others do, but what happened when America did invade
4 with -- and with -- to help the Afghanis throw them of control?
5 Opium production skyrocketed because the Taliban -- maybe
6 they're too strict in their religion. Maybe there are things
7 about some of them we don't like, but opium production in
8 Afghanistan, the heartland for poppy fields, and the opium
9 that's such an epidemic in America came from Afghanistan. The
10 world's principal source -- it has dried up and with our
11 efforts to crush the Taliban, our former ally, opium production
12 went up.

13 Now this case is not about that, but when you start
14 dropping names like Taliban, instantly -- if somebody says
15 something or maybe doesn't say something evil about them
16 instantly, they must be someone who is about to commit another
17 felony during pretrial release. That's not evidence. It's
18 suspicion. It is innuendo. It's not clear and convincing
19 evidence, and it certainly is not a preponderance of the
20 evidence.

21 Now much of what was the basis for the suspicion at the
22 first has turned out unfulfilled. As the Court is aware, it's
23 very few people who don't show up for trial on pretrial
24 release. As the Court is aware, those who don't show up are
25 often at the bottom of our community. I remember the late

1 Judge Curry explaining to me who didn't show up and who did
2 show up and it was amazing. If the defendant was close to
3 their mama, they always showed up because they aren't breaking
4 the family ties and we have here strong family ties.

5 That is clear and convincing evidence. It's not innuendo
6 and suspicion and broad-brush maligning of an American citizen
7 who, for whatever she might have done here, has done a lot of
8 good for our country, too -- has received commendations.

9 No reason to hang around? No reason to hang around the
10 Southern District? It's a crime to run and if you run, you get
11 caught, and who wouldn't want to spend their whole life on
12 that?

13 Overwhelming guilt? Your Honor, without going into the
14 details with these elements, we do not think that the
15 government will be able to prove the elements of the charge
16 that they have brought against her or that the evidence will be
17 so weak on certain elements that there's a strong likelihood of
18 jury acquittal. We think this is one of those cases where
19 they're trying to put a left foot into a shoe made for the
20 right foot.

21 The Espionage Act of 1917 and as the Supreme Court said of
22 military secrets -- the movements of the Army and Navy. It
23 read it narrowly. Now I've got a book here. It's called
24 "Whistleblowers". I got it at the last American Association of
25 Justice meeting. It is produced by a very fine law firm about

1 the heroes of people who find wrongdoing -- what they perceive.
2 Now it shouldn't involve classified information and I am not
3 suggesting it, but there's statutes protecting it.

4 We're not here about guilt or innocence, but given the
5 presumption of innocence, given the fact that she has a
6 presumed right to bail, a right ensconced in the Bill of Rights
7 of the United States Constitution, and given the rights that it
8 is routine in these types of cases we've not found a single
9 example of anything closely analogous and the government in
10 responding to our briefs had the perfect opportunity to say
11 so -- why somebody who's used a computer, they are suspicious;
12 somebody who uses sites, suspicious.

13 They haven't presented a single case where someone charged
14 with similar conduct has been denied their constitutional right
15 for pretrial defense, and I would suggest without actually
16 knowing those but seeing what was described in the brief
17 describes these folks in greater detail, these would be people
18 with far greater resources should they wish to leave the
19 country. Many of these were charged with multiple counts and
20 related things. Many of them such as a CIA agent probably, I
21 suspect, knew far greater secrets than we have here and
22 probably was far more agile and had foreign contacts and had he
23 wished to run would have far more opportunity.

24 Reality doesn't have a passport, and, yet, the people I
25 have known of like Robert Vesco from back in the 70's and 80's

1 and that man Rich back in the 2000's who did not -- and the
2 movie producer who never has come back to stand trial for
3 improper sex with a minor under the age of 14 -- these are
4 people with resources, money, foreign contacts -- none of which
5 we have here. None of which. And, yet, those people were
6 granted bail.

7 We're not looking at a rich and powerful defendant.
8 Compared to these others, she may well bear the title "the
9 least of these". Whether one agrees or disagrees with her
10 politics and without trying to condone what she did if she did
11 what they suggest she's done, we don't see the sign of a
12 dangerous person -- do see somebody who spent the last few
13 months in jail and my experience and it's backed up by the
14 textbooks of criminology, often it's the first weeks or months
15 of incarceration that have the most powerful and deterrent
16 effects. I know even a night in a jail -- something I have
17 never had the chance to experience -- would scare the fool out
18 of me. People who have never been to jail before don't want to
19 go back again, and I am sure that Reality, a very intelligent
20 woman, won't want to go back again, will not violate any
21 condition of pretrial release, will not risk her whole life
22 with additional charges for the opportunity to live on the lam
23 until caught because caught she will be if she didn't come
24 back.

25 The efforts of the government to find foreign contacts

1 have been to no avail, but they say, "Oh, it could happen."
2 When did "could happen" become clear and convincing evidence?
3 When did "could happen" become evidence bearing the weight the
4 probative value of a feather? And that's what we have here.

5 I know not what will happen in this case, but she's not a
6 murderer and I've seen many murderers released on pretrial
7 release -- those charged with murder -- on pretrial release who
8 showed up for trial. I represented them. I've seen many
9 charged with crimes and I've seen them in this court bearing
10 much longer potential sentences than this and perhaps a few
11 past convictions who were released and came for trial. Some
12 came for trial and then began a rather lengthy sentence.

13 This is the great exception and there's no exception
14 warranted by this very peaceful, non-violent woman -- educated
15 and wanting more education with a strong family, no record,
16 honorable military record, things that the government in its
17 effort to paint a fair picture chooses not to mention, and I
18 think the failure of the government to present evidence of the
19 good of Reality Winner along with whatever innuendo they want
20 to bring from owning a computer -- the Court doesn't let me
21 bring my cellphone in, but I've changed chips. My kids change
22 chips all the time on cellphones. That's reason to deny
23 pretrial release? Wanting privacy with your email so that you
24 don't get bombarded with your private information being sold
25 for others -- grounds for denial of pretrial release? The

1 constitutional right.

2 You don't have any problems with Reality. It will save
3 the government money. It will facilitate preparation for trial
4 having the client in Augusta close at hand rather than Lincoln
5 County requiring days of arrangements just to be able to get
6 her here or half a day of traveling back and forth for the
7 lawyers to get up there. Justice will be served by pretrial
8 release, and in due course justice will be served again, but
9 her further retention does not benefit society. It does not
10 protect society, and it is not warranted under the facts of
11 this case, the law, or the customs as shown by our government.
12 There is no good reason showing for an exception to the norm
13 and to the Constitutionally-mandated right. Thank you very
14 much.

15 THE COURT: Thank you, Mr. Bell.

16 All right. Normally, it is my strong preference to rule
17 at the conclusion of the detention hearing such as this one
18 immediately. There are, however, some arguments made by the
19 parties that are going to require some further reflection by me
20 and some legal research, and so I am going to reserve the issue
21 and will issue a written order on the issue of detention next
22 week.

23 Just to make sure that everybody in attendance -- those
24 who aren't familiar with detention issues -- understands the
25 standard and the thing that I will be determining is whether

1 the government has satisfied its burden on two fronts: One,
2 with respect to a flight risk is whether the government has
3 proved by a preponderance of the evidence that no condition or
4 combination of conditions will reasonably assure the appearance
5 of the defendant as required for the case. In terms of the
6 government's burden on the issue of danger to the community is
7 whether the government has shown by clear and convincing
8 evidence that no condition or combination of conditions will
9 reasonably assure the safety of other persons and the
10 community.

11 Certainly, here I don't think anybody is worried about her
12 holding up a liquor store or causing anyone physical harm or
13 committing a burglary somewhere in Augusta. I think on both
14 fronts it is more of a macro look at our country in general.
15 Does she pose a risk of flight? Not that she's going to flee
16 to southern Florida, but will she flee overseas? And then on
17 the issue of danger to the community, whether she poses a
18 danger more to our national security than anybody that lives
19 next door to her or in the community. And the standard, as I
20 just referenced, refers really to whether there is a reasonable
21 assurance of appearance and a reasonable assurance of safety.

22 So those are the only things I wanted to point out here
23 today in terms of what the standards are and we'll issue a
24 formal legal ruling as soon as possible.

25 Are there any other matters we need to take up today from

1 the defense's perspective, Mr. Bell?

2 MR. BELL: No, Your Honor. We have covered many
3 things and appreciate your attention to this matter.

4 THE COURT: Okay. All right. Mrs. Solari, anything
5 further from the government?

6 MRS. SOLARI: Nothing from the government, Your
7 Honor.

8 THE COURT: All right. Thank you. We're adjourned.

9 (End of transcript of record.)

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